



General Assembly

Distr.: General
17 March 2016

Original: English

Human Rights Council
Working Group on the Right to Development
Seventeenth session
25 April–3 May 2016
Item 4 of the provisional agenda
**Review of progress in the implementation of
the right to development**

Realization and implementation of the right to development

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 30/28, in which the Council requested the United Nations High Commissioner for Human Rights to seek the views of Member States in preparing a paper on the realization and implementation of the right to development, as elaborated in the Declaration on the Right to Development, in particular its article 4, and to submit it to the Working Group on the Right to Development for consideration at its seventeenth session.



I. Introduction

1. In its resolution 30/28, the Human Rights Council requested the United Nations High Commissioner for Human Rights to seek the views of Member States in preparing a paper on the realization and implementation of the right to development, as elaborated in the Declaration on the Right to Development, in particular its article 4, and to submit it to the Working Group for consideration at its seventeenth session.

2. Accordingly, on 8 October 2015 and again on 22 December 2015, the Office of the High Commissioner (OHCHR) addressed notes verbales to all permanent missions to the United Nations Office at Geneva seeking their views on the above-mentioned issue. As at 29 February 2016, it had received responses from Azerbaijan, Bahrain, Brazil, Germany, Honduras, the Islamic Republic of Iran, Jordan, Lebanon, Mexico, Namibia, Nepal, Qatar, Saudi Arabia, Serbia, South Africa, Sri Lanka and the Syrian Arab Republic.

II. Contributions received from States Members of the United Nations

Azerbaijan

3. Azerbaijan shared information on several development programmes, such as the State Programme on Poverty Reduction and Sustainable Development, the National Strategy for the Development of Education, the State Programme for Industrial Development and the Youth Development Strategy.

4. The Constitution of Azerbaijan recognizes the right to development. Ensuring the rights and liberties of all citizens and persons subject to its jurisdiction, and decent living conditions for all citizens, is the highest objective of the State. Article 15 of the Constitution stipulates that economic development, which is based on various forms of property, should aim at the prosperity of the people. The State has a duty to create the conditions for a socially oriented economy, which guarantees free business activity and prevents monopolies and unfair competition. Article 16 stipulates that the State has the objective of improving the well-being of all people and each citizen, their social protection and proper living conditions.

5. Azerbaijan reported that, because of several State programmes implemented in the socioeconomic field, it was able to maintain macroeconomic stability and had made remarkable achievements in reducing poverty and unemployment, eliminating extreme hunger, increasing the gross domestic product (GDP) per capita, the nominal average monthly wage and the population income per capita.

6. From 2005 to 2014, real GDP tripled, GDP per capita increased by a factor of 2.5, and the share of the private sector in total GDP rose from 73.5 per cent to 81.9 per cent. The amount of overall investments in the national economy, the amount of foreign investment per capita and the amount of foreign trade increased by a factor of 4.7, 2.1 and 4.3, respectively.

7. The unemployment rate dropped from 8.4 per cent in 2004 to 4.9 per cent in 2014. The average monthly wage, population income and population income per capita had increased by a factor of 4.5, 6 and 5.2, respectively. Moreover, the level of poverty had decreased from 40.2 per cent to 5 per cent. Azerbaijan moved from the ninety-first place in 2004 to the seventy-sixth in 2014 on the human development index, and advanced from the medium to the high human development group. Among its key priorities were economic development and increasing revenues at the regional level.

8. Azerbaijan reported that the main obstacle to the implementation of the right to development was the occupation of 20 per cent of its territory by Armenia, which had forced more than 1 million people to leave their homes.

Bahrain

9. Bahrain submitted information on its labour law. Under its Constitution, every citizen has the right to free choice of employment, and the State has a duty to provide its citizens with employment. The Constitution also stipulates that the law regulating the relationship between employees and employers is to be premised on social justice. The constitutional protection against discrimination also applies to employment.

10. The Constitution contains provisions defining the rights and responsibilities of employees and employers, with special protective measures for children under the ages of 15 years and of 18 years. Wage inequality based on gender, origin, language, religion or belief is prohibited. It also contains provisions for maternity leave; special bonuses for individuals working night shifts or on call; annual paid leave; annual sick leave allowances; competition clauses; terms of contract; and severance packages and end-of service bonuses. Bahrain had established a mechanism to settle work disputes extrajudicially, although did not preclude recourse to the labour court or the regular civil court system. Bahrain had also established a legal framework for group negotiations, group work contracts and a group dispute-resolution authority.

Brazil

11. Brazil reported that, over the past decade, it had succeeded in lifting more than 36 million people out of extreme poverty. A human rights-based approach to development had been instrumental in this regard. Brazil had developed a framework of social protection measures, such as minimum wage adjustments above inflation, the expansion of social protection systems, investments in vocational and skills training, conditional cash transfers to persons living in extreme poverty, and the promotion of decent work.

12. At the regional level, inequality had decreased over the past 10 years. A number of initiatives implemented within the Common Market of the South (MERCOSUR) and the Union of South American Nations focus, *lato sensu*, on the realization of the right to development. Both organizations have recognized human rights as central to regional integration.

13. At the international level, Brazil highlighted the importance of implementing the 2030 Agenda for Sustainable Development, in particular goal number 17 on the means of implementation and the Global Partnership for Sustainable Development. Brazil recalled the commitment made by various countries to dedicate 0.7 per cent of gross national income to official development assistance (ODA) to developing countries, and between 0.15 per cent and 0.2 per cent of their gross national income to the least developed countries.

14. With a view to overcome obstacles to the realization of the right to development at the national level, Brazil highlighted the instrumental value of a human rights-based approach to economic policy and development, with the right to development at its centre. Civil society participation had been fundamental in policy development and follow-up, as had been the explicit targeting of vulnerable groups and isolated communities. Relevant social and demographic data informed development planning. At the international level, Brazil underlined the need to treat human rights, including the right to development, in a cooperative manner; to strengthen technical assistance and capacity-building initiatives; to fulfil ODA commitments; and to strengthen cooperation with countries that are willing to pursue their human rights obligations and achieve their development goals. Brazil stressed

the opportunity for the realization of the right to development created by the adoption of the Sustainable Development Goals, and the importance of promoting peace and disarmament.

15. Brazil invoked development principles, contained in the Marrakesh Agreement, in trade disputes, including two ongoing litigations in the World Trade Organization (WTO) filed against the European Union and Japan.

16. According to Brazil, the right to development is a core constitutional value, enshrined in the preamble to its Constitution and in several articles thereof. The right to development had been frequently invoked before domestic courts. At the regional level, no cases were pending in the inter-American human rights system against Brazil under article 26 of the American Convention on Human Rights relative to the undertaking to take measures to achieve progressively the full realization of the rights implicit in the economic, social, educational, scientific and cultural standards set forth in the Charter of the Organization of American States (OAS).

17. Brazil utilized human rights indicators to assess progress in the realization of the right to development. A human rights perspective was also incorporated in different social indicators.

Germany

18. Germany expressed the view that there was a need for clear indicators and benchmarks to evaluate the extent of the implementation of the right to development. In its opinion, the human rights-based approach to development was a tool to make the right to development operational. The main obstacle to the realization of the right to development was the lack of clear, practical benchmarks indicating which practical steps need to be taken by which actors to implement the right to development at the national, regional and international levels. One obstacle to the realization of the right to development was the shrinking space for civil society in many countries around the world. To overcome this obstacle, the focus of attention should be on strengthening democratic participation, including through the development of legal and institutional conditions in accordance with human rights, such as the freedom of assembly, freedom of expression and access to information. Human rights had become a guiding principle of the State's development policy. The right to development was not recognized in the Constitution of Germany or in national legislation. There were references to the right, however, in the State's documents on development cooperation policy.

Honduras

19. Honduras recognized the right to development of every human person, for the realization of which the Declaration on the Right to Development provided the framework. Honduras promoted a culture of peace and respect for fundamental values and rights, such as respect for freedom, justice, democracy, human rights, tolerance, equality and solidarity. This implied a rejection of violence and providing the means necessary for participating in social development.

20. With regard to obstacles to the realization of the right to development at the national and regional levels, Honduras referred to low levels of education, a high Gini coefficient, public and private corruption, violence and drug trafficking. At the international level, Honduras referred to the effects of colonialism, neo-colonialism, apartheid, racism and racial discrimination, foreign domination and occupation, terrorism, aggression and threats against national sovereignty.

21. In order to achieve effective international cooperation, Honduras was elaborating a regulatory framework for cooperation. At the regional level, States members of the Central American Integration System were formulating a framework for better coordination of regional and international cooperation. Honduras also participated in the second monitoring

round of the Global Partnership for Effective Development Cooperation. In the second round, civil society participation and the role of the private sector in development played an important role.

22. Honduras had prioritized policies targeting groups whose rights had been infringed in the past. They included policies on social inclusion; early childhood development; the rights of persons with disabilities; older persons; policies against racism and racial discrimination; the development of indigenous peoples and Afro-Hondurans; the prevention of violence against children and youth; and women's rights, gender equality and equity.

23. The development plan of Honduras was aimed at improving the well-being of its population, and at creating conditions of peace, security, economic growth and respect for human rights. Honduras underlined the importance of transparency and anti-corruption, of investment security, the promotion of peace and disarmament, the elimination of racism, interventionism and colonialism, and respect for the sovereignty and support for indigenous peoples. Honduras implemented policies in the area of public-private partnerships; in the fight against corruption, including within the framework of the OAS Mission to Support the Fight against Corruption and Impunity in Honduras; access to public information; and security.

24. In negotiating free trade agreements with developed countries, Honduras had argued for reflecting the relative different levels of development in the agreement, which had led to differentiated timelines for import tariff reductions in quota systems with grace periods.

25. Although the right to development was not expressly recognized in the Constitution, a number of laws indirectly fulfilled this function.

26. Honduras was in the process of strengthening its capacities to design, formulate and implement public policies and to implement results-based management. In this context, it had developed several mechanisms to monitor the implementation and realization of public policies, which included indicators. Honduras used various statistical methods, including administrative records and survey data, which could be disaggregated by sex, age, ethnicity or other demographic characteristics, and allow the evaluation of access to human rights by members of these population groups. Honduras had adopted the Multidimensional Poverty Index. In addition to the Millennium Development Goal indicators and the future Sustainable Development Goal indicators, Honduras included indicators on the implementation of recommendations for the realization of human rights obligations and human rights indicators, such as the number of international human rights agreements ratified or indicators for measuring citizens' participation. Other indicators collected included sexual and domestic violence.

Islamic Republic of Iran

27. The Islamic Republic of Iran highlighted the lack of political will at the international level as an obstacle to the implementation and realization of the right to development. One example of the lack of political will was the slow pace witnessed in refining and revising the draft right to development criteria and operational sub-criteria in the Working Group on the Right to Development. The Human Rights Council should allocate more time to the Working Group to discharge its mandate, in particular in the elaboration of a legally binding standard. Other obstacles to making progress in the implementation and realization of the right to development included the lack of an effective agenda of the Working Group and the limited participation of experts from international organizations.

28. Another obstacle to the realization of the right to development was the unfair global economic and financial order. Existing inequality between developed and developing countries had increased further because of the financial crisis, which had originated from developed countries. Political will, the acceptance and operationalization of the right to

development and effective development policies were needed to establish equitable economic relations and a favourable economic environment.

29. The State reported various measures that it had taken to realize the right to development at the national level. Several constitutional provisions enshrined, *inter alia*, the rights to life and dignity, to decent work and to social security, and other economic and social rights. The State productivity programme was aimed at enhancing economic growth and the productivity of the private and public sector, and improving the planning, policymaking, monitoring and evaluation of the main factors of production. The Charter of Citizens' Rights provided for numerous economic and social rights and directed the State agencies to take all measures necessary to improve and monitor the level of public health, life expectancy, child mortality and conditions at work.

30. The Islamic Republic of Iran had also reported on steps taken to implement the right to development and on external obstacles to the realization of the right to development in its submissions to treaty bodies and for the universal periodic review.

31. The State relied on analytical reports, statistical methods and monitoring and evaluation models to assess progress in the realization of the right to development.

Jordan

32. The Constitution of Jordan did not recognize explicitly the right to development, although it makes provisions for a number of economic and social rights. Jordan provided information on its social and economic development plans and efforts to promote human rights, including the right to development. It underlined the importance of popular participation in development planning and of a comprehensive approach to development. At the international level, Jordan was a party to many political, economic, trade and governance development initiatives that ultimately support the realization of the right to development. It advocated for diplomatic and peaceful approaches to the Middle East peace process and the two-State solution. Obstacles to the realization of the right to development included the security situation in the Middle East, the Syrian refugee crisis, internal economic difficulties, and the interrelation and overlap of the articles of the Declaration on the Right to Development with other economic and social rights. Jordan recommends that international powers should invest more in stabilizing the Middle East as a precondition for regional and international cooperation for development. Non-State actors should be involved in a more systematic manner in developing and supporting the implementation of local and international development initiatives. There should be a thorough discussion about creating a monitoring mechanism to measure the level of implementation of the Declaration on the Right to Development. According to Jordan, it was not easy to measure the implementation of the content of the Declaration on the Right to Development *per se*.

Lebanon

33. Lebanon recalled article 37 of the Arab Charter on Human Rights, which recognizes the right to development as a fundamental human right. The Constitution of Lebanon recognized, in its preamble, even educational, social and economic development among regions as a basic pillar of the unity and stability of the State.

34. The State drew attention to the impact of the Syrian crisis on its development. Other challenges to its development included insecurity, public debt, youth emigration and rising unemployment.

35. Lebanon had implemented several development projects, through local development service centres, to provide social, health and educational services. To address the Syrian crisis, Lebanon had implemented a special project that aims at building the capacity of communities affected by the crisis and attaining stability through the creation of employment and the provision of primary services.

36. With a view to protect marginalized groups, Lebanon was implementing a national plan for the protection of women and children, which was aimed at improving the quality of life, protecting them from violence and providing direct support to families. The national plan for local economic and social development sought to develop the role of the local development service centres, but also supported medical centres to meet the needs of Syrian refugees in Lebanon. Lebanon also supported traditional handicrafts and artisans by providing training workshops, organizing annual exhibitions, and supporting the marketing and sale of products.

Mexico

37. Mexico shared information on its national development plan (2013-2018) and on recent law reforms, which were aimed at guaranteeing human rights, including the right to development. For example, the social policy had been redirected towards the protection of human rights, and social services had been redesigned to increase their availability and a broader range of services. At the international level, the International Development Cooperation Law regulated cooperation by the State, including the Mexican Agency for International Development Cooperation. With regard to the achievements made in the realization of the Millennium Development Goals, Mexico highlighted the importance of having strengthened its statistical capacity and of its coordination, monitoring and evaluation systems.

38. With regard to obstacles at the international level, Mexico highlighted insufficient coordination between agencies and organizations; the lack of policy coherence; weak institutional capacity; bad governance; lack of oversight or accountability; and inequality. In order to overcome these obstacles, Mexico suggested a more efficient use of resources by adhering to principles of effective development cooperation (country ownership, focus on results, inclusive partnerships, and transparency and accountability); strengthening developing country leadership; ensuring that development finance delivered results by being more predictable, transparent and aligned with countries' own systems and priorities; and engaging development cooperation stakeholders to strengthen the impact and quality of development partnerships.

39. With regard to the formulation of appropriate national development policies, Mexico drew attention to the importance of an independent national statistics office and a sound monitoring framework. With regard to steps taken for achieving effective international cooperation, it referred to the complementarity of ODA and other cooperation modalities with national efforts. Mexico promoted in particular a more effective allocation of ODA to middle-income countries, and the mobilization of national and international resources for the achievement of development objectives, including a review of cooperation modalities, such as South-South and triangular cooperation. Mexico had hosted the first high-level meeting of the Global Partnership for Effective Development Cooperation, a forum that promotes multi-stakeholder dialogue and the exchange of experiences with a view to maximize the impact and quality of development cooperation.

40. While the right to development was not recognized per se in the Constitution, the Constitution did include references to the right to development related to indigenous populations, the environment, children and culture. It also contained provisions referring to the responsibilities of the State with regard to development, such as strengthening democracy, ensuring sustainable development, economic growth, and the fair distribution of wealth, and the full enjoyment of legal guarantees.

41. With regard to the statistical methods used to assess progress made in the realization of the right to development, Mexico was measuring several components. The National Council for the Evaluation of Social Policy, which regulates and coordinates the evaluation of national policies, programmes and action on social development, issued guidelines and

criteria for the measurement of poverty, including income per capita, the educational gap, access to health services, access to social security, the quality and space of housing, access to basic services, access to food, and the degree of social cohesion. In addition, Mexico had developed indicators to measure progress in the implementation of the Millennium Development Goals.

Namibia

42. Namibia had gone to great lengths to implement and realize the right to development within the context of national and sectoral development frameworks. At the regional level, Namibia highlighted the importance of the African Common Position on the post-2015 development agenda, which focused on poverty eradication, inclusive development and transformative, sustainable growth. At the international level, no significant progress had been made to implement the right to development.

43. One of the main obstacles to the realization of the right to development derived from the uncertainty over the limits of national versus international responsibility. The requisite elements of international cooperation included technology transfer; support for the payment of domestic debt and the cancellation of international debt; the moral obligation of former colonial powers to support the development of post-colonial societies; and mutually beneficial trade opportunities.

44. Namibia shared information on its national development plans and the underlying objectives, which included sustained economic growth, the creation of employment, the reduction of income inequality, poverty reduction, the effective implementation, monitoring and evaluation of development strategies, and sustainability. Namibia underlined the importance of the realization of human rights for development and of effective partnerships between the Government, civil society organizations, the private sector and the international community.

45. Namibia also referred to the challenges it faced in the realization of the right to development at the sessions of the Human Rights Council, and before treaty bodies and the African Commission on Human and Peoples' Rights.

46. The Constitution of Namibia recognized the progressive nature of economic and social rights. The Namibian Statistics Agency was the body mandated to collect and analyse relevant statistics on Namibia.

Nepal

47. Nepal attached great importance to the right to development and recommended that an international framework for its implementation should be agreed upon as soon as possible. With regard to the implementation of the right to development, it recommended implementing international human rights standards, establishing effective mechanisms and adopting a holistic approach. National jurisdictions should recognize the right to development, and the national efforts of developing and least developed countries should be supported through international cooperation and assistance.

48. Nepal listed numerous obstacles to the implementation and realization of the right to development at the national, regional and international levels. At the national level, for example, the non-recognition of socioeconomic rights, an atomistic approach to human rights, and the weak integration of human rights into public policies and development activities were obstacles. Other obstacles included poor policies and programmes; lack of effective monitoring and evaluation systems; lack of strong and accountable government; weak rule of law; corruption; lack of effective service delivery and low implementation capacity; geographical layout; and resource constraints. At the regional level, they included the lack of regional instruments and mechanisms; the absence of a common understanding; the lack of effective cooperation; and the lack of resources. At the international level,

obstacles to the full realization of the right to development included poor harmonization in the functioning of various United Nations mechanisms, including the treaty bodies; lack of functional linkages between international human rights instruments and the Sustainable Development Goals; food insecurity; climate change and environmental degradation; lack of effective protection for migrant workers; vulnerability to terrorism and natural disasters; corporate corruption; competition to increase defence budgets; and insufficient support for least developed countries.

49. Nepal had taken various measures at the national, regional and international levels to implement the obligations defined by the Declaration on the Right to Development. Measures taken at the national level included the recognition of socioeconomic rights in the Constitution, the adoption of relevant legislation, policies and programmes, and the establishment of relevant institutions. At the regional level, Nepal was advocating for effective regional cooperation and free trade. At the international level, Nepal was engaging constructively with the organizations of the United Nations system.

50. Nepal had submitted information on obstacles to the realization of the right to development during its universal periodic review, for instance the obstruction of cargo vehicles on its southern border checkpoints. The right to development was recognized in the Constitution and legislation as a bundle of rights. The Supreme Court of Nepal had taken the right to development into account when interpreting the rights recognized in the Constitution. It had, for example directed the Government to provide persons with disabilities with free education; to take the action necessary to end cartels or syndicates in public transport, and to ensure transparency and competition; to adopt legislative measures to protect the human rights of older persons; to take measures for the rehabilitation of Kamaiyas; and to implement land pooling projects, giving due consideration to sustainable development and the cultural heritage of local communities.

51. Nepal had been using various statistical methods to assess progress in the realization of the right to development, including in the national census; living standard surveys; demographic and health surveys; periodic assessment of its development plan; periodic review of progress made by line ministries and agencies in their relevant sectors of responsibility; agricultural censuses; education surveys; and land-use mapping.

Qatar

52. With regard to the implementation of the right to development, Qatar reported that many human rights principles were embedded in the legal and institutional framework and development plans of the State. At the regional and international levels, there was a need for mainstreaming a human rights-based approach.

53. Obstacles to the realization of the right to development included socioeconomic inequalities; domestic violence; unemployment; challenges in ensuring women's equal access to employment and their political empowerment; lifestyle diseases, such as diabetes, obesity and those caused by smoking; and limited opportunities for persons with disabilities. Qatar made recommendations for the realization of the right to development, such as legislative changes; strengthened institutional capacity; strengthened and expanded freedoms for civil society organizations; the promotion of a culture of rights; addressing inequalities and exclusion; promoting gender equality and women's empowerment; addressing domestic violence; the incorporation of a human rights perspective to legislative reform concerning drugs; amending laws that negatively affect the well-being of older persons; the formulation of a comprehensive international technical cooperation strategy; and strengthening the capacity for collecting and analysing data on population groups.

54. The fourth national development report was devoted to the right to development. The report contained information on the progress made in the realization of the right to development. It drew attention to the importance of participatory development processes

and freedom of expression, and to human rights-based development programming. According to Qatar, the progress made was recognized in the human development index, with significant improvements in the standard of living and in life expectancy.

55. While the Constitution of Qatar did not explicitly recognize the right to development, many of its provisions contained principles that lay at the heart of the right to development.

56. Qatar used quantitative and qualitative statistical methods to assess progress made in the realization of the right to development.

Saudi Arabia

57. Saudi Arabia had adopted a development approach for improving the standard of living and the quality of life for its citizens, and the equitable distribution of the benefits of development. It referred to several obstacles to the realization of the right to development, including internal and international conflicts and terrorism. There was a need to develop policies, tools and indicators to implement and measure the realization of the right to development at the local, regional and international levels. Saudi Arabia promoted the right to development at three levels: in its Basic Law; in its economic development plans; and in the Sustainable Development Goals.

58. Several provisions of the Basic Law guaranteed components of the right to development, such as the duty of the State to protect human rights in accordance with Islamic sharia, or more specifically to guarantee the rights of citizens in cases of emergency, sickness, disability or old age, and provided for guarantees concerning social security, the right to work, education, health, the preservation, the protection and development of the environment, and the prevention of pollution.

59. The Central Department of Statistics of Saudi Arabia provided relevant statistical data for development planning. The Human Rights Commission of Saudi Arabia had the prerogative to receive human rights complaints, including complaints relating to the right to development, and to take legal action.

60. Saudi Arabia also reported on the administrative structure responsible for implementing the right to development. It highlighted the measures taken under the Real Estate Development Fund to support housing and efforts made to combat corruption and to limit its negative impact on development and human rights. The Saudi Fund for Development offered soft loans and supported projects in the economic and social sectors, with the goal of achieving sustainable development.

Serbia

61. Serbia shared information on the ongoing political and economic reform processes supported by international cooperation. A large number of support programmes were aimed at building the capacities of civil society organizations.

62. Serbia aimed to become an institutionally and economically developed society with appropriate infrastructure, compatible with European Union standards. It envisaged an economy based on knowledge, the efficient use of natural and manufactured resources, and enhanced efficacy and productivity, with a protected natural environment and historical and cultural heritage, and a State with a partnership among the public, private and civil sectors that offered equal opportunities to all citizens. Social consensus required all levels of government to understand their role in realizing the national development vision and that all should work together in State institutions to achieve the strategic development goals.

63. The key priorities for Serbia were membership in the European Union; the development of a competitive market economy; balanced economic growth; the stimulation of innovation; creating better links between science, technology and business; increasing

capacities for research and development, including new information and communications technology; human development and education; employment and social inclusion; the creation of employment; attracting experts; improving the quality and flexibility of the workforce; greater investment in human resources; infrastructure development; balanced regional development; improving the attractiveness of the country and ensuring appropriate service standards and quality; the protection and improvement of the environment; and the sustainable use of natural resources.

South Africa

64. South Africa drew attention to the fact that all States Members of the United Nations had recognized the right to development as a human right in the Vienna Declaration and Programme of Action. In its view, the right to development entailed the progressive realization of all other human rights. The Declaration on the Right to Development provided an integrated, holistic and cohesive framework for achieving just and equitable development for all, including the attainment of human dignity and equality, and guidance in such areas as development aid, trade liberalization, investment promotion, market access and debt relief. South Africa noted the persistence of accountability deficits with regard to the commitments to the global partnership for development. It therefore recommended that accountability for a strengthened global partnership should be framed from the perspective of the principles of the right to development.

65. South Africa recalled that the right to development was recognized as a legally binding standard under the African Charter, and that its principles were central to the economic and social development paradigm of the New Partnership for Africa's Development.

66. South Africa emphasized the importance that its Constitution attached to economic, social and cultural rights, and recalled the important jurisprudence of the Constitutional Court in this area. South Africa prioritized the creation of decent jobs, access to education and health facilities, rural development and food security.

67. With regard to the achievement of internationally agreed development goals, South Africa was aware of the gaps and unevenness in achieving them. The mixed results recorded warranted intensified development efforts at the national level, but also increased support at the international level. It drew attention to its National Development Plan: Vision 2030, which aimed at addressing poverty, inequality and unemployment. The plan sought to promote political freedoms and human rights; social opportunities arising from education, health care, public transport and other public services; social security and safety nets; an open society, transparency and a culture of accountability; and economic facilities, work, consumption, exchange, investment and production. While recognizing the role of the State in building the capabilities of people to improve their own lives and to correct historical inequalities, South Africa recognized that neither the Government nor the market alone could develop the necessary capabilities. Similarly, the New Growth Path policy framework identified poverty, unemployment and inequality as obstacles to attaining economic freedom and dignity.

68. South Africa had invoked the right to development in the arbitration case of *Foresti v South Africa*, in which it was sued for changes to its mining legislation. South Africa argued that States had permanent sovereignty over their natural resources and could decide how the said resources would be allocated to achieve economic development. In order to facilitate the structural transformation of its economy, it imposed a number of requirements on domestic and foreign investors to comply with various ownership, participation and redistribution targets in favour of disadvantaged segments of its population. As a State Member of WTO, South Africa had consistently fought for flexibilities in international trade agreements, most recently in the context of the implementation of the agreement on

Trade-related Aspects of Intellectual Property Rights (TRIPS). Pursuant to its obligation to establish an appropriate legal framework to ensure the progressive realization of social and economic rights, South Africa had enacted legislation regulating compulsory licensing for essential medicines. While no compulsory license had been issued to date, South Africa believed that the possibility of issuing compulsory licenses induced multinational corporations to issue voluntary licenses. Lastly, South Africa highlighted the importance of its Competition Commission and Court in preventing and suppressing anti-competitive behaviour.

Sri Lanka

69. Sri Lanka reaffirmed the importance of the right to development. In its view, the Declaration on the Right to Development continued to be the normative framework that should guide and shape policies and practices in the new development agenda. A human rights-based approach to the implementation of the new development agenda would be more meaningful to individuals, as it gave them a sense of ownership. It would also be a pragmatic way to realize development in a holistic manner, encompassing socioeconomic, cultural and political well-being. The global efforts to realize and implement the right to development therefore complemented the agreed post-2015 development agenda. It was important to develop criteria and operational sub-criteria for the implementation of the right to development and to move towards a comprehensive and coherent set of standards as a basis for a legally binding instrument. According to Sri Lanka, the Working Group should re-focus on its full mandate, for which the extension of meeting time and an effective agenda and work programme were essential.

Syrian Arab Republic

70. In the view of the Syrian Arab Republic, the realization of the right to development was still far off, and only limited steps had been taken to implement the Declaration on the Right to Development. In its view, national, regional and international obstacles to the realization of the right to development were difficult to separate, since obstacles at the regional and international levels had a deep national impact. Examples of regional and international challenges hindering national development efforts included threats to international peace and security, such as prolonged occupation; interference in internal affairs; threats to territorial integrity and political independence; and the imposition of unilateral coercive measures. They also included politicized approaches to development, such as linking development cooperation to political aims, and denying commitments and obligations related to development cooperation, especially in the field of technical assistance and capacity-building, but also the absence of a just and fair international economic order, and the little attention paid to the right to development by United Nations agencies, funds and programmes. These policies had a negative impact on the national level; for example, lack of technical assistance led to inefficient national development plans, occupation could result in the depletion of natural resources, and external aggression and terrorism could destroy past achievements. Nationally, there should be an increased level of education with regard to development as a human right.

71. The Syrian Arab Republic provided information on its efforts to formulate national and international development policies. Its national development policies, which were formulated through a participatory process, sought to achieve economic recovery, address unemployment, raise the standards of living, promote medium- and small-income-generating projects, empower women, develop production and investment structures, develop and expand scientific research centres, protect the environment, encourage the sustainable use of resources, ensure compatibility between education sector outputs and the labour market, and increase awareness of the right to development as a human right.

72. The Syrian Arab Republic highlighted the impact of the armed conflict and unilateral coercive measures on its development efforts, which had led, inter alia, to a rearrangement of its development priorities, particularly given that a large amount of resources had to be allocated to meeting escalating humanitarian needs.

73. At the international level, the Syrian Arab Republic continued to participate in discussions related to global development plans.

74. The Constitution of the Syrian Arab Republic contained elements of the right to development. According to the Constitution, the national economy should be based on the principle of developing public and private economic activity through economic and social programmes, aimed at increasing national income, developing production, raising living standards and creating jobs. Furthermore, the economic policy of the State should aim to meet the basic needs of individuals and society through the achievement of economic growth and social justice. The State was to protect producers and consumers, foster trade and investment, prevent the development of monopolies, develop human resources and protect the labour force.

75. The Syrian Arab Republic underlined the importance of respecting fully the right of States to implement their own development policies, and related projects and programmes, in accordance with their national priorities. National development efforts should be supported by establishing multilateral partnerships, taking into consideration the differences between donor and recipient countries. It also underlined the importance of creating international conditions whereby peace and security were maintained and international cooperation in promoting and protecting human rights was enhanced, respecting fully the obligations arising from the Charter of the United Nations and ending breaches thereto, such as aggression and occupation, and establishing compensation mechanisms.

76. It was important to respect the inalienable right of States and people to full and permanent sovereignty over their natural resources, and to prohibit all aspects of external intervention, sabotage, coercion or any other practices that could hinder the exercise of this right. States should refrain from threatening the sovereignty, independence or stability of other States, including destabilizing their social, political or economic order. States should refrain from imposing unilateral coercive measures and lift those already imposed. United Nations agencies, funds and programmes should pay due attention to the right to development, and an evaluation mechanism should be established to assess how far the United Nations system had gone towards the full realization of the right to development. International policies and strategies should be developed to provide technical and financial assistance to developing countries. Debt and its impact on development should be addressed, possibly through the establishment of a mechanism for the settlement of sovereign debt. Market access for developing countries should be increased on preferential terms, particularly for agricultural exports and non-agricultural exports of interest to developing countries. A flexible intellectual property rights system that allows the transfer of technology, facilitates access to technology and scientific innovations and builds capacity in this area should be established. ODA programmes should not be used to exert any form of coercion or political pressure, nor should transnational corporations be used to coerce another State. States should ensure that transnational corporations under their jurisdiction comply with the applicable norms of international law. Reforms of international organizations and institutions and global development policymaking and planning should be based on an inclusive and transparent consultation and decision-making process, and reflect the interests of all countries in a democratic and equitable international order. The right to development as a legal principle should be integrated into international instruments. To allow active and meaningful participation in the design and implementation of national development plans, continuous education efforts on development as a human right and its integration as a legal principle in the national legislation were required.

III. Analysis and conclusions

77. Respondents shared information on their national development policies, programmes and activities. They reported on concrete measures, including legislative reforms, in implementing the right to development, and on the positive results achieved.

78. Some respondents highlighted the importance of applying a human rights-based approach to development and of human rights-informed policies in operationalizing and implementing the right to development. Respondents also provided information on regional cooperation for development. One respondent highlighted the importance of human rights in regional integration.

79. At the international level, several respondents highlighted the importance of the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 17 on strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development.

80. Respondents also drew attention to obstacles to the realization of the right to development, including the absence of clear indicators and benchmarks identifying the steps to be taken and by which actor in order to implement the right to development at the national, regional and international levels; poor governance; an atomistic approach to human rights; external constraints; and inequality. Obstacles at the regional level included the lack of regional instruments and mechanisms, and the lack of resources.

81. Obstacles at the international level included the unjust international economic and financial order, foreign occupation and conflict, lack of policy coherence, insufficient cooperation, accountability deficits in relation to the commitments to the global partnership for development and the little attention paid to the right to development by United Nations agencies, funds and programmes.

82. Some respondents expressed their concern at the lack of progress achieved in the Working Group on the Right to Development, and the lack of political will, of an effective agenda and programme of work, and of adequate meeting time, and the limited participation of experts from international organizations.

83. Respondents drew attention to the legal recognition of the right to development. Several stated that core elements of the right to development were recognized in their Constitution. Others reported that the right to development was recognized as a core value or principle. According to one country, the right to development had been frequently invoked before its courts. Another respondent stated that the right to development informed the interpretation of its laws.

84. Respondents drew attention to the recognition of the right to development at the regional level, such as in the Arab Charter on Human Rights and the African Charter on Human and Peoples' Rights. With regard to the recognition of the right to development at the international level, respondents highlighted in particular the Vienna Declaration and Programme of Action.

85. Some respondents reported that they invoked development principles and development-related rights in the context of trade and investment disputes and negotiations. Some had included information on steps taken to implement the right to development and on external obstacles to its realization in their submissions to treaty bodies, the African Commission on Human and Peoples' Rights and in the context of the universal periodic review.

86. Several respondents utilized human rights indicators to assess progress in the realization of the right to development. Member States also referred to the human development index as a means for measuring progress made in the realization of the right to development. One respondent drew attention to the Multidimensional Poverty Index. Several respondents referred to Millennium Development Goal and Sustainable Development Goal indicators.
