



General Assembly

Distr.: General
6 July 2021

Original: English

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 3

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

Operationalizing the right to development in achieving the Sustainable Development Goals

Thematic study by the Expert Mechanism on the Right to Development

Summary

The present thematic study provides guidance to States and other stakeholders on operationalizing the right to development in achieving the Sustainable Development Goals incorporated in the 2030 Agenda for Sustainable Development, focusing on their means of implementation and the duty of States for international cooperation. It also highlights the heightened importance and urgency of bringing the 2030 Agenda back on track during and in the aftermath of the coronavirus disease (COVID-19) pandemic.



I. Introduction

1. In its resolution 45/6, the Human Rights Council requested the Expert Mechanism on the Right to Development to implement the recommendations contained in its first annual report,¹ and in doing so “to pay particular attention to the international dimension of the right to development, and how this aspect will make the practical implementation of the right to development effective at the international, regional and national levels”. In accordance with that request, the present first thematic study seeks to provide guidance on operationalizing the right to development in achieving the Sustainable Development Goals, focusing on their means of implementation and the duty of States for international cooperation.

2. The adoption by the General Assembly of the 2030 Agenda for Sustainable Development in resolution 70/1 heralded a new and ambitious global plan of action for setting the world onto a sustainable and resilient path. The 2030 Agenda incorporates 17 Sustainable Development Goals and 169 targets to be achieved by 2030. It not only lists the outcomes to be achieved but also crucially identifies and defines the means of implementation of the Goals. Under a heading by that name, the scale and ambition of the 2030 Agenda “requires a revitalized Global Partnership to ensure its implementation” and records the commitment of States. It is envisaged that such a partnership will “work in a spirit of global solidarity, in particular solidarity with the poorest and with people in vulnerable situations”. It further notes that this partnership will be a multi-stakeholder one, “bringing together Governments, the private sector, civil society, the United Nations system and other actors” and will mobilize all available resources to “facilitate an intensive global engagement in support of implementation of all the Goals and targets”.

3. The 2030 Agenda incorporates the means of implementation in two streams. The first is captured under Sustainable Development Goal 17, entitled “Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development”. The targets thereunder are divided under the five headings of finance, technology, capacity-building, trade and systemic issues, the last of which is further divided into three subheadings of policy and institutional coherence, multi-stakeholder partnerships and data, monitoring and accountability. Each of these headings and subheadings contains several targets, in total numbering 19, which constitute the overarching means of implementation for all the preceding 16 Sustainable Development Goals. The second stream of the means of implementation is comprised of targets, in total 43, that are specific to each of the first 16 Goals. They are listed under each Goal separately in alphabetical order (for instance, targets 1.a and 1.b under Goal 1) below the targets in numerical order (for instance, targets 1.1–1.5 under Goal 1). The alphabetical targets constitute the specific means of implementation for the numerical targets under each of the first 16 Goals.

4. Of particular significance to the means of implementation is the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which has been incorporated as an integral part of the 2030 Agenda, recognizing that its full implementation is critical for the realization of the Sustainable Development Goals and targets. The Action Agenda supports, complements and helps to contextualize the means of implementation targets of the 2030 Agenda.

5. In line with the Action Agenda, the 2030 Agenda recognizes that cohesive, nationally owned sustainable development strategies, supported by integrated national financing frameworks, will be at the heart of the efforts made by States. It also recognizes that each country has the primary responsibility for its own economic and social development and that the role of national policies and development strategies cannot be overemphasized, and further records the commitment of all States to respect each country’s policy space and leadership for implementing policies for poverty eradication and sustainable development, while remaining consistent with relevant international rules and commitments. Having noted the importance of domestic action, the 2030 Agenda states that at the same time, national development efforts need to be supported by an enabling international economic environment, including coherent and mutually supporting world trade, monetary and financial systems, and strengthened and enhanced global economic governance. It thus

¹ A/HRC/45/29.

records the commitment of States to pursue policy coherence and an enabling environment for sustainable development at all levels and by all actors, and to reinvigorate the Global Partnership for Sustainable Development.

6. In the 2030 Agenda, the 62 means of implementation targets are recognized as key to its realization. In the absence of a global partnership for sustainable development through those means of implementation, it is impossible for States, especially the least developed and developing States, to realize their commitments to the Sustainable Development Goals. Progress on all the Goals is therefore directly proportional to progress on the means of implementation.

7. The present study assumes significance, since the first six years of the implementation of the Sustainable Development Goals have been disappointing overall. By the end of 2019 and even before the COVID-19 pandemic struck, progress on many targets had decelerated compared with previous years² and most of the Goals were already unlikely to be met by 2030.³ Unsurprisingly, almost all the means of implementation targets had been grossly underrealized since 2015. That downward spiral has further accelerated since the beginning of 2020 with the world brought to its knees by the COVID-19 pandemic.

8. These alarming results, prior to, during and most likely after the COVID-19 pandemic, are the inevitable consequence of the failure to operationalize the right to development in achieving the Sustainable Development Goals, in particular the means of implementation. Implementation has been underpinned by a business-as-usual approach to development viewed through the lens of privilege or charity. If the Goals are to have any prospect of success, their implementation must be based on the normative framework of the right to development, as elaborated in the 1986 Declaration on the Right to Development, in which development is viewed as a human right of all persons and peoples, with corresponding duties for States with respect to the means of implementation, including most importantly the duty of international cooperation.

9. The 2030 Agenda itself provides the normative justification for operationalizing the right to development in achieving the Sustainable Development Goals by categorically stipulating that it is informed by the Declaration on the Right to Development. In it, the General Assembly also reaffirmed the right to development by reaffirming the outcomes of the major United Nations conferences and summits listed therein, each of which in turn reaffirmed the right to development. All the principles of the 1992 Rio Declaration on Environment and Development, are specifically reaffirmed, including that: “The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.” Finally, the 2030 Agenda is also grounded in the United Nations Millennium Declaration, which incorporated a categorical commitment to making the right to development a reality for everyone. The consensual assertions by States that the 2030 Agenda reaffirms the right to development, is informed by the Declaration on the Right to Development and is grounded in the Declaration should be seen as a mandate that operationalizing the right to development should constitute the basis for realizing the Sustainable Development Goals.

10. In resolutions 75/182 and 45/6 respectively, the General Assembly and the Human Rights Council emphasized that the right to development was vital for the full realization of the 2030 Agenda and should be central to its implementation. They called on all States to spare no effort in operationalizing it. Through the present study, the Expert Mechanism seeks to provide guidance to States and other stakeholders on how the right to development can be mainstreamed and operationalized in realizing the Sustainable Development Goals to ensure that their course is corrected. The study focuses on the means of implementation through the normative lens of the duty of international cooperation to eliminate obstacles to sustainable development and to make advances thereto. It also highlights the heightened importance and urgency of doing so during and in the aftermath of the COVID-19 pandemic.

² See *The Sustainable Development Goals Report 2019*.

³ See *The Sustainable Development Goals Report 2020*.

II. Normative framework of the Declaration on the Right to Development

11. The Declaration on the Right to Development marked a significant evolution in the global understanding of development as a “comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom”. That description not only signified, for the first time at the global level, a rejection of development understood purely in economic terms, but also placed all individuals and peoples at the centre of the development process. The paradigm shift was that the Declaration provided the normative framework for self-determined development to be understood as a human right of all persons and peoples and not merely as charity bestowed upon them by States, individually or collectively. It firmly recognized that rights holders were the central subjects of development and should be the active participants in and beneficiaries of the right to development. The Declaration was adopted by an overwhelming majority of 146 countries voting in its favour, 1 against and 8 abstaining. Since then, however, the right has been reiterated and reaffirmed unanimously by all States in numerous key declarations, resolutions and agendas, including in the 2030 Agenda.⁴ In addition, it has been reaffirmed in several regional human rights instruments.⁵

12. Key normative principles of the Declaration can be summarized as follows:

(a) The right to development is an inalienable self-standing human right. Development is not merely a privilege enjoyed by human beings and peoples, nor are they mere subjects of charity;

(b) Rights holders are guaranteed three entitlements: to participate in, contribute to and enjoy economic, social, cultural and political development;

(c) The right to development also implies the full realization of the right of peoples to self-determination;

(d) Operationalizing the right to development entails respecting, protecting and fulfilling all other human rights - civil, cultural, economic, political and social. This signifies that given the very nature of development as a human right, it cannot be realized when there are violations of other human rights;

(e) The right to development requires a focus not only on outcomes that are to be realized from a development plan or agenda (the “what” question), but also on the process by which those outcomes are achieved (the “how” question). Both the processes and outcomes of development must be consistent with and based on all other human rights;

(f) Human beings are individually (that is, all human persons) and collectively (that is, all peoples) the rights holders of the right to development. Every State is entitled, as an agent of all persons and peoples subject to its jurisdiction, to demand respect for the right to development from other States and international organizations;

(g) The Declaration entails duties for all States to respect, protect and fulfil the right to development at the following three levels:

(i) States acting collectively in global and regional partnerships;

(ii) States acting individually as they adopt and implement policies that affect persons not strictly within their jurisdiction;

(iii) States acting individually as they formulate national development policies and programmes affecting persons within their jurisdiction.⁶

⁴ For a complete list, see A/HRC/WG.2/21/2, preamble.

⁵ See the African Charter on Human and Peoples’ Rights; Arab Charter on Human Rights; Association of Southeast Asian Nations Human Rights Declaration; and Abu Dhabi Declaration on the Right to Development.

⁶ A/HRC/15/WG.2/TF/2/Add.2, annex, para. 1.

(h) The Declaration obliges States, individually and collectively, to eliminate existing obstacles to the realization of the right to development, refrain from adopting policies that undermine its realization and positively create conditions favourable for its realization;

(i) The Declaration reaffirms the duty of international cooperation for States and obliges them to carry out that duty to realize the right to development for all.

III. Duty of international cooperation

13. The duty of international cooperation, or the duty to cooperate, for States runs through the Declaration on the Right to Development like a golden thread, binding together all its provisions. Article 3 (1) stipulates that: “States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.” That obligation is breached if actions or policies that States undertake, maintain or support, either individually or collectively in international organizations,⁷ lead to the creation of international conditions unfavourable to the realization of the right to development, including at national levels by other States. More specifically, article 3 (3) stipulates that: “States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development.” Article 4 (1) further stipulates that: “States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.” Under article 10, States are obliged to take steps “to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at national and international levels”. Specifically with reference to developing countries, in article 4 (2) the Declaration recognizes that “sustained action is required to promote more rapid development of developing countries” and that “as a complement to the efforts of developing countries, effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development”.

14. The duty to cooperate permeates all dimensions of national and international law, policy and practice, and engages the responsibility of States to eliminate existing obstacles to development, not create new obstacles and positively foster policies that promote the realization of the right to development for all. That duty is not limited to collective actions taken by States at international organizations or in other global or regional partnerships, but also necessarily includes the obligation to refrain from adopting national policies that impair or nullify the right to development of those not strictly within their jurisdiction.

15. The duty to cooperate incorporated in the Declaration is rooted in articles 1, 2, 55 and 56 of the Charter of the United Nations.⁸ Article 1 (3) of the Charter stipulates that one purpose of the United Nations is “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all”. Article 55 gives shape to this institutional objective and obliges the United Nations to promote higher standards of living, full employment and conditions of economic and social progress and development; solutions to international economic, social, health and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms. Article 56 incorporates the undertaking by States to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in article 55. These should be read in conjunction with article 2, which obliges the United Nations and Member States, in pursuit of article 1, to fulfil in good faith their obligations assumed under the Charter. Pertinently, under article 103 of the Charter, the duty of States to cooperate attracts primacy over conflicting obligations under any other international agreement. Additionally, the duty to cooperate has

⁷ The term international organizations employed in this study includes regional, multilateral and bilateral organizations.

⁸ See also the preambular paragraph of the Declaration referring to “the purposes and principles of the Charter of the United Nations relating to the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian nature”.

been reaffirmed in numerous declarations and resolutions by States and can be seen as customary international law.

16. Specifically in the context of human rights, article 6 of the Declaration on the Right to Development obliges all States to “co-operate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all”. In addition to those set out in the Charter, this obligation is anchored in article 22 of the Universal Declaration of Human Rights whereby “everyone, as a member of society ... is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”. Similarly, under article 28: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.”

17. The International Covenant on Economic, Social and Cultural Rights obliges States parties “to take steps, individually and through international assistance and co-operation, especially economic and technical” to progressively realize the rights recognized therein (art. 2). In interpreting this obligation, the Committee on Economic, Social and Cultural Rights has stressed that “international cooperation for development, and thus the realization of economic, social and cultural rights, is an obligation of all States”.⁹ Similarly, the Committee on the Rights of the Child has explained that “when States ratify the Convention, they take upon themselves obligations not only to implement it within their jurisdiction, but also to contribute, through international cooperation, to global implementation”.¹⁰ Finally, in article 32, the Convention on the Rights of Persons with Disabilities obliges States parties to undertake measures regarding international cooperation in support of national efforts to realize the rights recognized therein.

18. It may be stressed that the duty of international cooperation is underpinned by indispensable international solidarity.¹¹ Much as human dignity constitutes the foundation for universal human rights, international solidarity constitutes the foundation for the duty of international cooperation. Although this study focuses on the duty of States to cooperate, the Expert Mechanism also intends to develop a future study on non-State actors and the duty to cooperate.

IV. Symbiotic relation between the right to development and sustainable development

19. The Declaration on the Right to Development understandably does not reference sustainable development, which was established on the global policy agenda one year later in the report of the World Commission on Environment and Development.¹² Sustainable development was defined in the report as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”¹³ As set out in General Assembly resolution S-19/2, sustainable development encompasses the integration of three general policy areas: social development, economic development and environmental protection. The social development dimension necessarily includes human rights, since it is impossible to have social development, and in turn sustainable development, if human rights are undermined.¹⁴ The 17 Sustainable Development Goals and the 169 targets incorporated in the 2030 Agenda represent the current global consensus on the scope and content of sustainable development.

20. The symbiotic relationship between the right to development and sustainable development was specifically recognized for the first time in the Rio Declaration on Environment and Development and reiterated in the Vienna Declaration and Programme of

⁹ General comment No. 3 (1990), para.14.

¹⁰ General comment No. 5 (2003), para.7.

¹¹ See A/HRC/35/35 and A/HRC/38/40.

¹² A/42/427.

¹³ Ibid., chap. 2, para. 1.

¹⁴ See General Assembly resolution 66/288, paras. 8 and 9.

Action adopted by the World Conference on Human Rights in 1993. The United Nations Millennium Declaration, adopted unanimously in 2000, and from which the Millennium Development Goals emanated, explicitly incorporated “making the right to development a reality for everyone” as one of its objectives. Finally, as noted above, the 2030 Agenda reaffirms the right to development and is grounded in and informed by the Declaration on the Right to Development.

21. The very adoption of the 2030 Agenda by States could be seen as implementation by them of the duty stipulated in the Declaration on the Right to Development to “take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development”. In that sense, the Sustainable Development Goals could be seen as a policy expression by States of their intention, individually and collectively, to realize their obligations under the Declaration and a plan of action for operationalizing the right to development.

22. The right to development must not, however, be reduced to the 2030 Agenda. The Sustainable Development Goals were adopted only in 2015, are time-bound and are likely to evolve as newer challenges face humanity and the planet. The right to development should, therefore, not be interpreted as being dependent on the Goals for its very existence or relevance. Its normative framework transcends any single global development agenda, including the 2030 Agenda, and applies to numerous other aspects of development as a common concern of humanity.

23. More important is the instrumental role of the right to development in better realizing the Sustainable Development Goals. Operationalizing the right to development could significantly improve the realization of the 2030 Agenda by providing it with a normative framework effectively stipulating that the participation in, contribution to and enjoyment of sustainable development by all persons and peoples ought not to be seen as charity or privilege but as a human right with corresponding duties for the duty bearers. The comprehensive coverage in the Declaration on the Right to Development of “every human person and all peoples” as rights holders, provides the normative justification against treating the principle of “leaving no one behind” as a mere political commitment. The right to development gives proper shape, colour and texture to the Sustainable Development Goals by purposely stressing the right and duty aspects of sustainable development. By insisting that development is a human right that has clearly identified duty bearers, the right to development framework stresses that the only way development can be sustainable is if it is itself treated as a right, is based on all other human rights as equally important and ensures that no human right is undermined.

V. Operationalizing the right to development for realizing the means of implementation of the Sustainable Development Goals

24. Operationalizing the right to development requires a significant shift in current approaches to realization of the Sustainable Development Goals by States, international organizations and development agencies. Development as charity is fungible, promotes dependency, perpetuates inequality and is unsustainable. Development as a right is guaranteed, empowering, non-discriminatory and sustainable. Adopting the normative framework of development as a human right can thus help to guide the process of implementing the 2030 Agenda, identify and overcome obstacles, shape better outcomes, empower individuals and peoples, mobilize and channel international cooperation, address adverse impacts and promote sustainability.

25. Operationalizing the right to development is key across all the measures undertaken at all levels to realize the Sustainable Development Goals, but is especially important in relation to the means of implementation, given their instrumental role. That requires that the means of implementation, based on the normative framework of the right to development, are mobilized across all stages of planning, programming, implementation, monitoring and follow-up, whether by States in their domestic actions or in development cooperation. Within the ambit of the cross-cutting general principles outlined in sections II and III above, the

Expert Mechanism wishes to highlight specific aspects in providing guidance on what operationalizing the right to development in realizing the means of implementation entails.

A. Identifying development priorities and setting national targets

26. The starting point for implementing the Sustainable Development Goals at the national level is determining national priorities and targets. The 2030 Agenda recognizes that there are different approaches, visions, models and tools available to each country for achieving sustainable development, according to its national circumstances and priorities. While the Goals and targets are integrated, indivisible, global in nature and universally applicable, States are to consider their different national realities, capacities and levels of development in deciding how the targets should be incorporated in national planning processes, policies and strategies. Identification of these priorities is essentially tied to identification by each State of the means of implementation that are necessary, and to what extent, for realizing its specific national targets.

27. The process of prioritization and setting of national targets can significantly benefit from the normative framework of the right to development, especially in identifying the corresponding means of implementation. While the 2030 Agenda incorporates respect for the policy space of each country as the basis for national ownership of development priorities and policies, its normativity is anchored in the right to self-determined development inherent in the Declaration on the Right to Development, which stipulates that “States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals”. That duty is owed by each State to its entire population and all individuals, and to all other countries, given the general reciprocal nature of human rights obligations among States.

28. Insofar as the right to formulate appropriate national development policies is concerned, it is to be exercised by the State vis-à-vis other States and the international community on behalf of or as agents of its peoples and persons, who are the principal rights holders.¹⁵ States are never entitled to exercise this right against the interests of, or to the exclusion of, their own population and individuals, since such formulation is to be done “on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom”.¹⁶

29. The right of persons and peoples to participate in and contribute to development is a defining feature of the right to development and is fundamental to its operationalization. All laws, policies and practices aimed at realizing the Sustainable Development Goals must be designed and implemented with the participation and contribution of rights holders. Failure to ensure multi-stakeholder participation, or free, prior and informed consultation with persons and peoples who might be positively or negatively impacted, or the failure to obtain consent in the case of indigenous peoples, will result in a violation of their right to development. The right to participate in and contribute to development is often violated when it is not operationalized from the start. It is especially important at the stage of prioritization and national target-setting, including at the national level, as part of a periodic review.

B. Identifying obstacles to development at all levels

30. The 2030 Agenda acknowledges that each country faces specific challenges in its pursuit of sustainable development. The Sustainable Development Goals can be successfully implemented only when obstacles are identified and addressed in a targeted, deliberate and concrete manner. No measures undertaken by States can be fully successful if existing barriers are ignored. Adopting the normative framework of the right to development can help to better realize the Goals, since it obliges States to eliminate obstacles to development.

¹⁵ See Mihir Kanade, *The Multilateral Trading System and Human Rights. A Governance Space Theory on Linkages* (London, Routledge, 2018), p. 208; and Anne Orford, “Globalization and the right to development” in *Peoples’ Rights*, Philip Alston, ed. (Oxford, Oxford University Press, 2001), p. 137.

¹⁶ Declaration on the Right to Development, article 2 (3).

31. Obstacles to development can arise due to national and international conditions and “States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.”¹⁷ Obstacles to development for a State can emanate from the international level owing to action or inaction by other States, individually or collectively, at international organizations or other global or regional partnerships.

32. Good governance at the national level is an important condition for realizing human rights and sustainable development; however the same is true for good governance at the international level. The 2030 Agenda envisages a world in which democracy, good governance and the rule of law, as well as an enabling environment at national and international levels, are essential for sustainable development. Operationalizing the right to development essentially means not assuming a priori that lack of progress on the Sustainable Development Goals by a State is the result only of bad governance by that State. It requires taking a step back and identifying whether the State has adequate “governance space” in the first place to realize the Goals and the capacity to do so. Implementation of the Goals in countries can be seriously impeded because laws, policies or practices adopted at international levels limit the governance space needed by States to plan and implement the necessary self-determined development policies. This can happen, for instance, because of unilateral sanctions that are not in accordance with international law imposed by other countries; conditionalities on bilateral or multilateral aid and assistance that are divergent from or harmful to national priorities; or inflexible trade rules. At the same time, implementation of the Goals can be hampered at the national level owing to inadequate access to or the availability of international resources and cooperation for overcoming internal capacity deficits. That can happen, for instance, when international financing for sustainable development or access to science, technology and capacity-building is unavailable or inadequate.

33. The means of implementation incorporated in the 2030 Agenda are aimed at overcoming such obstacles to development, especially those emanating from the international level. As such, it is crucial that as national priorities are set or revised through periodic reviews, obstacles to the realization of the Sustainable Development Goals emanating from both national and international levels are identified by States. That is an indispensable process in also determining the means of implementation to be mobilized.

C. Duty to seek international cooperation

34. Once States have set their national priorities and targets and identified the obstacles thereto, as well as the necessary means of implementation, they have an obligation to seek appropriate international cooperation. The duty to seek international cooperation to mobilize the necessary means of implementation is inherent in the obligation of States to realize the right to development of persons and peoples within their jurisdiction. This duty especially assumes significance when States find themselves unable to realize their targets on their own, or where obstacles emanate from the international level. States will fail in discharging their obligations when the means of implementation are available but are not sought. Indeed, the nature of several means of implementation targets is such that to be mobilized in line with self-determined development priorities, they may entail States taking concrete steps to seek appropriate international cooperation.¹⁸

35. The duty to seek international cooperation in mobilizing the means of implementation is not affected by the right of the receiving State to reject any cooperation that undermines the right to development. Operationalizing the right to development, however, does mean that the burden to justify such a rejection lies with the receiving State.

¹⁷ Ibid., art. 3 (1).

¹⁸ See, for example, targets 1.a, 2.a, 4.c, 17.1 and 17.9.

D. Duty of international cooperation to realize the means of implementation

36. While mobilization of some means of implementation, given their nature, may need to be preceded by a request for specific international cooperation by a State, many others are self-executing or relate to the activation of existing individual or collective commitments of States.¹⁹ In all instances, States have the duty to cooperate in realizing the means of implementation through a revitalized global partnership for sustainable development. Although several means of implementation targets may not be legally binding on their own and a failure to realize them in one instance may not independently constitute an internationally wrongful act by States, repeated failure can cumulatively result in the failure to abide by the individual and collective duty to cooperate.²⁰

37. The duty to cooperate for realizing the means of implementation has different dimensions. Firstly, it refers to the obligation of a State under the Declaration on the Right to Development to eliminate obstacles to the development of others that may emanate from its individual national action, as well as from collective action at regional and international organizations. It also relates to the obligation of a State to create conditions favourable to the realization of the right to development of others by taking collective enabling measures through global or regional partnerships to activate the means of implementation. Finally, it refers to the obligation of a State, individually and collectively, not to create new obstacles to the realization of the right to development of others through cooperation practices related to the means of implementation.

E. Planning, programming and implementation of development cooperation

38. The duty to cooperate must inform and guide the process of realizing the means of implementation through development cooperation at every stage and is especially important in planning, programming and implementation. The Expert Mechanism wishes to highlight two specific aspects where operationalizing the right to development is most pertinent.

Recalibrating the human rights-based approach to development

39. The right to development requires that the means of implementation are undertaken in a manner that is fully compatible with and firmly based on all human rights. When development itself is viewed as a human right, it can neither result from, nor result in, violations of other human rights. There can be no trade-off between rights in realizing the Sustainable Development Goals.

40. Current practices for planning and programming development cooperation to realize the Sustainable Development Goals promoted by the United Nations system and widely adopted by development agencies, organizations and practitioners rely on the conceptual framework known as the human rights-based approach to development. This approach, sometimes also referred to as rights-based development, focuses on linking and aligning the objectives of development policies and practices to specific human rights norms and standards, as enshrined in international human rights instruments, as well as to the principles of accountability, empowerment, participation, non-discrimination, equality and equity that are common to all human rights. It is a conceptual framework “for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights”.²¹ In theory, the international human rights norms, standards and principles of human rights-based frameworks ought to be strongly rooted in the right to development. Unfortunately, in practice, such frameworks for planning and programming the means of implementation often conceptualize development as a set of objectives to be realized through the adoption of an

¹⁹ See, for example, targets 1.b, 4.b, 8.a, 10.c, 17.2, 17.5 and 17.13.

²⁰ See article 15 of the Responsibility of States for Internationally Wrongful Acts.

²¹ See, for example, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>.

approach based on human rights, rather than as a self-standing human right. This normative downgrading seriously impedes the operationalization of the right to development and efforts to carry out the means of implementation, since it results in inadequate attention paid to the duty of States to cooperate and to the elimination of obstacles in realizing the Sustainable Development Goals resulting from a limiting international environment.

41. To illustrate, the 2030 Agenda incorporates financing for sustainable development through development cooperation as one of the cross-cutting means of implementation across many of the Sustainable Development Goals, including as aid and assistance.²² The human rights-based approach practised by many donor countries, or their development agencies, requires recipients of development aid or assistance to ensure respect for human rights while implementing development projects, including through transparent and accountable institutions. While this is indispensable and intrinsic to the right to development, in such frameworks it is not generally considered the duty of donors to realize development and not impede it. In effect, these frameworks may not include adequate attention paid to the obligations of development cooperation partners not to impair the right to development of recipients when aid and assistance practices undermine development priorities and the policy or governance space of recipients. That occurs when donors, rather than recipients, determine the sectors for aid allocation, misalign funding with recipient country priorities, or undermine recipient country ownership over development programmes.²³ Aid or assistance as loans designed to increase debt, with predatory conditionalities attached or requiring contracts for donor companies can violate the right to development of recipients. None of the responses to questionnaires received provided instances of human rights-based frameworks that focus on the obligations of States externally and collectively in the same manner as they focus on the realization of the obligations of States internally.

42. Human rights-based frameworks for development cooperation that do not pay equal attention to all three levels of obligations on States and the duty of international cooperation are flawed and based on an erroneous presumption that the Sustainable Development Goals can be realized by countries without the support of an enabling international environment. That is precisely what the means of implementation targets are intended to achieve through a revitalized global partnership. As such, when a human rights-based framework is applied for implementing the Goals, it is vital that it normatively links the means of implementation targets with the duty of States to cooperate, in addition to normatively linking practices to realize the numerical targets with the internal human rights obligations of States.

Human rights impact assessments

43. Human rights impact assessments are important mechanisms for ensuring an enabling national and international environment conducive to the realization of human rights. Their indispensability has been explored in various respects,²⁴ including in the context of the right to development.²⁵ A human rights impact assessment may be understood as a structured process for identifying, understanding, assessing and addressing the potential or actual adverse effects of laws, policies or practices, and serves to ensure that they are consistent with international human rights norms.²⁶ Such assessments also help to democratize resource mobilization and spending policies, since they entail broad participation, transparency and accountability.²⁷ These are of central importance to the right to development in the context of the means of implementation. Since operationalizing the right to development requires not only participation in and contribution to sustainable development by all persons and peoples,

²² See in particular targets 1.a, 8.a, 10.b, 11.c and 17.2.

²³ These “aid effectiveness principles” have been reaffirmed in, among others, the Paris Declaration on Aid Effectiveness (2005) and the Busan Partnership for Effective Cooperation agreement (2011) and by the Global Partnership for Effective Development Cooperation (2011).

²⁴ See A/HRC/19/59/Add.5, A/HRC/40/57 and Olivier de Schutter and others, “Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights”, *Human Rights Quarterly*, vol. 34, No. 4 (November 2012).

²⁵ See Mihir Kanade, *The Multilateral Trading System and Human Rights. A Governance Space Theory on Linkages*.

²⁶ See A/HRC/40/57.

²⁷ Ibid, para.6.

but also their enjoyment, the only way to ensure that the contrary is not being, or will not be, achieved is through impact assessments. Additionally, since development as a right must be consistent with all other human rights, assessment of the actual and potential impacts on all human rights becomes indispensable.

44. Operationalizing the right to development requires that States, individually and jointly, conduct prior and ongoing assessments of the actual and potential risks and impacts of their laws, policies and practices at national and international levels, as well as of the conduct of legal persons that they are in a position to regulate, including businesses, to ensure compliance with the right to development in realizing the Sustainable Development Goals.

45. Human rights impact assessments are especially important for establishing international conditions favourable to realizing the right to development. They must therefore include impact assessments of national action by States on the right to development of those not strictly within their jurisdiction. Worryingly, there is a general lack of human rights impact assessments conducted by States in implementing their commitments to the Sustainable Development Goals. Where they are conducted, assessments are restricted only to impacts on persons and peoples within their jurisdictions and not beyond.

46. Human rights impact assessments are especially important when States take collective action at international organizations that have the potential to either impede the realization of the Sustainable Development Goals or promote them. Because international organizations have independent legal personality under international law, actions taken under the framework of such organizations may be attributable to their member States only under limited circumstances. That necessitates independent impact assessments, especially when laws, policies or practices are adopted at international organizations in the areas of finance and trade, which may impede the realization of the Goals. The Expert Mechanism again notes with concern the general absence of mainstreaming human rights impact assessments in many international organizations that are instrumental in implementing numerous means of implementation. For instance, none of the international financial institutions or development banks require prior human rights impact assessments for determining the appropriateness of conditionalities on their loans. Similarly, there are no systems in place at the World Trade Organization (WTO) for conducting prior, ongoing or post facto human rights impact assessments of multilateral trade agreements or policies. States are under an obligation to ensure that such systems are instituted in international organizations that they are part of in discharge of their duty to cooperate in realizing the right to development.

F. Indicators for progress on the means of implementation targets

47. Under the 2030 Agenda, the Inter-Agency and Expert Group on Sustainable Development Goal Indicators has been mandated to develop the global indicator framework for agreement by the United Nations Statistical Commission. The global indicator framework is required to address all Goals and targets, including the means of implementation, and is to be complemented by indicators at the regional and national levels that States may develop. Realization of the Goals can be credibly measured only if the global indicators are consistent with the right to development. That necessitates clear and quantifiable indicators for both national and international action, with benchmarks as appropriate. That is especially important for the global indicators of the means of implementation targets that are explicitly based on international cooperation,²⁸ since national or regional indicators may be mostly inward-looking.

48. Although the global indicators have been periodically re-evaluated,²⁹ several indicators pertaining to means of implementation targets do not adequately measure progress on the necessary international action, including international cooperation. For instance, target 1.b aims to create sound policy frameworks at national, regional and international levels based on pro-poor and gender-sensitive development strategies to support accelerated investment in poverty eradication actions. The sole indicator 1.b.1 requires only pro-poor

²⁸ See, for example, targets 1.a, 9.a, 13.b and 17.1–17.19.

²⁹ For periodic revisions, see <https://unstats.un.org/sdgs/indicators/indicators-list>.

public social spending to be measured, ignoring any quantitative or qualitative evaluation of policy frameworks at the regional or international levels. Similarly, target 4.c aims to substantially increase by 2030 the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially the least developed countries and small island developing States. The corresponding indicator 4.c.1 only measures the proportion of teachers with the minimum required qualifications by educational level but remains silent on measuring the international cooperation provided or received.

49. The inadequate attention paid to measuring compliance by States of their duty to cooperate is starkly evident in several indicators for targets under Goal 17. For instance, target 17.7 aims to promote the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed. The corresponding indicator 17.7.1 measures only the total amount of funding for developing countries for this purpose, without measuring the concessionality or the preferential nature of the terms. Although target 17.8 aims to fully operationalize the technology bank and the science, technology and innovation capacity-building mechanism for the least developed countries, it is not addressed at all in the corresponding indicator 17.8.1, which only measures the proportion of individuals using the Internet. Target 17.10 aims to promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under WTO, including through the conclusion of negotiations under its Doha Development Agenda. Unfortunately, the sole indicator (17.10.1) measuring the worldwide weighted tariff average does not reveal much. Similarly, target 17.12 aims to ensure, inter alia, that preferential rules of origin applicable to imports from the least developed countries are transparent and simple and contribute to facilitating market access. The corresponding indicator is entirely silent on this.

50. States must ensure that periodic evaluations of the global indicators, especially for means of implementation targets, result in appropriate revisions to measure both national and international action.

G. Highlighting obstacles to mobilization of the means of implementation in the follow-up and review framework

51. The 2030 Agenda commits States to engaging in systematic follow-up and review of its implementation through a “robust, voluntary, effective, participatory, transparent and integrated” framework to help States maximize and track progress in implementation. It enumerates several principles that guide the follow-up and review processes at all levels. At the global level, the high-level political forum on sustainable development plays a central role in overseeing those processes and builds on the voluntary national reviews undertaken by States. In addition, the 2030 Agenda integrates the dedicated follow-up and review established under the Addis Ababa Action Agenda.

52. The Expert Mechanism welcomes the comprehensive guidance provided to States by the Department of Economic and Social Affairs under the auspices of the high-level political forum through the 2021 edition of the *Handbook for the Preparation of Voluntary National Reviews*.³⁰ Several of the principles, including multi-stakeholder engagement and participation, and leaving no one behind, are inherent to the right to development. In the *Handbook* countries are exhorted to be specific about the main challenges and difficulties they face in implementing the Sustainable Development Goals and encouraged to provide an analysis of the causes of these challenges and difficulties and how they foresee overcoming those barriers. The *Handbook* also states that the review process should include a discussion on how the means of implementation are mobilized, what the difficulties encountered are and what additional resources are needed to implement the 2030 Agenda, “looking at the full range of financing sources (public/private, domestic/international) and non-financing means

³⁰ This should be read in conjunction with the Secretary-General’s updated proposal for voluntary common reporting guidelines for voluntary national reviews at the high-level political forum for sustainable development, available at https://sustainabledevelopment.un.org/content/documents/17346Updated_Voluntary_Guidelines.pdf.

of implementation, such as capacity development and data needs, technology, and partnerships”.

53. Obstacles to the mobilization of the means of implementation arise not only from the internal deficits of States or from inadequate responses to requests for mobilization by a State, but also from an overall limiting international environment, including, inter alia, the lack of international cooperation in realizing the means of implementation targets related to trade, the technology facilitation mechanism or the technology bank, or respect for the policy space of States. States conducting voluntary national reviews must ensure that obstacles to the mobilization of the means of implementation that emanate from the failure of States to discharge their duty to cooperate individually or collectively are also identified and reported. That is especially important, since the high-level political forum is also mandated to conduct thematic reviews of progress on the Sustainable Development Goals, including cross-cutting issues, supported by reviews undertaken by the functional commissions of the Economic and Social Council and other intergovernmental bodies and forums. These thematic reviews can consider cross-cutting obstacles to mobilization of the means of implementation only if voluntary national reviews adequately identify and report them.

H. International organizations and the means of implementation

54. Many international organizations and their agencies, including specialized agencies of the United Nations, have a central role to play in mobilizing the means of implementation, especially those related to financing and trade. International law imposes an obligation on international organizations to refrain from conduct that aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, a State or another international organization to breach the obligations of that State or that other international organization, including with regard to the right to development.³¹

55. The obligation of the United Nations to promote human rights extends to its specialized agencies, including the Bretton Woods institutions, designated as such by virtue of and in accordance with articles 57, 63 and 64 of the Charter. At a minimum, the specialized agencies (the agents) cannot undermine the mandate and obligations of the United Nations (the principal) and, as such, must respect the right to development. WTO, an important mobilizer of many means of implementation, has an explicit mandate in its founding agreement to promote sustainable development.³² Failure to operationalize the right to development in mobilizing the related means of implementation will result in a breach of its own constitution.

VI. COVID-19 pandemic and the heightened importance of operationalizing the right to development

56. The COVID-19 pandemic brought the entire world to a grinding halt for the better part of 2020 and unleashed disastrous consequences in its wake. As of mid-June 2021, over 176 million people had been infected with the virus and over 3.9 million had died.³³ In 2020 alone, the World Bank estimates that the pandemic forced between 119 million and 124 million more people globally into extreme poverty³⁴ and between 83 and 132 million people were added to the almost 690 million people in the world considered undernourished in 2019.³⁵ As of June 2021, 272 million people are estimated to be or at risk of being acutely food insecure due to COVID-19.³⁶

³¹ See articles 14–16 of the draft articles on the responsibility of international organizations.

³² Preamble of the Agreement Establishing the World Trade Organization.

³³ See <https://covid19.who.int/>.

³⁴ See <https://blogs.worldbank.org/opendata/updated-estimates-impact-covid-19-global-poverty-turning-corner-pandemic-2021>.

³⁵ Food and Agriculture Organization of the United Nations, *The State of Food Security and Nutrition in the World* (2020), p. viii.

³⁶ See <https://www.wfp.org/stories/wfp-glance>.

57. At the same time, the pandemic has marked the beginning of the worst economic downturn since the Great Depression. The Latin America and Caribbean region is facing the worst recession ever³⁷ and Africa is in its first recession in the past 25 years.³⁸ Other regions, including Asia and the Middle East are staring at similar decelerations. Ninety of the 122 low and middle-income developing countries have gone into economic recession³⁹ and the crisis wiped out the equivalent of 255 million full-time jobs globally in 2020.⁴⁰ Unsurprisingly, the most severe impacts have been on the weakest and poorest countries. While developing countries represent 84 per cent of the world's population, they hold less than 20 per cent of global financial assets.⁴¹ In 2020 and 2021 alone, repayments on public external debt for developing countries overall are estimated at nearly \$3.4 trillion, including between \$666 billion and \$1.06 trillion in middle- and low-income countries.⁴²

58. The pandemic has undoubtedly had a debilitating effect on efforts to realize the Sustainable Development Goals. However, the 2030 Agenda was off course even prior to the pandemic; the crisis has only increased its deceleration by exposing the long-standing fault lines in the international cooperation necessary to mobilize the means of implementation. Even before the pandemic, debt accumulation had outpaced income growth in many developing, least developed, landlocked developing and small island developing States.⁴³ At the beginning of the pandemic, 44 per cent of the least developed countries and other low-income developing countries were at high risk of or in debt distress and the figure is certain to rise as a result of the pandemic.⁴⁴ That represents a doubling of debt risk in under five years from 22 per cent in 2015 when the 2030 Agenda was adopted.⁴⁵

59. Official development assistance (ODA) disbursements by members of the Development Assistance Committee of OECD have consistently fallen short of their commitments under target 17.2 since the adoption of the 2030 Agenda. ODA disbursements in 2019 were approximately \$152.8 billion at 0.3 per cent of the combined gross national income (GNI) of Development Assistance Committee countries,⁴⁶ which as a percentage was even lower than in 2018 and 2017. Preliminary data for 2020 suggests that ODA increased marginally to 0.32 per cent of the combined GNI of Development Assistance Committee countries, which is still less than half of the committed level of 0.7 per cent of GNI under target 17.2 of the Sustainable Development Goals.⁴⁷

60. Prior to the pandemic, the annual unmet financial needs for the Sustainable Development Goals already amounted to \$2.5 trillion.⁴⁸ Combined with a further estimated reduction in external financing to developing countries of \$700 billion in 2020 and the increased need for financing of \$1 trillion due to the pandemic, the total financing gap for the Goals in developing countries for 2020 is estimated to have increased by 70 per cent.⁴⁹

61. Unfortunately, at a time when international cooperation and global solidarity are most needed, there has been an abject failure of the duty to cooperate by States across almost all means of implementation. Targets related to financing have rapidly decelerated. At the same time, developing and least developed countries have been denied opportunities for mobilizing

³⁷ United Nations, "Debt and COVID-19: a global response in solidarity" (17 April 2020), p. 5.

³⁸ See www.worldbank.org/en/region/afr/overview.

³⁹ Organisation for Economic Co-operation and Development (OECD), *Global Outlook on Financing for Sustainable Development 2021. A New Way to Invest for People and Planet*, p.18.

⁴⁰ International Labour Organization, "ILO Monitor: COVID-19 and the world of work" (January 2021).

⁴¹ OECD, *Global Outlook on Financing for Sustainable Development 2021*, p.15.

⁴² See <https://unctad.org/news/covid-19-matter-life-and-debt-global-deal-needed>.

⁴³ United Nations, "Shared responsibility, global solidarity: responding to the socio-economic impacts of COVID-19" (March 2020), p.8.

⁴⁴ Inter-agency Task Force on Financing for Development, *Financing for Sustainable Development Report 2020*, pp. 7 and 129.

⁴⁵ Ibid, p. xvii.

⁴⁶ OECD, "Aid by DAC members increases in 2019 with more aid to the poorest countries" (16 April 2020).

⁴⁷ OECD, "COVID-19 spending helped to lift foreign aid to an all-time high in 2020" (13 April 2021)

⁴⁸ OECD, *Global Outlook on Financing for Sustainable Development 2021*, p. 15.

⁴⁹ Ibid.

necessary resources. Repeated calls by the Secretary-General and special procedures mandate holders of the Human Rights Council for unprecedented debt relief to create fiscal space for countries as part of immediate measures have proven unsuccessful.⁵⁰ Instead, countries have mostly been offered either temporary debt moratoriums on limited bilateral and multilateral loans or additional concessional financing. While the former retains the debt itself, accumulating interest with time, the latter is designed to increase debt. In addition, conditionalities on new multilateral loans have required austerity measures and reductions in social spending at a time when additional investment in health and education is most urgent.⁵¹ Similarly, calls for at least a temporary suspension of sanctions on countries have gone unheeded.⁵² These measures represent a denial of the policy space needed by States to recover from the pandemic and realize the Sustainable Development Goals, an essential means of implementation under target 17.15.

62. Failure of the duty to cooperate has been most conspicuous in the “vaccine nationalism” demonstrated by many rich countries, thereby impairing the realization of equitable access to COVID-19 vaccines globally, an objective inherent to target 3.b of the Sustainable Development Goals. By the end of January 2021, of the 12.5 billion doses that the main vaccine producers had pledged to produce in 2021, 6.4 billion had already been pre-ordered, mostly by wealthy countries.⁵³ By 25 February 2021, just 10 countries had administered more than 75 per cent of all COVID-19 vaccines, while 130 countries had not yet received a single dose.⁵⁴ Some wealthy countries have attempted to hoard vaccines, having “purchased doses to vaccinate their entire populations multiple times over by the end of 2021 if all the candidate vaccines in clinical trials are given regulatory approval”.⁵⁵ Estimates indicate that for poorer economies, mass immunization will take until 2024, if it happens at all.⁵⁶ Such vaccine nationalism is fuelling a global vaccine divide that is short-sighted and counterproductive.⁵⁷ Recovery from the pandemic is impossible unless it ends for everyone. New mutating forms of the virus that may emerge in largely unvaccinated populations can pose a threat to everyone, including those previously vaccinated.

63. Amidst these practices, efforts to formally declare and operationalize COVID-19 vaccines as a global public good have not met with success. Proposals by many developing countries at WTO seeking a temporary waiver of certain intellectual property rights guarantees under the Agreement on Trade-related Aspects of Intellectual Property Rights have been strongly opposed by developed countries. The Expert Mechanism has previously urged WTO members to agree on the necessary waivers in compliance with their duty to cooperate and realize the right to development.⁵⁸

64. At the same time, the COVAX facility, led by the World Health Organization (WHO), CEPI and Gavi, attempting to provide equitable vaccine access to all countries has been directly undermined since delays in the production for and delivery to richer countries have pushed back delivery dates for poorer nations. The pledge by the Group of 7 (G7) nations in June 2021 to share 1 billion doses internationally, of which 870 million are to be shared with COVAX, are entirely inadequate and “a drop in the ocean”.⁵⁹ Similarly, the WHO COVID-19 Technology Access Pool (C-TAP), launched in May 2020, has not been endorsed by any

⁵⁰ See, for example, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25769&LangID=E; and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25848&LangID=E.

⁵¹ Bhumika Muchhala, “The urgency of fiscal justice: another wave of austerity threatens the right to development for the South”, Third World Network, 29 October 2020.

⁵² See, for example, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26155&LangID=E.

⁵³ Economist Intelligence Unit, “Coronavirus vaccines: expect delays. Q1 global forecast 2021”.

⁵⁴ Amnesty International, “G7 countries are shooting themselves in the foot by failing to tackle global vaccine access”, 19 February 2021.

⁵⁵ Office of the United Nations High Commission for Human Rights, “Human rights and access to COVID-19 vaccines” (17 December 2020), p. 2.

⁵⁶ Economist Intelligence Unit, “Coronavirus vaccines: expect delays”.

⁵⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26817&LangID=E.

⁵⁸ Ibid.

⁵⁹ Amnesty International, “G7: Pledge to share one billion vaccine doses with poorer countries is a drop in the ocean”, 11 June 2021.

of the G7 countries or the European Union and has not received any contributions since it was set up.⁶⁰

65. Pervasive failure by States to discharge their duty of international cooperation has severely dented the global recovery from the pandemic and mobilization of the means of implementation necessary to realize the Sustainable Development Goals. These failures have only reinforced and heightened the importance of operationalizing the right to development during and in the aftermath of the pandemic. Calls for global solidarity and shared responsibility can only materialize if actions by States are underpinned by the duty of international cooperation.

VII. Conclusions and recommendations

66. Despite reaffirmation of the right to development and reassertion of its importance in numerous resolutions, declarations and agendas, operationalization has been entirely lacking, especially at the international level. There is an urgent need to move beyond rhetoric and strive for greater acceptance, operationalization and realization of the right to development across all three levels of obligations of States. States must pay full attention to their collective obligations to realize the right to development in global and regional partnerships and to their individual obligations not to impair or nullify the realization of the right of those not strictly within their jurisdiction. The Expert Mechanism strongly cautions against interpreting the obligations of States to realize the right to development as directed only towards those within their own jurisdictions.

67. The right to development is vital for realizing the 2030 Agenda for Sustainable Development and should be central to its implementation. In particular, the Sustainable Development Goals can be realized only through a credible, effective and universal commitment to the means of implementation based on the normative framework of the right to development, especially the duty of international cooperation. The deceleration relating to many targets of the 2030 Agenda even prior to the COVID-19 pandemic is attributable to the failure of States to discharge their duty to cooperate in creating the enabling environment for realizing the Goals. Operationalizing the right to development for mobilizing the means of implementation is indispensable to ensure a course correction.

68. The COVID-19 pandemic has exposed existing fault lines in global solidarity and international cooperation and has accelerated the derailment of the 2030 Agenda. There has never been a more urgent need for operationalizing the right to development to mobilize the means of implementation through fulfilment by States of their duty to cooperate.

69. The Expert Mechanism makes the following recommendations:

(a) The means of implementation of the Sustainable Development Goals must be mobilized based on the normative framework of the right to development, including the duty to cooperate, across all stages of planning, programming, implementation, monitoring and follow-up, in compliance with the general principles outlined in sections II and III above;

(b) In operationalizing the right to development, States should identify their national priorities, set targets and adopt appropriate policies for implementing the Sustainable Development Goals, including through periodic reviews at the national level. Identification of the necessary means of implementation should be based on this process. Other States and international organizations must respect the policy and governance space of each State in doing so. In determining national priorities and targets, States must guarantee to rights holders the right to participate in and

⁶⁰ Amnesty International, "G7 countries are shooting themselves in the foot by failing to tackle global vaccine access".

contribute to development, including through multi-stakeholder consultations and, where applicable, consent;

(c) As national priorities and targets are set, States must identify obstacles to their realization that emanate not only from the national level but also from the international level. Identification of those obstacles is an indispensable process for identifying and mobilizing the necessary means of implementation;

(d) States must discharge their duty to seek international cooperation to mobilize the necessary means of implementation in line with their self-determined priorities and targets, especially when they find themselves unable to realize such targets without support, or where obstacles emanate from the international level. This duty is particularly important for those means of implementation that may be triggered upon specific request;

(e) Especially with respect to the means of implementation targets based on international cooperation, the right to development should be operationalized across all stages of development cooperation, including planning, programming, implementation, monitoring, follow-up and review. In compliance with the duty to cooperate, development cooperation partners, whether States, international organizations or their agencies, should refrain from impairing or nullifying the right to development of recipients;

(f) Conceptual frameworks of the human rights-based approach to development adopted by development cooperation partners, whether States, international organizations or their agencies, must be recalibrated, where that has not been done, to be firmly based on the normative framework of the right to development. In applying a human rights-based approach to projects for realizing the Sustainable Development Goals, analysis must not only involve obstacles to the realization of human rights at the national level, but also those emanating from the international level. As those employing human rights-based frameworks seek to ensure that recipients respect human rights while implementing development projects, they must also ensure that development cooperation partners do the same when providing cooperation, especially on the means of implementation of the Sustainable Development Goals;

(g) States must individually and jointly conduct prior and ongoing assessments of the actual and potential risks and impacts of their laws, policies and practices at the national and international levels, as well as of the conduct of the legal persons that they are in a position to regulate, including businesses, to ensure compliance with the right to development in realizing the Sustainable Development Goals. Such assessments must include the impacts of national action and cooperation practices on the human rights, including the right to development, of persons and peoples not strictly within their jurisdiction. Member States must institute mandatory human rights impact assessments, especially in those international organizations or their agencies that play a direct role in mobilizing the means of implementation;

(h) International organizations must refrain from conduct that aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, a State or another international organization to breach the obligations of that State or that other international organization with regard to the right to development. International organizations with a role in mobilizing the means of implementation, including the World Trade Organization and the United Nations and its specialized agencies, especially the Bretton Woods institutions, must operationalize the right to development in their policies and practices;

(i) States must ensure that periodic evaluations of the global indicators, especially for the means of implementation targets, result in appropriate revisions to measure both national and international action;

(j) States conducting voluntary national reviews in compliance with the 2030 Agenda must ensure that obstacles to mobilization of the means of implementation that emanate from the failure of States to discharge their duty of international cooperation individually or collectively are identified and reported;

(k) States must accelerate the operationalization of the right to development in mobilizing the means of implementation of the Sustainable Development Goals through international cooperation, global solidarity and shared responsibility for responding to and recovering from the COVID-19 pandemic. In particular, States must operationalize COVID-19 vaccines as a global public good, refrain from vaccine nationalism to ensure equitable access to vaccines to all persons and peoples everywhere; strengthen the COVAX facility, C-TAP mechanism and other relevant initiatives; and agree upon the necessary waivers to the Agreement on Trade-related Aspects of Intellectual Property Rights. In compliance with their duty to cooperate, States should also take individual and collective measures, as necessary, to eliminate fiscal obstacles for States to respond to and recover from the COVID-19 pandemic. Appropriate measures include debt relief, the withdrawal of unilateral coercive measures or sanctions against States, or at least a temporary suspension, timely and complete fulfilment of ODA and aid-for-trade commitments, and provision of other bilateral and multilateral financial support while respecting the policy and governance space of recipient States.

70. The Expert Mechanism commits itself to working closely with all stakeholders in providing expert advice and guidance on operationalizing the right to development in implementing the Sustainable Development Goals, especially through mobilization of the means of implementation.
