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OIC/IPHRC's Position on the Right to Development

Saleem Butt Marghoob

Candidate of the Department of international law of RUDN

RUDN University, Moscow, Russia

e-mail: marghoob.butt@gmail.com

ORCID: 0000-0003-0904-5048

JEL-code: K38 Human Rights Law

Abstract: Adoption of the UN Declaration on Right to Development in 1986 had kindled optimism within the developing world on the prospects of an equitable international economic order. Thus, generating hopes for progress on socio-economic development and eradication of poverty. Ironically, however, thirty-five years on, translating the Declaration into concrete actions has remained elusive. The divide between the global North and South is yet to be bridged; the developed world remains reluctant to shoulder its part of the responsibilities. The inalienable RtD has been held hostage to the international politics and the greed to maximize resources and technological advances for parochial national interests.

Most of the OIC States are developing countries, facing traditional challenges of resource constraints vis-à-vis development needs. They are, therefore, important stakeholders in the issues pertaining to the RtD. This subsection of the thesis, therefore, dwells in detail on the conceptual, historical and operational aspects of the RtD. The author has also analyzed the linkage of this right with Islamic conception of human rights as well as made a sturdy effort to explain the equal importance and validity of this right for individuals, groups and countries. Concretely the subsection highlights the significance of this right for the developing countries, its legal dimensions that are in line with the conception of human rights and sustainable development goals as well as the challenges faced in its realization due to competing perspective of western countries /developed world.

While reflecting on the divergence of views and competing perspectives, the subsection also highlights the unprecedented developments in the scientific, climatic, technological, political, security and socio-cultural arenas, which have forced people to think collectively as inhabitants of one planet who's present and future are closely linked to each other. Accordingly, the adopted 2030 Agenda and Sustainable Development Goals (SDGs) are seen as an expression of commitment by States to fulfilling their obligations under the Declaration on the RtD, individually and collectively.

More importantly the subsection provides the OIC/IPHRC's perspective on RtD, which explains that while development is a State-led process, global interconnectedness and contemporary challenges warrant international cooperation in the spirit of the "collective responsibility of the international community to ensure the attainment of the minimum standards of living necessary for the enjoyment of human rights and

fundamental freedoms by all persons throughout the world. Furthermore, IPHRC believes that respect for and realization of human rights through the process of development is essential to national stability and the promotion of international peace and security. A genuine understanding of this inter-dependence can overcome the perceived competitive fears and bring all countries closer in a more collaborative spirit.

While analyzing the diversity of views on this important right, current challenges and opportunities to overcome the north-south divide, the author argues that realization of this right would not be at the peril of the developed world. On the contrary, it would help equitable utilization of resources without discrimination in a just world that would not only ensure enjoyment of individuals' economic, social and cultural rights but would also bring lasting peace and security that is a core objective of the United Nations.

Keywords: Organization of Islamic Cooperation; Independent Permanent Human Rights Commission; human rights; right to development; regional cooperation; international law

Ислам Ынтымақтастығы Ұйымының / Даму құқығы бойынша Адам құқықтары жөніндегі Тәуелсіз тұрақты комиссияның ұстанымы

Салим Батт Мархуб

Ресей халықтар достығы университетінің Халықаралық құқық кафедрасының ізденушісі

Ресей халықтар достығы университеті, Мәскеу, Ресей

e-mail: marghoob.butt@gmail.com

ORCID: 0000-0003-0904-5048

JEL-code: K38 Human Rights Law

Аңдатпа: 1986 жылы БҰҰ-ның даму құқығы туралы декларациясының қабылдануы дамушы елдерде әділ Халықаралық экономикалық тәртіптің болашағына оптимизм тудырды. Бұл әлеуметтік-экономикалық даму мен кедейлікті жою саласындағы прогреске үміт туғызды. Алайда, бір қызығы, отыз бес жылдан кейін декларацияны нақты әрекеттерге айналдыру мүмкін болмады. Солтүстік пен оңтүстік арасындағы алшақтық әлі аяқталған жоқ; дамыған елдер жауапкершіліктің бір бөлігін өз мойнына алғысы келмейді. Дамудың ажырамас құқығы халықаралық саясат пен жоғары мамандандырылған ұлттық мүдделер үшін ресурстар мен технологиялық жетістіктерді барынша пайдалануға деген ашкөздіктің кепіліне айналды.

Ислам ынтымақтастығы ұйымы мемлекеттерінің көпшілігі даму қажеттіліктерімен салыстырғанда ресурстардың шектеулі болуының дәстүрлі проблемаларына тап болған дамушы елдер болып табылады. Сондықтан олар Даму құқығына қатысты мәселелерде маңызды мүдделі тараптар болып табылады. Ұсынылған зерттеу Даму құқығының тұжырымдамалық, тарихи және ағымдағы аспектілерін егжей-тегжейлі қарастырады. Автор бұл құқықтың

адам құқықтарының исламдық тұжырымдамасымен байланысын талдап, осы құқықтың жеке адамдар, топтар мен елдер үшін бірдей маңыздылығы мен негізділігін түсіндіруге күш салды. Мақалада бұл құқықтың дамушы елдер үшін маңызы, оның адам құқықтары тұжырымдамасына және тұрақты даму мақсаттарына сәйкес келетін құқықтық аспектілері, сондай-ақ батыс елдерінің / дамыған әлемнің бәсекелес көзқарасына байланысты оны жүзеге асыру кезінде туындайтын мәселелер көрсетілген.

Көзқарастар мен бәсекелес перспективалардағы сәйкессіздік туралы ойлана отырып, мақалада ғылыми, климаттық, технологиялық, саяси және әлеуметтік-мәдени аспектілердің, сондай-ақ қауіпсіздік процестерінің бұрын-соңды болмаған дамуы атап өтіледі, бұл адамдарды қазіргі және болашағы бір-бірімен тығыз байланысты бір планетаның тұрғындары ретінде ұжымдық түрде ойлауға мәжбүр етті. Тиісінше, 2030 жылға қабылданған күн тәртібі және орнықты даму мақсаттары (ТДМ) жеке және Ұжымдық даму құқығы туралы декларацияға сәйкес мемлекеттердің өз міндеттерін орындау жөніндегі міндеттемелерін білдіру ретінде қарастырылады.

Мақалада ИЫҰ/ПҚПК даму құқығы туралы көзқарасы келтірілген, онда даму мемлекет басшылығымен жүзеге асырылатын процесс болғанымен, жаһандық өзара байланыс пен қазіргі заманғы сын-қатерлер "адам құқықтары мен негізгі бостандықтарын жүзеге асыру үшін қажетті ең төменгі өмір стандарттарына қол жеткізу деңгейін қамтамасыз ету үшін халықаралық қоғамдастықтың ұжымдық жауапкершілігі" рухында халықаралық ынтымақтастықты талап ететіндігі түсіндіріледі. Әлемдегі адамдар". Бұл ретте ПҚПЧ даму процесінде адам құқықтарын құрметтеу және іске асыру ұлттық тұрақтылықты қамтамасыз ету және халықаралық бейбітшілік пен қауіпсіздікті нығайту үшін қажет деп санайды.

Түйін сөздер: Ислам Ынтымақтастығы Ұйымы; Адам құқықтары жөніндегі Тәуелсіз тұрақты комиссия; Адам құқықтары; даму құқығы; өңірлік ынтымақтастық; Халықаралық құқық

Позиция Организации Исламского сотрудничества / Независимой Постоянной комиссии по правам человека по праву на развитие

Салим Батт Мархуб

Соискатель кафедры международного права Российского университета дружбы народов

Российский университет дружбы народов, Москва, Россия

e-mail: marghoob.butt@gmail.com

ORCID: 0000-0003-0904-5048

JEL-code: K38 Human Rights Law

Аннотация: Принятие Декларации ООН о праве на развитие в 1986 году породило в развивающихся странах оптимизм в отношении перспектив спра-

ведливого международного экономического порядка. Это создало надежду на прогресс в области социально-экономического развития и искоренения бедности. Однако, по иронии судьбы, спустя тридцать пять лет так и не удалось воплотить Декларацию в конкретные действия. Разрыв между Севером и Югом еще не преодолен; развитые страны по-прежнему не хотят брать на себя свою часть ответственности. Неотъемлемое право на развитие стало заложником международной политики и жадности к максимальному использованию ресурсов и технологических достижений в угоду узкоспециализированным национальным интересам.

Большинство государств Организации исламского сотрудничества являются развивающимися странами, сталкивающимися с традиционными проблемами ограниченности ресурсов в сравнении с потребностями развития. Поэтому они являются важными заинтересованными сторонами в вопросах, касающихся права на развитие. В представленном исследовании подробно рассматриваются концептуальные, исторические и текущие аспекты права на развитие. Автор проанализировал связь этого права с исламской концепцией прав человека и приложил усилия для объяснения одинаковой важности и обоснованности этого права для отдельных лиц, групп и стран. В статье подчеркивается значение этого права для развивающихся стран, его правовые аспекты, которые соответствуют концепции прав человека и целям устойчивого развития, а также проблемы, возникающие при его реализации из-за конкурирующей точки зрения западных стран / развитого мира.

Размышляя о расхождении во взглядах и конкурирующих перспективах, в статье подчеркивается беспрецедентное развитие научных, климатических, технологических, политических и социально-культурных аспектов, а также процессов в сфере безопасности, которые заставили людей коллективно, как жителей одной планеты, чье настоящее и будущее тесно взаимосвязаны друг с другом. Соответственно, принятая Повестка дня на 2030 год и Цели устойчивого развития (ЦУР) рассматриваются как выражение обязательств государств по выполнению своих обязанностей в соответствии с Декларацией о праве на развитие, как индивидуально, так и коллективно.

В статье представлена точка зрения ОИС/НПКПЧ о праве на развитие, где объясняется, что, хотя развитие является процессом, осуществляемым под руководством государства, глобальная взаимосвязь и современные вызовы требуют международного сотрудничества в духе "коллективной ответственности международного сообщества для обеспечения уровня достижения минимальных стандартов жизни, необходимых для осуществления прав человека и основных свобод всеми людьми в мире". При этом НПКПЧ считает, что уважение и реализация прав человека в процессе развития необходимы для обеспечения национальной стабильности и укрепления международного мира и безопасности.

Ключевые слова: Организация Исламского сотрудничества; Независимая Постоянная комиссия по правам человека; права человека; право на развитие; региональное сотрудничество; международное право

Introduction

The concept of Right to Development (RtD), a unique third generation right, was first conceived by the Senegalese Jurist Keba M'Baye in 1972. Hence, both Africa and OIC proudly share the credit as Senegal is a proud member of both entities. The concept rapidly got currency among the developing world as it recognized their equal right to development at par with the developed world and promoted the ideas of international cooperation and assistance to achieve a more just and equitable global order. Africa also gets the credit for converting the idea into a legal concept by giving recognition to the RtD in the 1981 African Charter on Human and Peoples' Rights (United Nations, 1981).

In February 1975 the UN Commission on Human Rights placed on its agenda the "Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries" (Subedi, 2021). Yet it took a long and arduous process of eleven years in Geneva and New York, before the United Nations as a whole gave it proper recognition by adopting the Declaration on the Right to Development in the UN General Assembly on 4 December 1986. The strenuous process of further translating the Declaration into tangible results, however, remains an unfinished business on international agenda.

Materials and methods

The methodological basis of the research consists of both general scientific and special methods. General methods for that matter include synthesis, deduction, induction, the method of logical and system analysis. The synthesis method was used as a basis to create concepts and classifications. The method of deduction allowed us to make a transition from the general study of the right to development, as well as the features and problems of realization of this right within the framework of international law and OIC countries. The method of induction was used for the purposes of generalizing the conclusions and making the necessary assessments of the relevant phenomena and processes under study. As for the special methods, the formal-legal method allowed the analysis of the content of the documents and legal norms under the study, while the comparative approach was used to compare the approaches of various scholars and international bodies to the issue of the realization of the right to development.

Discussion

Brief overview of the right to development

Undoubtedly, the adoption of the historic UN Declaration on the right to development (hereinafter RtD), gave, for the first time, a universal legal recognition that the “right to development is an inalienable human right” and that “equality of opportunity for development is a prerogative both of nations and of individuals who make up nations” (OHCHR, 1986). Through its concrete provisions, this Declaration also presented a broad-based path to an inclusive, equitable and just development that would not only ensure enjoyment of individuals’ economic, social and cultural rights but would also bring lasting peace and security, that is a core objective of the United Nations. The Declaration was also seen as a milestone achievement in terms of realizing the promise of ‘freedom from fear and want’ guaranteed in the International Bill of Rights (IPHRC, 2016).

The Declaration on RtD also brought to the fore the concept of rights and responsibilities of States to formulate policies for the creation of national and international conditions favourable to the realization of the RtD that would ensure the constant improvement of well-being of the entire population and of all individuals.

Though the human person remains the principal subject and beneficiary of this right and declaration, unfortunately, the controversy surrounding the scope, definition and compatibility of the RtD with some national positions on the general notion of human rights remains the major stumbling block in the progress and realization of its intended benefits to individuals and peoples.

One of the major obstacles to the implementation of the RtD is the fact that there are divergent views with regard to the nature of the duties of the States to realize the RtD. Views also differ on the national dimension of the State obligations, which include individual rights and corresponding State responsibilities. Other serious obstacles, that impede exercise of the right to development include failure to respect the right of peoples to self-determination, their right to sovereignty over their own natural resources, the growing burden of indebtedness, restrictions on the transfer of technology and protectionism. In this backdrop, any meaningful progress warrants a human rights-based approach, which addresses the inequalities, discriminatory practices, and unjust power relations that are often at the heart of development problems (Balan, 2018). Lack of progress on the RtD has also affected the maintenance of peaceful and progressive societies, a core objective of the UN.

The adoption of the UN Declaration on RtD had kindled optimism within the developing world about the prospects of an equitable international economic order. It had thus generated hopes for progress on socio-economic development and eradication of poverty. Ironically, however, thirty-five years on, translating the Declaration into concrete actions has remained elusive. In a way, the challenges of implementing the Declaration could be anticipated right from the beginning. The divide between the global North and South is yet to be bridged; the developed world remains reluctant to shoulder its part of the responsibilities. The inalienable RtD has been held hostage to the international politics and the greed to maximize resources and technological advances for parochial national interests.

Developing and developed countries continue to focus on finding a mutually acceptable framework that would allow progress on the intended path of development at the national and international levels. It was for similar reasons that one of the stated objectives of the UN Millennium Development Goals i.e., “making the right to development a reality for everyone” could not be materialized.

In the meantime, however, there have been unprecedented developments in the scientific, climatic, technological, political, security and socio-cultural arenas, which have seriously affected the human rights and humanitarian situation around the world. These have also forced people to think collectively as inhabitants of one planet who’s present and future are closely linked to each other. Examples include the massive impact of climate change on small and big countries alike, the humanitarian impact (migrants, refugees and asylum seekers) of various crises resulting from political, economic, security and social unrest as well as the spread of new and disastrous diseases including the Covid-19, which do not recognize any borders, race, colour, creed or level of development of a society.

Accordingly, the newly adopted 2030 Agenda (UN, 2015) and Sustainable Development Goals (SDGs) (UN, 2017) reaffirm the RtD and are indeed grounded in it. They do so inter alia by reaffirming the outcomes of the major UN Conferences that reaffirmed the RtD including the 1992 Rio Declaration, the 1993 Vienna Declaration and Programme of Action, the 2012 Conference on Sustainable Development (Rio+20) and the Third International Conference on Financing for Development in 2015. The adoption of the SDGs is, therefore, seen as an expression of commitment by States to fulfilling their obligations under the Declaration on the RtD, individually and collectively. It also lays special emphasis on strengthening the means of implementation through a global partnership. Thus, the successful implementation of the SDGs is likely to weave in the objectives of the Declaration on the RtD.

OIC’s contribution to the implementation of the right to development

Most of the OIC members are developing countries, facing traditional challenges of resource constraints vis-à-vis development needs. Hence, from a development perspective, the OIC is an organization of developing countries. The OIC and its Member States are, therefore, important stakeholders in the issues pertaining to the RtD, which provide for an equitable space for their development prospects by ensuring an enabling/fair international trade/financial system.

Accordingly, the OIC countries actively took part in the finalization and supported the adoption of the Declaration on the RtD by the UNGA in 1986. In the context of the ongoing multilateral negotiations, the OIC Member States together with other developing countries, continue to support and struggle to convert the Declaration into a binding international instrument. Under the umbrella of the Non-Aligned Movement, the developing world has also been able to establish the mandate of the UN Special Rapporteur on RtD, which is seen as a positive move on the path of realizing the right to development.

The UN's 2030 Agenda for Sustainable Development was adopted just a year prior to the 30th anniversary of the UN Declaration on the RtD. While forward movement on implementation of the Declaration on RtD remains disappointing, the continued struggle of the developing countries – including OIC Member States – ensured that core elements of the Declaration were incorporated in the Agenda 2030.

At the core of Agenda 2030 are 17 SDGs that serve as comprehensive development framework for 15 years. The objectives include eradicating poverty and deprivation, and generating inclusive and sustainable economic growth. Significantly, the RtD has been reaffirmed in a number of Paras of Agenda 2030. The explicit recognition of the RtD in Agenda 2030 is seen as an encouraging achievement by the developing countries – including the OIC member States. Also significant is the fact that Agenda 2030 emphasizes the importance of financing the SDGs by referring to the Addis Ababa Action Agenda that was adopted by the Third International Conference on Financing for Development. This is an important document from the perspective of developing / OIC countries as it includes agreements and recommendations in areas such as: (i) domestic and international private business and finance; (ii) international development cooperation; (iii) international trade as an engine for development; (iv) debt sustainability; (v) addressing systemic issues; and (vi) science, technology, innovation and capacity building; all of which are key for the reform and restructuring of an equitable / fair international financial system.

The OIC welcomed the adoption of Agenda 2030 with a clear reaffirmation of the RtD. Accordingly, the OIC Group, in the United Nations Offices in Geneva, in its statement on the subject, affirmed that from the perspective of OIC countries, the adoption of the Agenda 2030 and its SDGs: a) resolves the controversy over the RtD; (b) constitutes a comprehensive framework for development that is accepted universally; and (c) include all the crucial elements of the RtD, such as ending poverty and hunger, ensuring healthy lives, inclusive and equitable education, women empowerment, sustainable economic growth, full and productive employment and decent work for all (Akram, 2016). While the developing world in general has welcomed the adoption of the Agenda 2030 being consistent with the Declaration on the RtD, some experts point out the likely negative fallout of the divergent interpretations. In general terms, the 2030 Agenda and its SDGs are being viewed as steps in the right direction, even though the path to their implementation may turn out to be a bumpy ride.

The essence of the right to development is the principle that the human person is the central subject of development. The implementation of this right requires comprehensive and human-centered development policies, participatory development processes, social justice and equity. It has both the national and international dimensions of State responsibilities.

Progressing from the traditional set of individual rights, RtD indeed is a third generation right. Controversies over its scope notwithstanding, its legal status as a human right has been progressively established. Accordingly, it has been reaffirmed in a series of UN declarations and resolutions in the post-1986 period as well as included in the mandate of the High Commissioner for Human Rights. The most recent

universal document on development i.e., Agenda 2030 also reaffirms RtD as an inalienable human right and highlights its importance as a prerequisite for peace and security and, therefore, for sustainable development.

On the other hand, a number of donor / developed countries consider the RtD as human rights-based development. They contend that RtD is the entitlement of individuals, which their own State has to fulfill. By this definition, the RtD is seen as a purely domestic right.

As per UNDP's interpretation of RtD (UNDP, 2015), human rights are intrinsic to development. In other words, developmental activity is – by essence – human rights based; such activity cannot be treated as development if the human rights component is missing or it is not meant for the welfare and well-being of the human beings. This again is a narrowly defined interpretation of RtD, which is reflective of the divergence of views on its scope among Member States. Also, as the UNDP thrives on donor countries' funding, it cannot take a position on RtD, which is contrary to the views of its major donors.

However, there is also a broader interpretation of RtD, which is based on Vienna Declaration and Programme of Action, relevant resolution of UN's General Assembly and Human Rights Council, other international /regional declarations and the Agenda 2030. According to this interpretation, which is supported by most developing/OIC countries: a) RtD is a universal right that is applicable to all individuals and States; b) at domestic level, development itself is an individual entitlement that is claimable and enforceable; and c) at international level, peoples are entitled to enabling environment for realization of the RtD.

This comprehensive interpretation also asserts that States have obligations at three levels for the effective implementation of RtD: (i) first internally, through the formulation of national development policies affecting persons within their jurisdictions; (ii) second internationally, through the adoption and implementation of policies extending beyond their national jurisdictions; and (iii) third collectively, through global and regional partnerships.

Challenges to the realization of the right to development

There is a wider agreement that all development policies should be based on a human rights approach to benefit individuals and peoples. However, it is also an established fact that countries are not operating in a vacuum, and all their economic and developmental policies are dependent on and run within the overall framework of international financial / trade systems. Hence, the national and international policies are interdependent and cannot be conceived or actualized in silo. On the other hand, this relationship of interdependence is governed by the laws of a global order /economy, which was reduced to the concept of global opening to the "market". However, the global markets are all characterized by structural inequalities. Such markets, which are meant to protect the interests of few, cannot harmonize social conditions and overcome world polarization (Rajagopal, 2013).

Even though the existing global balance of power has moved from a bipolar to a multipolar world, the core of global financial architecture continues to exclude countries and regions of the Third World. The ideal of the RtD, which was based on the collective rights of peoples, nations and other forms of collectivities, is therefore in contradiction with the structure of the global market, which tends to benefit the center at the expense of the periphery, that is the poorer countries. Unless those conflicting requirements are resolved at the global and regional levels of collective entities, the right to development would remain a dream for the developing world and would apply only to the developed countries (Udombana, 2000).

On the other hand, technological advances made by the developed world are increasingly protected through Intellectual Property Rights and are not shared with the developing world, which is in direct contradiction with the mandate of the UN Declaration on the RtD vis-à-vis international cooperation and equitable distribution of development benefits. These benefits / advances including those resulting from globalization, also require that technology and scientific innovation, which can play a role in the fulfillment of human rights should be equitably shared in a manner that takes into account the needs of the most vulnerable (IPHRC, 2016).

The OIC attaches great importance to the socio-economic development and promotion and protection of human rights, which are duly emphasized in all its core documents including its Charter, the two Ten Year Programmes of Action (TYPoA) and other human rights instruments. The OIC's position, as contained in the preamble of the Cairo Declaration of OIC on Human Rights, is similar to the provisions of the UN Declaration on the RtD, which affirm that it is an inalienable human right and that the equality of opportunity for development is a right of both States and peoples.

With concerted efforts, OIC countries also ensured the inclusion of and due emphasis on RtD in their regional/ other global human rights instruments such as the African Charter on Human and Peoples' Rights, Arab Charter on Human Rights, the 1992 Rio Declaration on Environment and Development, the 1993 Vienna Declaration and Programme of Action, the Millennium Declaration, the 2002 Monterrey Consensus, the 2005 World Summit Outcome Document, the 2007 Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development (IPHRC, 2016).

In addition, the OIC (as a bloc of 57 countries) has been consistently contributing to the cause of RtD and its codification as an established human right. Despite overwhelming opposition from the developed/western countries, the OIC has steadfastly supported the UN Working Group on RtD in Geneva in devising a legally binding international human rights instrument on the subject. The OIC Group has also lent its full support to the new draft UN Convention on RtD (presently being discussed in the WG on RtD in Geneva), which has brought forward important human rights concepts such as poverty alleviation, transfer of technology, justifiability of these rights as well as the need for human-centered sustainable development based on good governance and rule of law at the national and international levels that has become prominent in the post-Cold War era.

Many OIC countries have been submitting voluntary reports to the UN on their efforts to achieve SDGs. These reports duly highlight their efforts to follow a RtD approach in the implementation of SDGs, which is in line with their commitment to the cause of RtD (A/HRC/39/18, 2018).

In 2011, the OIC established its first ever Independent Permanent Human Rights Commission, which serves as an advisory body to the OIC Council of Foreign Ministers (CFM) on all human rights issues and also provides technical assistance to the OIC Member States in their efforts to devise, streamline and implement human rights compliant policies. Since its establishment, the Commission has kept RtD as one of the priority areas of its work. It also established a permanent Working Group on Right to Development, which in collaboration with relevant UN Experts has been working on different aspects of the RtD for the purpose of providing thematic explanations and advocacy at regional and international levels.

IPHRC and the right to development

The decision to prioritize RtD in its work was taken based on the utility and importance of this right for the socio-economic progress and development needs of the majority of OIC countries. Due emphasis placed on this right in the relevant OIC documents as well as Member States' commitment to developmental efforts at the national and international levels serves to strengthen the IPHRC's views on the subject.

Human rights offer a coherent normative framework for development. This framework puts the human person at the center of development, linked to State obligations as duty-bearers and citizens as rights-holders. IPHRC is of the view that all human beings have the right to development, individually and collectively, with full respect for their human rights and fundamental freedoms as well as their duties to the community, which together can ensure free and complete fulfillment of the human being. IPHRC also believes that while development is a State-led process, global interconnectedness and contemporary challenges warrant international cooperation in the spirit of the "collective responsibility of the international community to ensure the attainment of the minimum standards of living necessary for the enjoyment of human rights and fundamental freedoms by all persons throughout the world" (IPHRC, 2016). This view is in line with General Comment No. 3 of the UN Committee on Economic, Social and Cultural Rights, which obligates State Parties to international cooperation for development for the realization of economic, social and cultural rights for all at all levels.

IPHRC treats the RtD as an inalienable human right, on par with all other human rights, which are indivisible, interrelated and interdependent. This vision is in line with the principled position of the developing world/ OIC Member States. IPHRC is also of the view that the RtD is more than development itself; it implies a human rights approach to development in a way that transforms the development narrative from mere statistics to achieving people's wellbeing, greater human dignity, freedom, equality and justice.

Furthermore, IPHRC believes that respect for and realization of human rights through the process of development is essential to national stability and the promotion of international peace and security. IPHRC also affirms universal human values and shared responsibility, which provide a common basis for collective action towards achieving sustainable development goals. A genuine understanding of this inter-dependence can overcome the perceived competitive fears and bring all countries closer in a more collaborative spirit (English, 2016).

Besides vocally and strongly pronouncing its support for this inalienable human right, IPHRC has also urged all stakeholders to follow an RtD approach in their policies, which helps in the well-being of the entire population and of all individuals as well as the fair distribution of the benefits resulting therefrom. IPHRC does so with the firm belief that following an RtD approach not only helps to know what is to be achieved but also how it is to be achieved.

No one can understate the importance of International Financial Institutions such as the World Bank, WTO or IMF etc. for the orderly management of the international trade and finance. However, in the present setup these institutions overtly favor the developed countries and protect their interests. Accordingly, the IPHRC strongly supports the need to review the functioning of these institutions with a view to making them more equitable, fair and balanced for the holistic development of all countries. Such an approach would help the developing countries make the best/optimum use of their natural resources as well as enable them to fulfill the development needs of their people.

Without sharing the knowledge and benefits of the advancement in technology, the goal of shared development and progress in socio-cultural and economic rights would remain a hollow dream. Accordingly, the IPHRC fully supports the justified demand of OIC countries to promote, facilitate and finance access to and the development, transfer and diffusion of technologies and corresponding know-how to the developing nations on preferential terms. SDG-17 on the Global Partnership for Sustainable Development is crafted in a manner to realize this objective. Its effective implementation must be based on the RtD approach, which is anchored in the duty to cooperate.

In addition to advocating the importance of RtD for OIC countries at regional and global levels through its written /verbal pronouncements, IPHRC held a landmark international Seminar on the RtD in Abu Dhabi in 2016, which was co-sponsored by the Office of the High Commissioner for Human Rights (OHCHR). Based on the deliberation in the Seminar, which was attended by all relevant international experts on the subject, IPHRC issued an Outcome Document of the Seminar (IPHRC, 2016), which provides comprehensive explanation on the legality, utility and justiciability of RtD as well as concrete recommendations for steps to be taken by all relevant stakeholders. This Outcome Document continues to serve as an important reference document on the OIC position on RtD and based on its relevance has also been included in the preamble of the draft UN Convention on RtD (presently being negotiated in the UN Working Group on RtD).

Future developments in regard to right to development within OIC

Notwithstanding its weaknesses and the absence of a desired supporting structure, the OIC has always been a strong advocate of socio-economic development and cooperation among its member States. It is gradually developing the necessary framework that could be further strengthened to combat the development challenges faced by its Member States. The beginning was made through the “New Vision” contained in the TYPoA by the Third OIC Extraordinary Summit in 2005. The idea was to transform the OIC into an organization that could face the challenges of the new millennium.

The “New Vision” which emerged from the TYPoA of 2005 and the new OIC Charter, placed due emphasis on socio-economic development, poverty alleviation and cooperation among Member States. Recognizing that economic ties foster not only development but unity as well, it served as the clarion call for intra-OIC cooperation. This was in fact a major benchmark in the history of OIC, which provided guidelines on all aspects of socio-economic development, including poverty alleviation, human rights, good governance etc. (OIC Charter, 1972).

The OIC 2025 Program of Action manifests a renewed commitment by the OIC Member States, all institutions in the OIC system, especially the Islamic Development Bank (IDB) and Islamic Solidarity Fund for Development (ISF), international partners and other stakeholders to work together to ensure human rights-based socio-economic development in Member States.

OIC’s successive Summits and CFMs have been calling for enhanced intra-OIC cooperation for socio-economic development and poverty alleviation. Consistent with the RtD approach, OIC’s strategic vision also recognizes the centrality of cooperation and partnership at regional, sub-regional and international levels. Accordingly, the relevant institutions of the OIC such as the IDB, ISF and Islamic Chamber of Commerce and Industry etc., are playing their part in assisting Member States in areas such as poverty alleviation, humanitarian assistance, capacity building and human capital development that strengthens their socio-economic development.

Overall, the OIC and its relevant institutions have the experience and necessary framework for successfully pursuing the goals of promoting socio-economic development and human rights, including the right to development. However, the missing element has been the focus on pursuing the development agenda from a human rights perspective. What is needed is a sharper focus by OIC, closer coordination among its relevant institutions and enhanced political will among its Member States in pursuit of the common objective of implementing sustainable development from an RtD perspective.

Fortunately, the realization of this discrepancy is growing, and both the OIC Summit and the CFM are expected to provide due guidance and attention to including the human rights dimension in the development process both at the national and organizational levels. Required technical assistance can be provided by the OIC-IPHRC

and other relevant institutions that are well equipped to help these processes lead towards sustainable development in line with the RtD approach.

While the level of development in various OIC Member States varies, the overall picture indicates serious challenges; such as: (i) one-thirds of the Least Developed Countries (LDCs) are members of the OIC; (ii) around 40 percent of the world's poor live in OIC countries; (iii) the incidence of poverty in OIC countries is twice the average of the developing world; and (iv) extreme poverty in Member States in Sub-Saharan Africa remains a serious concern.

The IDB has been highlighting five major challenges facing OIC Member States, which need to be urgently addressed in order to achieve sustainable socio-economic development. These are: (i) reducing the number of the poorest of the poor; (ii) improving access to quality schooling for children; (iii) women empowerment; (iv) reducing health-related vulnerability of the poorest; and (v) youth unemployment (IDB, 2013).

On the positive side, a number of OIC countries are making good progress on the path to socio-economic development; some of these countries have abundance of natural resources and others are successfully laying the foundation for sustainable development. The flip side, however, is that despite the significant socio-economic progress in many Member States, their performance is still below their potential and the performance of other developing countries. Yet another obstacle in the full realization of the RtD approach is the absence of desired cooperation/ assistance from the rich/resourceful OIC countries towards other OIC Member States who are less fortunate in natural resources or have not progressed much on SDGs. This shortcoming is seriously obstructing the prospects of shared progress/ development among OIC countries. It is also in contradiction with the support extended by the OIC countries to the principles of RtD approach at the global forums.

The challenges confronting the OIC are serious, though not insurmountable. As it stands today, the OIC and its relevant institutions are facilitating Member States in their efforts for socio-economic development. Further enhancing such activities would strengthen the OIC's role in this area. OIC Member States and institutions also need a sharper focus on addressing matters of political will, institutional capacity, data collection, financing for development and stabilizing domestic situations, including peace and security.

The OIC-IPHRC (the principal human rights organ of the OIC) has made a series of recommendations in different areas for all relevant stakeholders, which if pursued earnestly, will greatly benefit OIC Member States in tackling the SDG related issues through an RtD approach. Following are some of these recommendations that were included in the Outcome Document of the IPHRC's international Seminar on RtD and were duly highlighted at different forums.

As the core focus of any human rights including the RtD remains the well-being of human person, IPHRC strongly emphasizes that in order to bring about just and equitable societies, OIC Member States need to embark on implementing a sound social development strategy that empowers people, enhances the involvement of all

stakeholders through institutionalizing the equitable distribution of new wealth, empowers women and reforms public institutions to make them more inclusive and accountable. The aim of following and implementing such a strategy must be to meet the needs and priorities of poor people, mitigate their vulnerability, exclusion and isolation, and improve their access to social justice.

With a view to providing due visibility and promoting the RtD approach at the regional and global scale, the OIC and IPHRC should work closely with the Special Rapporteur on RtD and the UN Open-ended Intergovernmental Working Group on the RtD. A joint and coordinated approach will help dispel misperceptions during the ongoing discussions on the draft International Convention on RtD and provide impetus to the otherwise slow process. Collaboration with the mandate holder would also help in the system wide mainstreaming of the RtD and its fulfillment in the context of Agenda 2030 SDGs, especially in the context of implementation of common but differentiated responsibilities, as reaffirmed in Section 12 of the SDG Declaration.

The OIC and the UN Special Rapporteur should also: a) develop a roadmap for the UN's cooperation with regional organizations of the developing world to ensure that there is a common understanding of how the development goals should be met and how a rights-based approach should be advanced; and b) compile best practices used by different countries in legal, administrative, social and financial measures for the realization of RtD. It would also help in developing key indicators for evaluating effectiveness.

Joint proposals made by the OIC-IPHRC and the Special Rapporteur on RtD would have more acceptability among the OIC Member States and their implementation at the national / regional level would provide credence to the RtD approach at the UN level as well as help in pushing the RtD agenda at global level.

OIC Member States remain actively engaged in South-South Cooperation. This arrangement needs to be further streamlined. The OIC and the UN Office on South-South Cooperation have already signed an MoU in January 2016, which needs to be followed up with a view to facilitating result-oriented collaboration.

South-South Cooperation between OIC and UN or the World Bank and IDB, COMCEC Working Groups and Project Cycle Management should be utilized in the SDG implementation process. While heterogeneity among the OIC Member States is a challenge for achieving the SDGs, such arrangements could offer opportunities for low-income Member States to deliver the SDGs successfully.

Due to the limited fiscal space and domestic resources, many low-income OIC Member States are not able to invest in capacity building on their own and require external help and support. Under the South-South Cooperation framework, this anomaly can be addressed by initiating capacity building programmes to improve the quality of human resources and institutions in OIC countries. Member States may also consider triangular cooperation mechanisms involving OIC countries / organizations and non-OIC countries/ organizations that can facilitate intra-trade and intra-investment as well as strengthen cooperation among stock exchanges, capital market regulations, central banks and monetary authorities of the Member States.

While it is a fact that intra-OIC cooperation is seriously lagging on many development fronts, in particular to promote the SDGs, which are the hallmark of an RtD approach, the IPHRC also concurs with the view that development assistance alone cannot resolve the chronic growth/ development problems of the Member States. OIC institutions such as IDB also have the similar assessment that while official aid from donor Member States to the recipients as a cooperation and partnership modality is essential but not sufficient to finance the development needs of the latter. Accordingly, domestic growth and its more equitable distribution are needed to decrease the dependence on foreign aid.

On the other hand, intra-OIC trade has enormous potential that could be best realized by establishing a trade regime among OIC countries, which will provide the low-income Member States with greater market opportunities. Private flows have also remained largely untapped in the OIC region. There are ample investment opportunities in low income developing Member States, and their share of both global and intra-OIC foreign direct investment (FDI) could be significantly increased with concerted efforts. Strenuous institutional efforts are therefore needed to implement the existing arrangements regarding intra-OIC cooperation.

A major and long-lasting challenge facing the majority of OIC countries is the lack of sufficient understanding and extent of the main development indicators. SDG indicators are not necessarily applicable to all national contexts, and are intended for global follow-up and review of the SDGs. Whereas the focus of most of the indicators is exclusively on national action, we must not forget that the SDGs undoubtedly call for international cooperation among nations and regional / international stakeholders.

Results and conclusions

Accordingly, the IPHRC fully supports: (a) the need for the development of indicators for global, regional and national levels of monitoring; (b) the importance of cooperation linkages to focus on the transfer of know-how for the SDGs indicators to achieve a sound monitoring and reporting mechanism both at the national and global levels; (c) the need for devising effective tools and methodologies, including human rights impact assessments within broad monitoring and evaluation frameworks to ensure that human rights are fully integrated into mainstream development policies, strategies, dialogues and processes; and (d) taking urgent measures to improve the commitment and capacities of the relevant OIC institutions, enabling them to provide better support for Member States in their efforts to collect data, monitor progress and pursue SDGs through an RtD approach.

Some of the miscellaneous actions that can be taken may include:

a) establishing a Forum (comprising all concerned OIC institutions and agencies) for monitoring, assisting and ensuring progress on implementation of the Organization's multilateral agreements and statutes related to socio-economic development and intra-OIC cooperation. This Forum should follow a structured agenda and plan of

work, including the promotion of political will among Member States in favour of strengthening mutual cooperation;

b) OIC Member States in Geneva and New York should work closely with relevant OIC institutions/departments including the OIC-IPHRC to: (i) monitor and review progress made in the promotion and implementation of the RtD at the national and international levels, identifying obstacles and providing recommendations thereon to the full enjoyment of rights; and (ii) contribute to mainstreaming the RtD in the policies and operational activities of relevant actors at the national, regional and international levels, including multilateral financial, trade and development institutions (IPHRC, 2016);

c) OIC to take the lead in reinvigorating political will and to raise the level of commitment by Member States to move the development agenda forward by creating implementation linkages between the SDGs and OIC's TYPoA; and

d) Create strong linkages between the OIC Plan of Action for Advancement of Women in the development of Member States with particular focus on achieving the SDGs by promoting women's empowerment through their full and effective participation in all policy and decision-making at all levels.

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