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Should the rise of extraterritorial obligations in the area of human rights, and particularly in the area of economic, social and cultural rights, be seen as a substitute to the right to development? The idea of a right to development was first expressed by Kéba M'Baye in his 1972 inaugural lesson to the International Institute for Human Rights. On 21 February 1977, the Commission on Human Rights adopted Resolution 4 (XXXIII) requesting that a study be prepared on "the international dimensions of the right to development as a human right in relation with other human rights based on international cooperation, including the right to peace, taking into account the requirements of the New International Economic Order and fundamental human needs". The study, authored by Philip Alston, was presented to the Commission on Human Rights in 1979. It emphasized both that measures adopted at domestic level and measures at international level should be mutually supportive and should go hand in hand, and that the realization of the right to development should be based on participation at all levels (Report of the Secretary-General (1979), *The International Dimensions of the Right to Development As a Human Right in Relation with Other Human Rights Based on International Co-Operation, including the Right to Peace, Taking into Account the Requirements of the New International Economic Order and the Fundamental Human Needs* (UN doc. E/CN.4/1334, 2 January 1979)). In 1986, after five years of discussions within a Working Group established by the Commission on Human Rights, the UN General Assembly adopted the Declaration on the Right to Development, defining it as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (United Nations General Assembly, Res. 41/128, 4 December 1986); the only negative vote was cast by the United States. Since then, various working groups, task forces and independent experts have been trying to identify ways to overcome obstacles to the realization of the right to development, and to define criteria that would allow to measure progress in its fulfilment. Whichever advances were made stumbled, however, on the apparently insurmountable oppositions between rich and poor countries, concerning issues such as the need for a new international instrument or the use of indicators.

Does the affirmation of extraterritorial human rights obligations compensate for this? Consistent with the development agenda that accompanied the establishment of the post-war Bretton Woods order, article 28 of the Universal Declaration of Human Rights referred to the need to move towards an international order that enables countries' efforts to implement economic, social and cultural rights at home, stating that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". For those advocating for an international economic order that fulfils this promise, what are the advantages and disadvantages of relying on, respectively, the extraterritorial dimensions of human rights and on the right to development?

**INSTRUCTIONS:** In responding to the above questions, **DO NOT click on 'New Post'**. Click on '**Show discussion**', and 1 of 2, in the first discussion thread, called '**[2.1.4] Extraterritorial obligations and the Right to Development Debate**'.

## Extraterritorial Obligations and the Right to...


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