**Human Rights Council – 42nd Session**

**Explanation of Vote**

**HRC42 Resolution on the Right to Development**

**27 September 2019**

Australia cannot support the draft resolution L.36 on the right to development.

We acknowledge there are a range of views on the concept of a right to development, including the proposal to develop ‘an international legal standard of a binding nature on the right to development’. We share the concern of many states that this text presents a legally binding instrument as the only way forward, leaving no room for alternatives. There is no international consensus on a potential legally binding instrument. We would encourage the penholder to adopt a more consensual approach and consider alternatives. Australia remains of the view that existing international human rights law treaties provide comprehensive protections for human rights, and there is no need for additional treaties.

Moreover, Australia is concerned by the inclusion of operative paragraphs in this text establishing a new ‘expert mechanism’ on the right to development. We regret that this proposal was hastily included in this text without debate or discussion on the merits, terms of reference, composition or budgetary implications of this mechanism. We regret further that the text does not make clear why such a mechanism is necessary given the existence of two Special Procedures Mandate Holders: the Special Rapporteur on the right to development and the Working Group on the Right to Development.

In the spirit of constructive negotiations, Australia and others raised these concerns with the penholder. We were disappointed that the penholder did not engage with our comments. For all of these reasons, Australia calls for a vote on this text and will vote ‘no’. We encourage other members of the Council to also vote against the draft resolution L.36.