

## HUMAN RIGHTS COUNCIL – 54th SESSION

### Interactive Dialogue with the with the Special Rapporteur on the Right to Development

20 September 2023

Special Rapporteur on the Right to Development Mr Surya Deva presented his annual report ([A/HRC/54/27](#)) outlining his vision for the future of the right to development and the **six main challenges ahead** : conceptual confusion, limited capacities, polarization, lack of participation, inequalities, and the neo-colonial and neoliberal order. He also identified four **overarching principles of the right to development** : self-determination, intersectionality, intergenerational equity and fair distribution. Among contribution of this right to international human rights law, the right to development reflects the collective dimension of human rights and embodies the practical application of the principle that human rights are indivisible, interdependent and interrelated. The SR argued for a holistic approach to the right to development to be embraced by international financial institutions, businesses, banks and civil society organizations along with States.

The SR stressed that the right to development is central to the Sustainable Development Goals, the Addis Ababa Action Agenda on financing for development, the Sendai framework for disaster risk reduction and the Paris Agreement.

For his mandate, Mr. Deva plans to adopt a consultative and evidence-based approach to engage all stakeholders in inclusive and transparent manner. He will develop policy briefs, providing practical guidance to states on implementing the right to development at the national level. He will also establish an academic circle on the right to development and constitute a global advisory body comprising children. During his mandate, the SR will focus on four sets of thematic issues concerning (1) actors, (2) beneficiaries (3)causes and (4)disruptors. Particular attention will be devoted to the role of states, international financial institutions, public development banks and businesses. Concerning beneficiaries, Mr. Deva will especially focus on certain marginalized groups such as children and youth, women, migrants, persons with disabilities, indigenous peoples and future generations.

Regarding the report on the former Special Rapporteur's country visit to **Albania**, former SR Mr. Saad Alfarargi encouraged all levels of government to involve, civil society and other stakeholders in discussions related to development plans and all policies at an early stage and to allow adequate time for consideration of their input. He provided a series of recommendations on amending laws and bylaws to improve the participation of persons with disabilities, women, minorities and other vulnerable segments of society in political, social, cultural, and economic development.

### Interactive dialogue

**Albania (country concerned)** thanked the Special Rapporteur for his visit. About their advances, Albania reported that the judiciary is on its way to achieve high level of women representation. The National Action Plan for Equality Inclusion and Participation of Roma and Egyptians minority is being implemented in line with the EU Strategic Framework for Roma. The National Action Plan for Persons with Disability is being implemented as well. Albania shared the same concern as the Special Rapporteur about the need for decisive action to boost the development of communities in the remote rural areas.

**Most countries welcomed** the SR's proposed focus themes. **Lithuania on behalf of the Nordic Baltic countries, the European Union, and Romania** reminded that States are primarily responsible for the realization of human rights including the right to development, and all states should abstain from actions that violate human rights. The **EU** also stressed that development should never justify the violation of human rights. **Germany** asserted its conviction that in the area of development cooperation, human rights come with a responsibility to cooperate.

**Côte d'Ivoire on behalf of the African Group**, along with many developing countries identified poverty and inequality as major challenges for the right to development. **Most countries** stressed that development encompasses more than economic growth, and holds social, environmental and other dimensions. **Sri Lanka, Togo, Viet Nam and Côte d'Ivoire on behalf of its group** specifically emphasized that international cooperation is important for the realization of this right and assistance should be carried out.

**Côte d'Ivoire on behalf of its regional group, Pakistan on behalf of the OIC, Iran on behalf of a group of countries, Honduras, Philippines, Venezuela, Senegal, the Syrian Arab Republic, Cuba, Bangladesh, Sri Lanka, Zimbabwe, Botswana, Rwanda** specifically called for an equitable international economic order, which was echoed by many other delegations. **Malawi** expressed regret toward the emphasis from most countries on socio-political rights at the expense of tangible socioeconomic progress.

**China** expressed regret that countries that benefit from exploitation refuse to take responsibilities for historical injustice. The **State of Palestine** asserted that Israel's illegal occupation and exploitation is at the root of lack of development in Palestine which cannot be corrected by the provision of foreign aid.

**Pakistan on behalf of the OIC** pointed out that the exclusion of developing countries from the power architecture of international financial institutions is a major cause of lack of development.

**Iran on behalf of its group, Egypt, Saudi Arabia, Honduras, Malaysia, Brazil, South Africa, Maldives, Tunisia, Algeria, Venezuela, Zambia, Indonesia, Lao People's Democratic Republic, Rwanda** welcomed the draft Covenant on the Right to Development and asserted that this right necessitates **fair trade, technology transfer**, and international cooperation.

**Luxembourg, Burkina Faso, Panama, and Zimbabwe, Zambia, the Russian Federation, the South Centre, Azerbaijan** expressed its wish to avoid **polarization** around the debate on this right and move towards a common trajectory. Also pointing to polarization, **Paraguay** insisted that discussions on the draft Covenant should have been kept in Geneva.

**Panama** encouraged the SR to consider the program of action of the International Conference on Populations and Development.

**Venezuela** expressed concern about the growing North-South divide and the effects of unilateral coercive measures – as did **Belarus** and the **Syrian Arab Republic** – and the shortcomings in ODA, and weighty foreign debt burdens –as did **Senegal**.

**Botswana** and **Honduras** brought up the negative effects of corruption on the fulfilment of the right to development.

NGOs almost unanimously welcomed the SR's report. However, The **Centre Europe-Tiers Monde** stated that the Special Rapporteur conflates development which is necessarily a process, with the right to development as defined in article 1 of the Declaration on the Right to Development. The NGO also stated that the 2030 Agenda and ODA are not related to the right to development since ODA is determined on a voluntary basis and often comes with conditionality. **Associazione Comunita Papa Giovanni XXVIII** warmly welcomed the recognition of the neocolonial and neoliberal order as a major challenge for the right to development. They suggested a further focus on international solidarity in the SR's work. The **Sikh Human Rights Group** pointed out that institutions outside the UN system such as the WTO are almost oblivious to human rights and the right to development in their policies and trade agreements. **Action Canada for Population Development** brought attention to the unpaid reparations, current and historical illicit financial flows and the global tax abuses that benefit certain countries, corporations and economic elites, and hinder the right to development. The NGO called for an end to austerity measures. **Asian Forum for Human Rights and Development** stated that many States see the realization of the right to development as a precondition for the enjoyment of other

fundamental rights and use this narrative of development to justify arbitrary restrictions on fundamental freedoms and target human rights defenders who speak out against harmful consequences of some economic development policies.

The **Special Rapporteur**, in response to questions by States, underscored that States under international human rights law definitely have the primary duties however, **businesses, international financial institutions, public development banks are also duty-bearers**. In addition, state duty also encompasses international cooperation, solidarity and **extraterritorial responsibility**. Many regulations and laws are extraterritorial in nature because States are trying to promote universal human rights beyond their boundaries. This is particularly relevant in the context of climate change, conflict and inequality issues.

He advised on implementing effective and inclusive participation as a good first step against corruption which is indeed an obstacle to the right to development.

To enhance the achievement of Sustainable Development Goals, the SR encourages looking at people who are least benefiting and adopt **targeted approaches**. **Structural changes and fairer resource distribution** are also needed as there are no lack of resource per say.

Regarding the view of courts on the right to development, some decisions have previously dealt with **lack of participation**. Inclusive participation is very explicit in the right to development and there have been instances where people went to the court claiming that the government adopted particular development project which resulted in their displacement and they were not adequately consulted. Courts reinforced this element of participation and recommended the relevant States ensure better participation.

The SR reported to have reached out to all the delegations to forge a consensus. Questions of climate finance or migration would be examples of crucial discussions points in the future.

Regarding the concern that the space for dialogue in Geneva will be closed once the draft convention is sent to New York, the SR assured it will not be the case since his team will continue their engagement with stakeholders in Geneva.

#### Delegations that took the floor during the Interactive dialogue :

Romania, Iran (on behalf of a group of countries), Sudan, Kazakhstan, Viet Nam, Syrian Arab Republic, India, Zambia, Belarus, Sierra Leone, Senegal, Philippines, Ethiopia, Venezuela, Togo, Cuba, Algeria, Djibouti, Morocco, Tunisia, Panama, United Republic of Tanzania, Burkina Faso, Maldives, Angola, Bangladesh, Cameroon, Sri Lanka, South Africa, Zimbabwe, Brazil, Armenia, State of Palestine, Malaysia, Malawi, China, Honduras, Iraq, Saudi Arabia, Paraguay, Kuwait, Holy See, Luxembourg, Egypt, Libya on behalf of the Arab Group, Pakistan on behalf of the OIC, Côte d'Ivoire on behalf of the African Group, European Union, Lithuania on Behalf of the Nordic Baltic States, Botswana, Cambodia, Cabo Verde, Oman, Timor-Leste, Germany, the Russian Federation, Eritrea, Niger, Bahamas, Ghana, United Kingdom of Great Britain and Northern Ireland, Indonesia, Lao People's Democratic Republic, Azerbaijan, Rwanda, Bolivia,  
**International Organizations and IGOs : UNDP, UNICEF, South Centre**

#### NHRIs and NGOs that took the floor during the Interactive dialogue :

Burundi Commission Nationale Independante Des Droits De L Homme, Centre Europe Tiers Monde, Associazione Comunita Papa Giovanni Xxiii, Capdte, Sikh Human Rights Group, China Ethnic Minorities Association For External Exchanges, Institute Of Sustainable Development, Nternational Lesbian And Gay Association, Action Canada For Population And Development, Asian Forum For Human Rights And Development, Association Of Iranian Short Statured Adults