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Expert Mechanism on the Right to Development
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Consideration of thematic studies

Inequalities and the right to development*

Synopsis of the ongoing study by the Expert Mechanism on the Right to Development

Conference room paper

Summary

The study will discuss inequality within and between countries, taking the right to development as a starting point. It will focus on the political economy of development (mostly the production, distribution and redistribution of wealth) and will explore capacities to enhance universal and comprehensive social protection systems. The study will connect economy to social life and will analyse the effect of debts and unilateral sanctions on the right to development and on social and economic protection systems.

* Reproduced as received, in the language of submission only.

1. In resolution A/HRC/45/29, the Human Rights Council requested the Expert Mechanism on the Right to Development (EMRTD) to implement the recommendations contained in its inaugural report and in doing so, to pay particular attention to the international dimension of the right to development and how this aspect would make the practical implementation of the RTD effective at the national, regional, and international levels.
2. In accordance with this request, the EMRTD is preparing five thematic studies to be submitted during the first three-year term of the Mechanism. This study on inequalities and the right to development is the third thematic study of the EMRTD. It is and will be based on desk research, wider consultations with civil society, and study visits.
3. It also draws on input from United Nations Member States and other stakeholders, including international organizations, national human rights institutions, non-governmental organizations, and academic experts.
4. There was general agreement on two overarching objectives of the EMRTD studies:
 - (a) to mainstream, reinvigorate and operationalize the right to development;
 - (b) to enhance the ability of grass-roots organizations to use the right to development.
5. There was also general agreement that it was important to go beyond rhetoric, to identify obstacles to the realization of the right to development and to make concrete policy recommendations on how to overcome them.
6. The EMRTD determined that the identification of best practices would form part of the thematic studies. The promotional and advocacy work would also centre on the thematic studies, as well as on other topical issues.
7. For effective implementation of its mandate, the Expert Mechanism would consult and engage with Member States and other stakeholders, including international organizations and grass-roots organizations, with a view to identifying needs and areas for support and collaboration.
8. As disposed in Human Rights Council Resolution 45/29 the third thematic study would be on inequalities and the right to development:
 - (a) In the study, consideration will be given to the challenges of building forward better in the context of a post-COVID-19 world, and to article 28 of the Universal Declaration of Human Rights, which states that every human being is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration can be fully realized.
 - (b) The study will include a discussion on inequality within and between countries, taking the right to development as a starting point for the analysis, and focusing on the political economy of development, mostly regarding the production, distribution and redistribution of wealth.
 - (c) The negative sustained impact of the COVID-19 pandemic on the social and economic conditions of countries and populations are and will be demanding policies and actions that can fight against old and new inequalities.
 - (d) Capacities to enhance universal and comprehensive social protection systems, connecting economy to social life, will be explored and proposed, taking existing good practices as a reference.
 - (e) The deficit of social infrastructure in the Global South necessary to sustain the full range of social and economic protections will be identified as the targets of development cooperation and solidarity policies at the global, regional and national levels, in accordance with the Declaration on the Right to Development. Under the Declaration all States and all persons have a responsibility for development and States must work individually and collectively to create an internationally enabling environment in which the benefits of development are equitably shared by all.
 - (f) The emphasis on equity in the right to development framework provides a direct linkage with the notion of sustainable development.

(g) The effect of debts, tax and fiscal injustice and unilateral sanctions on the right to development and social and economic protection systems will be studied as obstacles to the realization of human rights.

9. The study will explore the relationship of the nature of the social protection systems (as promoters or obstacles for the right to development) and the right to development perspective as the final shaper of the nature of the social protection systems. This circular positive or negative interaction is deeply defined by the degree of wealth (re)distribution that is adopted by social protection systems as an essential expression of the right to development which central aim is to eliminate unfair inequalities.

10. If we consider social protection systems as a concept that embrace all human rights, providing civil and political security as well as economic, social and environmental security, the social protection systems are making tangible the wide systemic rights approach of the right to development as stated in the 1986 Declaration.

11. This study will be focused on the potential impact of the right to development in policy formulation, in building social protection comprehensive systems and the way that social protection systems materialize the spirit of the right to development.

12. The United Nations persistent claims, that have been enhanced by the pandemic crisis, for a new social contract that addresses inequalities, for the strengthening of inclusive social protections systems, for the elimination of the debts oppressive architecture as well as for the elimination of unilateral coercive measures and the search for justice that is necessary to guide the duty to cooperate in favour of the international development, are among the various initiatives that will help to shape national and international social protection policies as fundamental expressions of the right to development.

13. The manifestations in the spaces of the United Nations system, including special procedures and civil society of global public interest, point to this need and to the possibility of discussing the right to development as a right of rights, a right to have rights of collective character and as a right capable of materializing the answers to the claims of the populations for the realization of their full right to existence. They also point to the possibility of discussing the circular, and hopefully creative, tension between the right to development and all human rights that can be shaped in social protection systems.

14. The conceptual approach of the study is very much influenced by the Thandika Mkandawire paper (UNRISD, 2005) "Targeting and Universalism in Poverty Reduction,"¹ and the way the *developmentalist* approach has historically advocated for the universalism of public services to ensure the realization of rights such as education, health, pensions, food and water and the manner in which the shift from development to poverty, as the main policy to address inequalities, has reduced the scale and aim of States' interventions. Strengthening the knowledge and action on the right to development implies to recover the sense and the process of building universal social protection systems as well as the need to re-embed Economy in the satisfaction of social needs.

15. The displacement, or denial of development as an object of political debate, has impacted on the nature of social policies, separating the Economy from social policies, eliminating the aspirations of development of nations and populations by adopting a logic of targeting instead of the universalization of social policies through their linkage with the production and (re)distribution of the richness and wealth produced collectively. The latter is essential to the spirit of the right to development and its aspiration of sovereignty over the national resources and self-determination of the peoples in terms of their models of social protection.

16. In a first round of consultations with civil society organizations and movements, beginning in the Latin America and the Caribbean Region, a debate was proposed on the concepts of development from the perspective of a development that is able to provide social and environmental justice. The debate also explored the potentials of the relationship of the

¹ T. Mkandawire "Targeting and Universalism in Poverty Reduction." United Nations Research Institute for Social Development, Social Policy and Development Programme Paper Number 23, December 2005.

right to development and universal social protections systems. It particularly explored the economic and financial challenges to sustain such systems and the concept of redistributive development. Consultations began on 20 October 2021 and up to present, there have been five sessions. Consultations will continue over the next months in the Latin American and the Caribbean Region and in the other regions of the world and will include the participation of civil society networks, regional and international organizations such as the Community of Latin American and Caribbean States (CELAC), the African Union, the Association of Southeast Asian Nations (ASEAN), the Organization of Islamic Cooperation (OIC) and a number of selected countries able to provide examples on how the right to development approach can reduce inequalities through the adoption of universal social protection systems.

17. In order to enhance the information about obstacles and advancements in such domains, a questionnaire, fed by the consultations carried out thus far, is expected to be distributed at the beginning of 2022 to Governments and civil society organizations, as well as to academic centres.

18. The final version of the study draft will be available by June 2022, and will be presented to the Human Rights Council in its session of September 2022.

19. Member States and organizations interested to present their views and experiences to be included in the study are kindly invited to suggest opportunities for dialogues.
