June 2023

****Reply to Call for Information

Special Rapporteur on the right to development

**About amfori:**

amfori is a membership led business association for sustainable trade, enabling companies across the globe to operate responsible business by helping them improve the Environmental, Social and Governance (ESG) performance of their value chains through robust due diligence. We work collaboratively with our members, business partners and stakeholders to accelerate positive impact. These endeavours involve our 2 500 business members (retailers, importers, brands and national associations) from over 45 countries sourcing from all over the world and 47 000 business partners connected to them in our platform.

1. HRC Report (September 2023) – “Reinvigorating the right to development: A vision for the future”
2. What have been the most important achievements for the implementation of the right to development at the national, regional and international levels in the past decade?

*Over the past decade, we have observed promising developments that support communities' sovereignty over all their natural wealth and resources ((Article 1 (2) and Article 8 (1) of the UN Declaration on the Right to Development.*

*This includes for example:*

* *At international level:*
1. *The adoption of the “Kunming-Montreal Global Biodiversity Framework in 2022 (Goal C and Target 13 to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources);*
2. *COP27's breakthrough agreement on the new "Loss and Damage Fund" for vulnerable countries.*
* *At EU level:*
1. *The newly adopted Deforestation Due Diligence legislation requires that risk assessments conducted by operators and traders must include a broad view of whether the good were produced in accordance with relevant local laws, with express support for the principle of free prior and informed consent of indigenous peoples.*
2. *The forthcoming Corporate Due Diligence Directive and the Corporate Sustainability Reporting Directive, as well as the strengthening of trade and sustainable development chapters in EU free trade agreements, also make clear reference to the main international legal instruments related to these rights.*
3. What are the key remaining challenges in the effective realization of the right to development at different levels?

*The effective realisation of the right to development face multiple structural challenges that require a long term approach and genuine efforts to be properly tackled. All actors (governments, civil society, business) have to collaborate to drive impact on the ground – therefore one of the immediate challenge to the effective realization of the right to development would lie in the capacity to mobilise and incentivize actors around it.*

*The right to Development is in itself undermined if the ecosystem and the environment people are living in is unhealthy. Preserving the environment, therefore, becomes a precondition to the right to development.*

*Efforts should be made on highlighting how it is also connected with the right of a clean, healthy and sustainable environment ( as per the UNGA’S recent resolution).*

*We believe that the right to development definition would therefore benefit from stronger inclusion of environmental considerations, as the sustainable management and preservation of natural resources is fundamental to human development.*

1. How could the right to development be mainstreamed and integrated into other relevant agendas (including the 2030 Agenda) at the national, regional and international levels?

*It is essential that the right to development contributes to the implementation of Sustainable Development Goals.*

*Efforts to communicate around the importance of the right to development need to clearly articulate that I*

*that the right to development and sustainability imperatives are not mutually exclusive but on the contrary can reinforce one another.*

1. What steps have been taken to realize the right to development of vulnerable or marginalized individuals and communities? Have these been effective?
2. How can the role of actors such as development agencies, international financial institutions, businesses, universities, civil society and the media be harnessed to contribute to the realization of the right to development?

*Industry initiatives play and should continue to play an important role in aggregating efforts from the private sector, including pooling investments and capacity building efforts, as well as effective remediation, to support*

*To further incentivize progress, it is important that cconditional finance, investment and support programmes also include environmental considerations parameters, esp. in the mid and long term.*

1. UNGA report (October 2023) – “Role of businesses in realizing the right to development”

1. What laws, policies and incentives are in place (or should be introduced) to encourage businesses to contribute to the effective realization of the right to development?

*Businesses can play a key role in building a sustainable economy and society. International standards for business and human rights (UNGPs, OECD guidelines..) are now existing for already two decades. Based on these, some businesses voluntarily committed to improve the social and environmental conditions of their supply chain.*

*Over the past few years, more and more countries across the globe have started to adopt mandatory due diligence legislation aiming at fostering* sustainable and responsible corporate behaviour throughout global value chains*. Mandatory Due Diligence Legislations will bring scale to scattered efforts, create better level playing-field and ultimately should deliver more positive impact on the ground.*

*These legislative developments should positively contribute to the effective implementation of the right to development. amfori has been particularly active in supporting these legislative developments in Europe and remains committed to continue doing so.*

1. What steps are being taken to ensure that businesses provide adequate living wages to their employees/workers throughout their operations and adopt responsible purchasing practices?

There have been voluntary efforts on the one hand, as well as legislative developments.

*As regards the latter, examples of laws that include expectations on living wage and / responsible purchasing practices include Norwegian Transparency Act, German Supply Chain Act and drafts of the CSDDD proposal.*

*As regards the former, successful measures and tangible improvements remain limited to small-scale pilots and implementing a living wage in global supply chains at scale remains a challenge. Businesses challenges to perationalize a living wage in their global supply chains include for example lack of knowledge of how to calculate a living wage, difficulty accessing accurate and reliable living wage estimates in certain countries or regions or price pressures. Our amfori BSCI Code of Conduct requires our members companies to “assess the pay gap accurately, and work progressively towards the payment of a living wage” and we feel it is important for us to support our members’ efforts including through sharing information and organising capacity building trainings.*

*It is also worth highlighting that some efforts have been made though to create alignment across the business sector on a common definition, and a common measurement approach of living wage through the* [*Global Living Wage Coalition*](https://www.cfrpp.org/)*.* [*A Multi-stakeholder working group on Responsible Purchasing Practices*](https://www.cfrpp.org/) *has also collaborated to develop a Common Framework on Responsible Purchasing Practices and is working on disseminating and promoting its uptake.*

1. How do businesses ensure that development projects do not result in environmental pollution and/or forced displacement of communities, including indigenous peoples?

*Meaningful stakeholder engagement, an important component of due diligence, is key to ensure that development projects do not result in environmental pollution or harm local communities. Meaningful stakeholder engagement is also being expected by law (e.g. CSRD which asks of companies to report on how they have engaged with stakeholders, or forthcoming CSDDD etc).*

*Collaboration and strategic partnerships between business actors, governmental, intergovernmental actors and civil society is also key especially if they aim at advancing the realisation of SDGs in line with SDG 17.*

C. Thematic priorities for 2023-26

1. What issues should the Special Rapporteur focus on during the next three years of his mandate for the effective realization of the right to development at the local, national, regional and international levels?
2. What are the main challenges faced in realizing the right to development? Are there any good practices and effective strategies in overcoming these challenges?

*One of the most immediate challenges in realising the right to development would be linked to the increasingly tensed geopolitical context where conflicts and wars are contributing to more poverty, migration and weakened economies.*

1. What actions should be taken to ensure the integration of the right to development in other agendas such as the Sustainable Development Goals, business and human rights, protection of the environment, climate change, discrimination, migration, peace and security, development finance, trade and investment agreements, new technologies, civic space, and access to justice?

*The right to development should not be considered in isolation but rather as a feeding into the Sustainable Development Goals and Business and Human Rights agendas. As highlighted above, it is especially important to highlight complementarity between the right to development and sustainable development. In particular, there is a need to further integrate environmental considerations. The right to development requires a) sovereignty over and access to natural resources needed for development purposes; b) fair distribution of the benefits of using those natural resources; c) access to a safe and sustainable environment that will allow for long-term development.*

*To ensure its integration in other agendas, it is also of paramount importance to engage business, government and civil society actors from both industrial and emerging economies in the development of joint initiatives to promote and support the right to development.*