

**Call for information: Special Rapporteur on the right to development**

The Associazione Comunità Papa Giovanni XXIII (APG23), NGO in Special Consultative status with ECOSOC (see the briefing of APG23 in the Annex) would like to contribute to the call for information of the Special Rapporteur on the right to development as follows:

**Question A.1**

Since 2010, we have witnessed, by participating in the Open-Ended Working Group on the right to development, the conceptual, cultural and political deadlock surmounting the debate on this fundamental right. We tried to build bridges and bring the voice of the poorest people by recalling that the concern for the peoples who suffer in the world must come first and that it is urgent to make the right to development a reality for everyone.

Several processes undertaken by the OEIWG failed throughout the years, such as the formulation of the criteria and operational sub-criteria for the operationalisation of the right to development and the formulation of a set of standards. This last process was concluded with a set of 4 standards presented by the Chair, Ambassador Zamir Akram, that was practically ignored.

Anyhow, important steps, thanks to the commitment of the Member States belonging to NAM were realized through the resolutions progressively adopted by vote in the last years in the Human Rights Council such as the creation of the mandate of the Special Rapporteur on the right to development, the establishment of the Expert mechanism on RTD, the holding of Biennial Panels and other events to commemorate the anniversaries of the RTD declaration and, finally the decision to initiate the negotiations on a draft convention on the right to development within the OEIWG.

The former Special Rapporteur, Mr. Saad Alfarargi, presented valuable reports at the Human Rights Council and General Assembly and the Expert mechanism contributed significantly through its thematic studies to shed light on the contribution that the implementation of the right to development may have on issues such racism and discrimination, combating inequalities, in achieving Sustainable Development Goals, in impacting international investment law. The two mandate-holders made also several press-releases and joint statements with other Special Procedures on issues having strong linkages with the implementation of the right to development.

One important achievement, at international level, has been the formulation by the former Special Rapporteur of the guidelines and recommendations on the practical implementation of the right to development. These guidelines and recommendations are the result of a long, participatory and inclusive process that contemplated a series of regional consultations carried out in 2018 and 2019 and a final expert meeting held in Dakar from 10 to 11 April 2019. APG23 had the honour to actively participate in this process by attending two regional consultations, the one for stakeholders from the African Group in March 2018 in Addis Ababa and the regional consultation for stakeholders from Western Europe and Other States and the Eastern European Group in June 2018 in Geneva. Furthermore, APG23 participated in the expert meeting in Dakar, for the final exercise of reflecting on all the contributions made during the prior consultations and identify the universal recommendations.

In addition, OHCHR, which has the mandate to mainstream the RTD, has provided in the last ten years very valuable publications, materials and videos and organized important events to enhance the knowledge on this crucial right.

At national level, the cases of justiciability of the right to development have increased even if they still remain a few: an example of this is the Ogiekcourt case(2017, Arusha, United Republic of Tanzania)

**Question A.2**

At international level, the main challenge is to overcome the current politicization and polarization surmounting the debate on the right to development. There are disagreements on the nature of the duties of States to realize the right to development and on the relative emphasis to be placed on the national dimension of State obligations (individual rights and corresponding State responsibilities, rule of law, good governance, combating of corruption) as compared to obligations of international cooperation (international responsibilities, international order, development cooperation, global governance). There is a need to convince the Member States still opposing this right that the right to development, that puts individuals and peoples at the centre, if fully implemented, has a great potential for addressing the challenges to our common future including, among others, poverty, inequalities, climate change and conflicts as well as for contributing to the respect of all the other human rights. One important issue is to elaborate on the collective dimension of the right to development, a concept that especially Western countries fail to admit.

Searching for, identifying and sharing best practices among States, would be also a good way to build a larger consensus.

Another great challenge is the low involvement of the civil society in the advocacy on the right to development due not only to the politicization of the RTD debate but also to the wrong perception of what this right is all about.

In fact, during the days of the Working Group on Transnational Corporations and also during the Forum on Business and Human Rights we noticed that it wasn’t unusual to hear the word “development” associated with a negative image of capitalistic development, the one causing inequalities and territories being exploited for profit.

At local and grass-root level, the right to development is not well known by the public. There is need to decline it for our present world and multiply programs and projects that follow a human rights-based/right to development approach.

We suggest to the new Special Rapporteur to work closely with the OHCHR RTD section in order to develop a communication strategy for addressing the general public (with articles, events, pamphlets etc.).

**Question A.3**

In 2015, several consensual international commitments reasserted the right to development including the 2030 Sustainable Development Agenda, the Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Paris Agreement on climate change.

These new commitments have provided a momentum for the protection, promotion and fulfilment of the right to development at national and international levels.

Mainstreaming and integrating the right to development in the implementation of these agendas means, in our opinion, applying the fundamental principles of the DRDT in terms of policy planning, participatory approaches, monitoring and evaluation etc. It will be relevant to share good practices of comprehensive, holistic human development policies and programs with the following characteristics: 1. that are aiming at advancing the realisation of human rights for everyone 2. that are designed, implemented, monitored and assessed through an approach that is participatory, accountable, transparent, and inclusive, especially of the most vulnerable 3. that are grounded on the principles of non-discrimination and equality 4. that ensure that those who are lagging behind are given special attention to effectively participate in and benefit from said policies and programs.

Moreover, the means of implementation and the SDG 17 of the 2030 Agenda should receive particular attention because their implementation if realized through a right to development approach will make a real difference for the peoples of the world.

In this regard, the Special Rapporteur should exercise his role in ensuring that the right to development remains a focus in the global discourse on the 2030 sustainable development agenda, especially in view of the SDGs Summit that will take place in September 2023 and of the Summit for the Future in 2024. He should monitor that operationalizing the right to development would concern not only the outcomes of the 2030 Agenda, but also the processes that lead to the above outcomes, with particular attention paid to ensuring the participation of all relevant stakeholders.

**Question A. 4**

We share some initiatives that APG23 has promoted to realize the right to development at grass-root level targeting especially the most vulnerable and primarily focusing on participation of the local communities, taking into account their developmental and environmental needs and priorities, i.e. through the use of local products with low energy consumption and environmental impact and through the adoption of sustainable production and consumption processes. Such practices have a potential positive effect on preventing, mitigating and adapting to the impact of climate change.

In Zambia, APG23 carries out micro-credit schemes aimed at women with children who have been rehabilitated from malnutrition in the nutrition centres of the Rainbow Project in the city of Ndola. Other projects, such as the Recycling and Plastic Collection, awareness raising and environmental education and the photovoltaic project take place within our programme for children living on the streets and vulnerable children called “Cichetekelo” (Hope) in Ndola.

In Brazil, the care for the environment is an integral component of the APG23 approach. For this reason, great importance is attached to the protection of natural resources, the use of sustainable practices and the preservation of water.

In Italy, APG23’s good practices in combating climate change and implementing the right to development are oriented towards sustainable agriculture with the involvement of vulnerable people in social and agricultural cooperatives.

**Question A.6**

There is a need to increase international cooperation and reinforce multilateralism. There is also a need for cancellation of the external debt for the developing and least developed countries that are dramatically and disproportionately affected by the impact of the COVID-19 pandemic and other current threats such as climate change and financial, economic crisis.

An international dimension of financing for development from the perspective of the right to development is the Official Development Assistance. Regrettably, ODA contributions have declined over the past few years. Instead, States should oblige with their commitment to release 0.7% of their GNI and increase it further because of the COVID-19 pandemic impact.

APG23 would like also to bring the attention to a very important mechanism for financing for development contemplated in the article 7 of the Declaration on the Right to Development, which is a significant reduction of the military expenditures and the redirection of the released resources towards social expenditures and the achievement of the SDGs. Resources made available by military sector cuts could constitute one of the most important innovative mechanisms for development financing. Global military spending in 2019 was $1.9 trillion, 300 times the World Health Organization's budget[[1]](#footnote-1). This amount of financial resources is a huge potential if invested in practices and policies that enhance human well-being instead of threaten it.

**Question B.1**

The generalized lack of reference to the right to development in the laws and policies so far adopted to enhance the business compliance with human rights standards reveals a low level of engagement by policy-makers in introducing the issue of the right to development in national and regional agendas.

We see as a priority the need to proceed with the adoption of an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises, as well as of an international convention on the right to development. Considering the crucial role they could play and the potential synergies among them, both ongoing negotiating processes should be promptly finalized.

Alongside with strengthening the global normative frameworks, the positive contribution of businesses to the effective realization of the right to development would be enhanced also by promoting and supporting economic models and business practices that are human rights-based, people-centred, inclusive and sustainable. Incentives and other policy solutions aimed to promote a human rights-enhancing economy, as well as to support and spread the good practices already experienced - especially by civil society and non profit sector - should be enacted and put in place.

**Question B.3**

Along all stages of any development project and agenda, from design to implementation, free and meaningful participatory approaches and processes should be established and pursued, in line with the fundamental principles of the right to development. The same legitimacy of development projects needs to be scrutinized through participatory mechanisms, in order to prevent and avoid that development initiatives are conceived and implemented at the expense of the peoples and communities that should mainly benefit from them.

Businesses, States and all stakeholders involved in development projects should especially respect the existing international legislation concerning indigenous peoples, among which the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention 169. Development projects and strategies should always respect the principle of the free, prior and informed consent of indigenous communities. Business entities have to provide the full participation of indigenous people in all decision-making processes that could affect their land and their collective rights. Indeed, due to their traditional knowledge and unique relationship to their ancestral lands, indigenous communities have to be involved in all stages of development projects to protect natural resources and biodiversity.

**Question B.4**

The current regulatory frameworks have registered some steps ahead, even if we still can observe a net resource drain from low and middle income countries to developed ones, often due to the limits of national and international tax laws that allow transnational corporations to evade paying taxes and to abuse of their negotiating power. These steps ahead have focused especially on reaching a global minimum tax level (i.e. the OECD/G20 initiative for a minimum tax rate of 15% for large multinational enterprises), while still much remains to be done to combat all unbalances of the current global tax system and tax-related illicit financial flows, that heavily impact on fiscal space of low and middle income countries.

It is especially needed to advance on the road to a new UN convention on tax, fully complying with the recent UNGA resolution opening the way for intergovernmental discussions "on ways to strengthen the inclusiveness and effectiveness of international tax cooperation" (A/RES/77/244).

**Question C.1**

We would like to suggest the Special Rapporteur on the right to development to focus during the next three years of his mandate on the following issues:

* **The interlinkages of the right to development and other solidarity rights** such as the proposed right to international solidarity, the right to peace and the right to a healthy environment. We propose this theme because international solidarity and the right to development are mutually reinforcing in creating an enabling national and international environment for a full, holistic development and the respect of human rights while peace is an essential condition for operationalizing the right to development.
* **International Cooperation and Trade**: The SR may address the role of international cooperation and trade in the effective realization of the right to development. It will be an opportunity to advocate for fair and equitable trade agreements, promote technology transfer, and ensure that international financial and economic systems support sustainable and inclusive development. He can also focus on addressing the negative impacts of globalization, such as economic inequality and the exploitation of natural resources, and on how to decolonize the current development models.
* **The role of the right to development in promoting a human-rights enhancing economy** in order to foster a change of paradigm in economic models and business practices.
* We fully support the choice of the Special Rapporteur to address the **“Role of businesses in realizing the right to development”** for his first report to UNGA

**Question C.2**

The implementation of the right to development faces numerous challenges: the global financial and economic crisis, the energy and climate crisis, the increasing number of natural disasters, the new global pandemics, the ageing of the global population including in developing countries, the increase in automation in many sectors, corruption, illicit financial flows, the privatization of public services, austerity and other measures. There is a growing demand for resources for the realization of the right to development. The rise of nationalistic tendencies and the related trend to move away from international solidarity and cooperation may further weaken international governance. Addressing these challenges will require the concerted effort of all relevant stakeholders, both at national and at international levels. It would be important to promote and disseminate good practices of solidarity cooperation, of South-to South and triangular cooperation such as the examples given by the study conducted by OHCHR and the UN University of Peace.

The most wealthy and powerful States still deny the existence of international obstacles for the realization of the right to development and insist only on the national responsibilities of States. It is time to unveil the intention of such countries to preserve the status quo and not to recognize their enormous responsibility towards the developing countries that are increasingly being exploited. It is time to stop beating around the bush and recognize that international obstacles impeding the realization of the right to development indeed exist. The COVID-19 pandemic, the threat of climate change, and all current crises clearly indicate that these international obstacles must be removed as soon as possible if we really want to be a family of nations. To continue ignoring such obstacles is a sign of a lack of humanity.

**Question C.3**

The Special Rapporteur may work with relevant special procedure mandate holders, especially those mandates that are closely related to the right to development. Moreover, he can make joint statements, press releases and influence States and other stakeholders through his interventions in the international conferences. We are looking forward for his engagement and close cooperation with the Working Group on the Right to Development and with other human rights and development bodies and other UN mechanisms.

**ANNEX (Briefing on APG23)**

The Associazione Comunità Papa Giovanni XXIII (APG23) is an International Lay Association of Pontifical Right with legal status accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006. The Association is present in 40 countries on five continents. Its members, of different ages and states of life, share life directly with the poor and disadvantaged and are committed to removing the root causes of poverty and exclusion and to being voice of the voiceless through non-violent actions and means.

The Association runs hundreds of family homes all over the world. It runs also emergency shelters, open families, houses of fraternity, cooperatives and day-centres, therapeutic communities for drug users, centres for alcoholics. The Association carries out awareness raising campaigns, micro-credit schemes, services for persons with disabilities, Rom and Sinti, homeless, migrants, elderly, people infected and affected by HIV/AIDS, mothers in difficulty and women enslaved into prostitution. Furthermore, the Association has a nonviolent presence in both fronts in war zones to guarantee the respect of human rights and assist populations displaced by the war, and carries out activities aimed at combating the trafficking of human beings and assisting its victims.

At the United Nations, APG23, through its international office based in Geneva, advocates at the Human Rights Council and other UN mechanisms and bodies on the following issues: 1.Rights of the Child (especially the right to have a family and the right to health); 2. Right to Health and Access to Treatment; 3. Right to food; 4. Right to safe drinking water and sanitation; 5. International Solidarity and Human Rights; 6. Implementation of the Right to Development; 7. Right to Peace; 8. Migration; 9. Human trafficking; 10. Monitoring SDGs’ implementation.

1. https://www.vaticannews.va/en/vatican-city/news/2020-07/vatican-commission-covid-19-more-money-healthcare-less-weapons.html [↑](#footnote-ref-1)