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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Right to Development at 30: time to act!

Associazione Comunità Papa Giovanni XXIII (APG23) welcomes the two reports on Right to Development, namely the Consolidated report of the Secretary General and High Commissioner for Human Rights and the report of the Open Ended Working group on Right to Development, delivered at the 33rd regular session of the Human Rights Council.

APG23 actively participated in the 17th session of the OEIWG on Right to Development held in Geneva on the 25 April-3 May 2016¹.

The momentum created by the adoption of the 2030 Sustainable Development Agenda and the celebration of the 30th anniversary of the Declaration on the Right to Development positively influenced the 17th session of the Working Group in terms of openness to dialogue by Member States and reduction of the usual polarisation and politicisation. Nevertheless, the outcome of the second reading of the criteria and operational sub-criteria for the implementation of the right to development has been disappointing with only few criteria and sub-criteria agreed upon by ref. In fact, the majority of the criteria and operational sub-criteria remain still with reservations. We cannot be satisfied with the decision of the working group to continue the reading of the criteria and operational sub-criteria for other two years. Such a decision is simply unfair to the peoples of the world, especially the most vulnerable ones, who are waiting from long time to have clear parameters for the implementation of the right to development.

During the 17th session of the OEIWG and in the Panel discussion on RtD held in conjunction with the 32nd regular session of the Human Rights Council, important issues have been tackled which we would like to address, namely: 1) 2030 Development Agenda in the context of the right to development 2) Set of standards for the implementation of the right to development presented by the Chair-Rapporteur of the OEIWG 3) Relevance of RtD in our globalized world 4) International cooperation.

1) 2030 Development Agenda in the context of the right to development

The 2030 Sustainable Development Agenda is an ambitious collective global plan of action for transforming our world. The new agenda has been also inspired by the transformative vision of the Declaration on Right to Development. If adequately implemented, the SDGs, and especially goal 17, without which the other SDGs cannot be achieved, will provide a new impetus for realizing the right to development and will have a significant impact on the enjoyment of human rights by everyone, everywhere.

We would like to give just few examples of the links between the 2030 Sustainable Development Agenda and the Declaration on RtD: the Agenda points, sometimes incompletely because of compromises made in the negotiations, to some of the important obstacles to the full realization of development that the Declaration on RtD invites to remove. For example, SDG 10.5 establishes the goal to “improve the regulation and monitoring of global financial markets and institutions and strengthen the implementation of such regulations.” SDG 2.b asks the international community to “correct and prevent trade restrictions and distortions in world agricultural markets, including through the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development Round.” It is, in fact, well recognised that domestic agricultural subsidies in the developed countries have a negative impact on the agricultural sector in developing countries, many of whom could be strongly competitive and could address their poverty challenges through the faster development of their rural areas.

These goals are going in the direction of creating an international environment conducive to the realization of development for all. The elements of the Declaration on RtD can be the standards against which these goals can be evaluated.

¹ During the 17th session of the Open Ended Intergovernmental Working Group on Right to Development, Associazione Comunità Papa Giovanni XXIII, spoke on behalf of the working group on the right to development of the Geneva Forum of Catholic-Inspired Non- Governmental Organizations (A/HCR/33/45 paragraph 23).

Moreover, in implementing and monitoring the SDGs, it is necessary to adopt a Right to Development approach that tells us what is to be achieved, but also how it is to be achieved. This means to focus not only on the outcomes that must result from a development agenda, but also on the process by which those outcomes must be achieved.

The global High Level Political Forum 2017 (HLPF) has to build also on existing reviews and existing reporting mechanisms, and systematically integrate reports and recommendations generated by international human rights mechanisms that are relevant to the SDGs such as the Human Rights Council's Universal Periodic Review (UPR), the human rights treaty bodies, and Special Procedures.

The Working Group on Right to Development could play an important role in the implementation of the 2030 Development agenda by delivering speedily meaningful criteria and operational sub-criteria for the implementation of the right to development.

2) Set of standards for the implementation of the right to development presented by the Chair-Rapporteur

Ambassador Zamir Akram, the Chair-Rapporteur of the OEIWG on RtD presented during the 17th session of the working group the set of standards for the implementation of the right to development² according to the mandate he received in the previous session. We supported his decision to focus on the implementation of universally accepted core development goals, such as overcoming poverty, hunger and the scarcity of water, and promoting housing, education and gender equality and to base the set of standards on universally agreed language in order to overcome the existing divergences on RtD. As the Chair-Rapporteur points out in the conclusions of his report, the attainment of the four standards are not the end, but rather the beginning of a journey towards the full implementation of the right to development. These standards based on consensual and non-controversial understandings among States as well as civil society, will at least contribute to beginning the process towards implementing the right to development, a process that has been stalled for several decades.

3) Relevance of RtD in our globalized world

In our interdependent world, the implementation of the right to development can give a new human face to the phenomenon of globalization by creating opportunities for all and by limiting its negative effects. The recurring economic and financial crises, climate change, and food crises re-emphasize the relevance of the right to development as the increased inequalities within and between countries show how the right to development is relevant for both developed and developing countries.

The right to development expresses, at the highest level, the values of the United Nations Charter by linking in itself the three pillars of peace and security, development, and human rights. Its realization is also necessary for the protection, respect and fulfilment of the economic, social and cultural rights as well as civil and political rights.

Indeed, RtD can be considered a sort of catalytic right.

The increased relevance and need for a RtD framework in a globalised world is best expressed by paragraphs 336 and 337 of the report of the independent expert group within the ILO on Globalisation to which we refer in the footnote.³

² A/HRC/WG.2/17/2

³ Report of the World Commission "A fair globalization - Creating opportunities for all", paragraph 336 "Increasing globalization has generated a need for better global governance. 38 The growth of interdependence among nation States has meant that a broader range of issues now affects more countries more strongly than ever before. The growing nexus of links between countries through trade, FDI and capital flows means that changes in economic conditions or policies in major economies have strong spill over effects on the rest of the world. Similarly, new global rules also have a strong impact on the policy options and economic performance of countries."

Paragraph 337 "More specifically, increasing globalization has given rise to a broadening range of issues that cannot be effectively dealt with except through collaborative global action. Examples of these include the problems of financial contagion, communicable diseases, cross-border crime, security concerns, tax havens and tax competition. More generally, there is a growing need to develop institutional arrangements to support and supervise global markets in the interests of all participants. This includes the need to ensure their smooth and equitable functioning, eliminate uncompetitive practices and abuses, and correct market failures."

During the debate that followed the panel discussion held in conjunction with the 32nd Session of the Human Rights Council in order to commemorate the 30th anniversary of the adoption of the Declaration on the Right to Development, the International Youth and Student Movement for the United Nations (ISMUN) said that “the time has come for the Human Rights Council to propose and the General Assembly to decide to formally include the Declaration on the Right to Development in the International Bill of Human Rights”. Indeed, we second and re-launch such a proposal.

4) International cooperation

Ms Flavia Piovesan who intervened in the above-mentioned panel discussion, rightly said: “the right to development has solidarity as a founding value, which invokes the principle of shared responsibility in the global order”.

Article 3.3 of the Declaration on RtD calls for a duty of cooperation and reinforces the obligations to international cooperation already affirmed by article 55 and 56 of the United Nations Charter, article 28 of the Universal Declaration on Human Rights and emphasized by the General Comment 3 of CESCR and other numerous GA resolutions.

A commitment to effective international cooperation and solidarity among States is very much needed and due. This includes, among others, fair aid, trade and investments, debt cancellation, transfer of technology, revision of intellectual property rights protection to guarantee access to medicines, financing for development, institutional reforms, climate change responses as well as disarmament and reduction of military expenditure in favour of social and development policies in accordance with a human rights based approach.

Furthermore, developed countries should respect their commitments in the Official Development Assistance (ODA) and deliver an assistance equal and no less than 0.7% of their respective GPD according to the UN target.

Finally, the Compendium of the Social Doctrine of the Catholic Church rightly phrases in paragraph 380: “It is necessary to break down the barriers and monopolies which leave so many countries on the margins of development, and to provide all individuals and nations with the basic conditions which will enable them to share in development” The Right to development just envisions this.