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Agenda item 3

**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.

[21 August 2019]

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\* Issued as received, in the language(s) of submission only.



## **Guidelines and recommendations for the practical implementation of the right to development**

Associazione Comunità Papa Giovanni XXIII (APG23) welcomes the report of the Special Rapporteur on the right to development,<sup>1</sup> Mr Saad Alfarargi, delivered at the 42nd regular session of the Human Rights Council.

In his report, the Special Rapporteur gives a summary of the activities carried out since September 2018 and presents 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<sup>2</sup> 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.

As Mr Alfarargi pointed out in his statement at the High Level Political Forum on 10 July 2019 during the thematic review “Empowering people and ensuring inclusiveness and equality: Perspectives of Least Developed Countries

and Landlocked Developing Countries”, (we quote.) “outcomes of the regional consultations demonstrate that development should not be conceived as merely a sequential process whereby economic growth is sought to finance social policies. Rather, the right to development conceptualizes development as a holistic process requiring the input and involvement of diverse stakeholders, including States, international organizations, civil society, academia and the private sector, to achieve sustainable results [...] Development programmes and policies can only succeed if they are addressing the right priorities. And to do that, participatory consultative processes, open for all segments of the society, have to be envisaged, budgeted for an implemented at every step of the way.”

Indeed, the regional consultations have been a great instrument to remark the general principles that should guide the implementation of the right to development such as adherence to the international human rights principles and the internationally agreed frameworks, the centrality of the human person and peoples, meaningful, active and informed participation, development seen as an holistic process and not merely reduced to economic growth, self-determination, non-discrimination, good governance, sustained peace, promotion of a human rights and right to development approach to the Sustainable Development Goals, financing for development and mobilisation of existing resources, and finally monitoring and evaluation not only of the outcomes but also of the process; all this with the provision of guidelines to be implemented at national, regional and international levels and involving also Non – State actors.

We are grateful to the Special Rapporteur on the right to development for his attentive listening to all the stakeholders, for his commitment and tremendous work and for his ability to deliver a set of useful guidelines that may contribute to the practical implementation of the right to development.

We consider it to be a great success after many years of deadlock in the debate on the right to development especially within the Open Ended Intergovernmental Working Group where all the discussion carried out on the criteria and operational sub-criteria and the set of

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<sup>1</sup> A/HRC/42/38.

<sup>2</sup> Resolution HRC/ 36/9.

standards for the implementation of this important right were not finalised because of the high polarisation and politicisation among States and coalitions.

These guidelines, contained in the report of the Special Rapporteur on the right to development, are timely delivered in a crucial moment. In fact, during the 20th session of the OEIWG on RTD held on 29 April - 3 May 2019, the discussion on a legally binding instrument on the right to development has begun and the Chair, Mr Zamir Akram, has been given the mandate to formulate a first draft of such an instrument. Moreover, the Advisory Committee has been mandated to provide a study on the relevance of a legally binding instrument on RTD.

During the 20<sup>th</sup> session of the OEIWG on the right to development, Mr Alfarargi intervened expressing his hope that the practical guidelines based on the outcomes of the regional consultations would contribute to the discussion on a legally binding instrument. We are pretty sure that they will offer a valid contribution and compliment but not substitute a legally binding instrument.

APG23 supports the idea of elaborating a legally binding instrument on the right to development because a legal approach is necessary to contribute to the realization of this right so as to leave no one behind and to enable individuals and communities to meaningfully pursue their right to development and to hold accountable the duty bearers. Moreover, a treaty on RTD will be a further important step towards the realisation of a new more humane and responsible social and international order.

We live in a globalised and interconnected world that is in turmoil, dominated by fear and insecurity, that faces incredible challenges such as climate change, economic and energy crisis and increasing inequalities, where the current development model is profit-centred instead of being human-centred, a model that, with its economic, cultural and technological progress, offer immense possibilities to a fortunate few and leaves millions of others behind in living conditions far below the minimum demanded by human dignity.

As a Catholic association whose members share directly life with the poorest and most marginalised, it is our duty to bring the perspective of those left behind, of the millions of people still living in extreme poverty, of adults and children affected by famine and malnutrition, of those who do not have access to quality health care and still die for lack of treatment of curable diseases, of those who do not have access to education, decent housing and social services, of those infected with HIV/AIDS without access to anti-retroviral treatment yet, of the children living on the streets, of the victims of human trafficking, of the many communities affected directly by war and natural disasters, of refugees, migrants and displaced people, among all the others. It is also our duty to advocate for social justice, for a world led by the respect of human rights and international solidarity where the least ones set the pace of the human family.

In our opinion, the implementation of the Right to Development implies at international level, among other things, to formulate sound economic policies that foster growth with equity. It means carrying out democratic reforms of financial institutions, making globalisation really inclusive, adopting a new and effective model of international cooperation based on international solidarity and without conditions (except the request for accountability!), removing inequities and asymmetries in the global trade and recognising extraterritorial obligations. It means, inter alia, preventing and controlling corruption, eliminating tax havens and tax evasion, transferring technology and cancelling the foreign debt of, at least, the Last Developed Countries.

States are the principal protector of human rights and fundamental freedoms within their boundaries, but many developing countries have severe difficulties in fulfilling basic economic, social and cultural rights of their citizens; they often lack the financial resources and the technical capacities to effectively meet their obligations in respect to this. Especially in view of expanding global interdependence, it is imperative to recognize that human rights and development are a shared responsibility between all members of the international community, States and non-states actors.

We are glad that the guidelines presented by the Special Rapporteur on the right to development emphasize that the affected communities must have ownership over

development agendas, budgets and processes, that States, in formulating development policies, should first conduct a human rights impact assessment and in the monitoring and evaluation of development projects should collect disaggregated data with a human rights based approach and that participation can only be effective if it is institutionalized and continuous.

Furthermore, being involved in welcoming refugees and migrants and in the advocacy for the implementation of the right to peace, we are also glad especially with what is recommended in the guideline 27. (a) that says: “States receiving migrants should see these right holders as agents of development rather than addressing migration as a security issue” and in the guidelines 84 that says:” States should collectively disarm and redirect the resources resulting from such disarmament to economic and social development”.

Finally, APG23 appreciates the fact that the guidelines tackle with clarity the responsibilities of development banks and investors, those non-state actors that have a key role in influencing whether the right to development is realized, given their power and resources.

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