



# General Assembly

Distr.: General  
27 August 2019

English only

---

## Human Rights Council

Forty-second session

9–27 September 2019

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]

---

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



## **Making the right to development a reality for everyone**

Associazione Comunità Papa Giovanni XXIII (APG23) welcomes the report of the Open Ended Intergovernmental Working Group on the Right to Development (OEIWG) on its twentieth session<sup>1</sup> delivered at the 42nd regular session of the Human Rights Council.

APG23 is present at grass-root level working with people living in extreme poverty and advocates at the Human Rights Council and other United Nations mechanisms for the implementation of the RTD. For a long time, APG23 has actively participated in the OEIWG intervening also on behalf of other eleven NGOs belonging to the working group on right to development of the Catholic Inspired NGOs Forum in Geneva (CINGO).<sup>2</sup> With our network of Catholic NGOs, we try to build bridges in the conceptual and political deadlock surmounting the debate on the right to development bringing the voice of the poorest people and recalling that the concern for the peoples who suffer in the world must come first.

It is imperative to make the right to development a reality for everyone. We urgently need the creation of an enabling international and national environment as envisaged by the Declaration of the Right to Development. The life, well-being and respect for the human rights of billions of people around the world depend also from the implementation of the right to development and the establishment of an international social order founded on justice, development and peace.

The agenda of the 20<sup>th</sup> session of the OEIWG contemplated general statements on the progress made on the promotion and implementation of the right to development (RTD), an interactive dialogue with the Special Rapporteur on the RTD, the consideration of contributions made by States to the implementation of this right, an interactive dialogue with experts on the implementation and realization of the RTD including the implications of the 2030 Sustainable Development Agenda and the beginning of the discussion on the elaboration of a legally binding instrument.

APG23, on behalf also of the CINGO working group on RTD, welcomed the re-election of Ambassador Zamir Akram as Chair rapporteur of the OEIWG, appreciated very much the contribution of Mr Saad Alfarargi, the Special Rapporteur on the Right to Development, intervened several times in the interactive dialogue with the experts on the links between RTD and the 2030 Agenda but, especially, welcomed and took part in the discussion on a legally binding instrument for which a written joint contribution was sent.<sup>3</sup>

Regrettably, the discussion on the criteria and operational sub-criteria and set of standards for the implementation of the RTD that was in the agenda of the OEIWG for several years was dropped completely due to the level of high polarisation and politicisation on the RTD. We hope that all the work done on these issues would not be lost and thwarted but reflected somehow in the legally binding instrument and other UN documents. We also regret the fact that the European Union and few member States such as Japan, Switzerland and Australia decided not to participate in the discussion on the legally binding instrument as it is stated in the report. Their different points of view, even if against the idea of a treaty on the RTD, would have enriched the discussion.

In 1986, the Declaration on the Right to Development consecrated the right of all humanity – as peoples and as individuals - to the constant improvement of their well-being as human

---

<sup>1</sup> A/HRC/42/35.

<sup>2</sup> The members of the CINGO Working Group on right to development are: Associazione Comunità Papa Giovanni XXII (APG23), Association Points-Cœur, Caritas Internationalis (International Confederation of Catholic Charities), Company of the Daughters of Charity of St. Vincent de Paul, Dominicans for Justice and Peace (Order of Preachers), International Institute of Mary Our Help of the Salesians Sisters of Don Bosco (IIMA), International Organization for the Right to Education and Freedom of Education (OIDEF), MIAMSI, New Humanity, Teresian Association, and International Volunteerism Organization for Women, Education, Development (VIDES International).

<sup>3</sup> [https://www.ohchr.org/Documents/Issues/Development/Session20/NGO\\_1.pdf](https://www.ohchr.org/Documents/Issues/Development/Session20/NGO_1.pdf).

persons. The world has come a long way since then. We have witnessed unprecedented progress in virtually every sphere of human activity, the rise of a unified global economy and an interdependent human community. At the same time, and increasingly in recent years, development policies based exclusively on economic growth with little regard for our wellbeing as well as the profit-making driven mentality have permitted the widening of the gap between rich and poor and the rise of inequalities between and within countries. This situation has also brought interconnected threats, challenges and crises and an ecological habitat that crossed the threshold of nature. Globalization, fostered and facilitated by advances in information, communications and technology, provided the context for an overarching philosophy of development that brought many benefits. However, those benefits were, and continue to be, overwhelmingly concentrated among the already privileged: nations and populations alike. The interdependence and interconnectedness that globalization reinforced also meant that the negative impacts of such development crossed national boundaries at increased speed and ease, resulting in global economic, financial, food, energy, climate and other challenges.

The RTD, which 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 and whose realization is necessary for the protection, respect and fulfilment of all human rights, has the transformative potential to bring about a paradigm shift that promises to advance human rights, development and peace for us all.

It is time to really implement the RTD, together with ensuring the respect of all human rights, if we are to surmount the challenges to our common future, including poverty, inequality, hunger, unemployment, lack of access to clean water and sanitation, and limited sources of energy and natural resources. The multiple crises of recent years further affirm the call of the Declaration on the Right to Development for meaningful reform in global governance most notably in the economic arena, to ensure equality, democracy and accountability in line with human rights standards.

For all these reasons, we welcomed the opening of the discussion on a legally binding instrument on the RTD.

To provide the Right to Development with a legally binding framework for its implementation will offer an opportunity to enrich the holistic definition of development of the UN declaration with the notion that development should meet the needs of our time without compromising the capability of future generations to adapt it to their needs, and the concepts of intergenerational equity, sustainability and environment preservation.

It will also offer an opportunity for establishing national benchmarks for the implementation of the RTD and a legal framework with the potential to humanize the global marketplace<sup>4</sup> and affirm the need for a programme of international economic justice. Furthermore, it will reinforce the obligations for international cooperation, give further legal expression to the notion that the ability of States to develop, and to fulfil their human rights obligations depend from structural arrangements and actions that eliminate the existing obstacles at international level.

Another added value of a right to development treaty can be to complement the current human rights regime with a convention that goes beyond individual State responsibility and takes inspiration from principles derived from international development efforts, such as mutual accountability, alignment of policies among partner countries, and inclusive partnerships (full participation of State and non-State actors). Moreover, the establishment of a common responsibility for the realization of this right among a multiplicity of duty bearers including non-State actors, the further elaboration of the collective aspects of the right and the notion of solidarity translated into a duty to cooperate and to actively engage in international cooperation and assistance for development and the introduction of a monitoring and reporting system, are all aspects that a legally binding instrument can contemplate.

---

<sup>4</sup> Margaret Salomon, *Implementing the RTD, the role of international Law*, 2008.

As Mr Lopez said during the Expert panel at the 20<sup>th</sup> session of the OEIWG and we quote: “A convention on the right to development could provide a multilateral framework to support countries’ reform efforts, strengthen their bargaining position and balance investment protection regimes. Obligations for investors could include compliance with national law, disclosure of information, respect for human rights and labour rights in accordance with national law and social and environmental impact assessments. The advantages of including those obligations in the legally binding instrument could be to preserve national policy space, make investments consistent and conducive to national development efforts and afford better protection and relief to affected populations”

In conclusion, we urge States to embark in a more constructive dialogue and in the spirit of the consensual agreement on the Agenda 2030, on the issue of a legally binding instrument on the right to development, bearing in mind the concern for the common good of humanity and putting at the centre the billions of persons, especially the most vulnerable, whose the very survival and chance to live a dignified life depends also by the speedy implementation of this right.

---