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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.

[22 August 2022]

On the right to development

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

Associazione Comunita Papa Giovanni XXIII (APG23) welcomes all the reports presented at the 51st regular session of the Human Rights Council related to the right to development (1).

Regarding the Expert Mechanism on the Right to Development meetings, APG23 participated in the 4th and 5th sessions with oral interventions. APG23 thanks the Expert mechanism for the online dialogue with the Civil Society that was held on 21st October 2021. The exchange of views during that meeting was very useful and we would like to encourage the Expert mechanism to continue its efforts toward increasing the engagement of civil society in the advocacy on the right to development.

APG23 also welcomed the initiative of having in both sessions a Coordination meeting with the Special Rapporteur on the Right to Development and the Chair-rapporteur of the Intergovernmental Working Group. Indeed, there is no duplication of mechanisms on the right to development and it can be said that the Working Group, the Special Rapporteur and the Expert Mechanism have greatly contributed to broadening the understanding of such a right and its operationalization. At this particular time, in which the draft convention on the right to development is discussed, it is very important that the whole system works in synergy.

We would also like to recommend the Expert Mechanism to give resonance to the work carried out in the past years by the Special Rapporteur and the Chair of the Working Group such as the International Guidelines on the implementation of the right to development produced by Mr. Saad Alfarargi and the set of standards formulated by the Chair of the Working Group, Ambassador Zamir Akram that concretely link the implementation of the right to development to the 2030 Agenda. Such instruments are not legally binding but still constitute important criteria for the operationalization of the right to development.

We also welcomed the initiative of the Expert Mechanism to hold a dialogue with several Special Rapporteurs. In fact, APG23 is convinced that mainstreaming the right to development in other interactive dialogues and debates taking place at the UN is crucial for its implementation. The right to development is linked not only to the implementation of the 2030 Agenda on Sustainable Development and to the promotion, protection and respect especially of Economic Social and Cultural Rights, but also to the contents that are discussed in the Working Group on Business and Human rights and the OEIGWG on transnational corporations and other business enterprises with respect to human rights and to mandates such the ones, among others, of the Special Rapporteur on Unilateral Coercive Measures, of the Special Rapporteur on extreme poverty and human rights, of the Independent Expert on the promotion of a more democratic and equitable order, the Independent Expert on the effects of foreign debt and the IE on international solidarity and human rights. All these mandates tackle with different angles the many international obstacles that still impede the realization of the right to development and perpetuate structural injustice and inequities within and between countries such as, to mention a few, unfair trade, asymmetries in decision-making in international institutions, foreign debt, unilateral coercive measures and the lack of international solidarity and cooperation.

APG23 appreciated the announcement made at the fourth session by the Expert Mechanism on the intention to draft commentaries on the articles of the Declaration on the Right to Development and looks forward to these commentaries that can further clarify some provisions of the 1986 declaration.

Furthermore, APG23 thanks Mr. Ibhawoh for the study on racial discrimination and racism, which is very timely, necessary and complimentary to other studies presented by other mechanisms. We find the study to be well articulated and deep in analysis. We would have appreciated more emphasis on the issue of racial discrimination, racism and related intolerance towards migrants and refugees. In fact, the narrative of migrants is filled with racial discrimination such as hate speech and hate crimes. It is racial discrimination towards a category, the migrants, who, at this particular time, are trying to exercise their right to development in the only possible way, that of migrating from their impoverished countries.

In this regard, we would like to propose the Expert Mechanism to consider a specific study on the cross-cutting issue of migration and the right to development. We also look forward to the next study of the Expert Mechanism on inequities and would like to recommend that the study would focus not only on economic inequities, which are anyhow predominant, but also on inequities that are related to the participation of individuals and peoples in the social and political sphere, as well as those that exist at the institutional level.

Moreover, APG23 welcomes the report of the Special Rapporteur on the right to development and shares its conclusions and recommendations. We fully agree when the Special Rapporteur says that “COVID-19 response and recovery plans are, ultimately, development plans and that as such they should be in line with the right to development and the commitments Governments made when elaborating the 2030 Agenda for Sustainable Development, most importantly the promise to leave no one behind” and that “The view that development is solely an economic outcome is incomplete since it is possible for the development priorities of a population to remain unfulfilled despite economic growth”. It is really time to dismount the equation “development = economic growth” since it has proven to be a failure that even contributes to the increase of inequities. The right to development offers instead a holistic approach. A COVID19 response should encompass such holistic approach through recovery plans based on the RTD perspective.

On the reports of the Working group on the right to development on its 22nd and 23rd session where APG23 actively participated intervening also on behalf of the Catholic Inspired NGOs working group on the right to development of the Geneva Forum (2), we would just like to express our regret for the fact that some Member States, specifically those who are traditionally against the idea of redacting a legally binding instrument, chose not to participate in the discussion on the draft convention on the right to development. We reiterate the relevance of a Convention on the right to development and the necessity to reach the widest and most inclusive agreement in terms of contents and participation in the discussion to finalize such an instrument. This would require everyone to demonstrate flexibility, cooperation and goodwill.

Finally, on the report of the Secretary General and OHCHR, we would like to highlight a sentence from paragraph 43 that is particularly striking: “Fair distribution of vaccines in accordance with the right to development principles would have saved hundreds of thousands of lives and could have prevented some of the mutations that have spread rapidly around the world “. Indeed, this is very true. Notwithstanding the primary responsibility of states to protect, respect and fulfil human rights and also the right to development, we should recognise that there is a tendency to overemphasise the national level of responsibility. As the South Centre rightly underlines in a research paper (3): “The right balance between national and international responsibilities is essential. It is important to point out that international conditions favourable to the realization of the right to development largely rest with the decisions of major developed countries which utilize their political and economic power to decide policy-making at key international financial institutions (IFIs), while their domestic policies have significant spillover effects on the economic, financial and political situation of developing countries “.

Once and for all, let us 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. Moreover, it unveils the intention of wealthy countries to preserve the status quo and not to recognize their enormous responsibility towards the developing countries that are increasingly being exploited.

(1) A/HRC/51/30; A/HRC/51/36; A/HRC /51/37; A/HRC/51/22; A/HRC/51/38; A/HRC/51/39

(2) The working group on right to development of the Catholic Inspired NGOs of the Geneva Forum (CINGO) is composed by: Associazione Comunità Papa Giovanni XXIII, Association Points-Cœur, AVSI, 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, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, International Organization for the Right to Education and Freedom of Education (OIDE), International Movement of Apostolate in the Independent Social Milieus (MIAMSI), New Humanity, Teresian Association and International Volunteerism Organization for Women, Education and Development (VIDES).

(3) South Centre- Research Paper, 8 March 2022 « The International discourse on the Right to Development and the need to reinvigorate its implementation» by Yuefen Li, Daniel Uribe and Danish