

CONTRIBUTION OF DEVELOPMENT TO HUMAN RIGHTS IN THE REPUBLIC OF GUINEA

International Conference
Hernán Santa Cruz Dialogue - Conakry



“ Reviving the Spirit of the Universal Declaration of Human Rights ”

13 July 2021

08.30 • 13.30 GMT

IN PERSON AND VIRTUALLY
ESPLANADE DU PALAIS DU PEUPLE,
CONAKRY

Under the High Patronage of
H.E. Professor Alpha CONDE,
Head of State



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RELEVANCE AND VALUE ADDITION OF THE HERNÁN SANTA CRUZ DIALOGUE

The right to development is at the heart of the United Nations 2030 Agenda for Sustainable Development, the African Union's Vision 2063 and the UN Secretary-General's Call for Change - A New Social Contract and A New Global Deal.



Since 2020, and thanks to the combined efforts of the Guinean authorities and the United Nations system, Guinea is the first pilot country in the actualisation of the right to development in the world.

The Hernán Santa Cruz Dialogue in Conakry is being held at a time when three other important processes in which the Republic of Guinea must play a leading role are underway, namely :

- > The presidency of the Group of 77 + China held by the Republic of Guinea
- > The 5th United Nations Conference on the Least Developed Countries to be held from 23 to 27 January 2022 in Doha, Qatar.
- > The drafting work of the [UN] Convention on the Right to Development.

G77+CHINA AS A SPACE TO PROMOTE THE RIGHT TO DEVELOPMENT

As the presidency of the Group of 77 + China since January 2021 for a one-year term, the Republic of Guinea is committed to strengthening international solidarity including through active advocacy in favour areas. These are human rights; global and social justice and peace, economic and social development; revitalizing multilateralism and international cooperation; and fighting poverty and inequality. For Guinea, the challenges facing G77

members include, as a priority, the development of human capital, the empowerment of women and girls, the promotion of youth employment, the fight against climate change, and the acceleration of the implementation of the 2030 Agenda. Its diplomacy is therefore better placed to promote the right to development within the G77+China, highlighting the contribution of development to human¹.

FIFTH UN CONFERENCE ON THE LEAST DEVELOPED COUNTRIES (LDCS)

Least Developed Countries are the most vulnerable countries according to three criteria: income per capita, human assets and economic and environmental vulnerability. They are, therefore, some of the countries that face the biggest obstacles to the realization of the right to development. The General Assembly decided to

hold the 5th United Nations Conference on the Least Developed Countries from 23 to 27 January 2022 in Doha, Qatar. This conference will adopt a new 10-year programme of action for the LDCs which will be crucial for the realisation of the right to development in these countries.

THE DRAFT INTERNATIONAL CONVENTION ON THE RIGHT TO DEVELOPMENT

Work on the draft convention on the right to development is taking place in Geneva under the auspices of the Intergovernmental Working Group on the Right to Development and the Human Rights Council. The Right to Development is rooted in the African Continent. The primary inspiration for the modern articulation of the right to development comes from Judge Keba M'Baye of Senegal, who

in 1972 argued that development should be viewed as a right. Africa was the first continent to have an international legally binding instrument recognising the right to development. This is the African Charter on Human and Peoples' Rights, Article 22 of which enshrines Human and Peoples' right to development. Guinea was the second country to ratify the African Charter in February 1982 (after Mali).

¹ Human Rights Council resolution on the contribution of development to the enjoyment of all human rights, <https://undocs.org/A/HRC/RES/41/19>



STRUCTURE

The Hernán Santa Cruz Dialogue is an international event organised around the world from 2020 to 2030 to stimulate a forward-looking dialogue between opinion leaders and policy makers on economic, social and cultural rights (ESCR), the 2030 Agenda and the right to development. The 2030 Agenda and the Sustainable Development Goals (SDGs) provide new impetus and entry points for the realisation of all human rights for all, in particular socio-economic rights and the right to

development. The SDGs can only be achieved through strong global partnerships and cooperation between all stakeholders, including universities and think tanks, to stimulate discussion and innovation. That is why this initiative involves multiple stakeholders around the world who will participate in the Hernán Santa Cruz Dialogue - with the aim of eventually organising an annual event in each country, worldwide.

PROGRAMME

The general theme of "contribution of development to the enjoyment of human rights" is inspired by the United Nations Human Rights Council resolutions 35/21 and 41/19.

The Official opening in the presence of the highest authorities of the State and the participation of members of the Government, the diplomatic corps, the private sector and civil society organisations. The event will include video messages from the United Nations High Commissioner for Human Rights, Max Santa Cruz, grandson of Hernán Santa Cruz and other authorities. The event will have three panels:

With a video message from the United Nations High Commissioner for Human Rights

Panel 1 : The right to development, climate change and environmental protection.

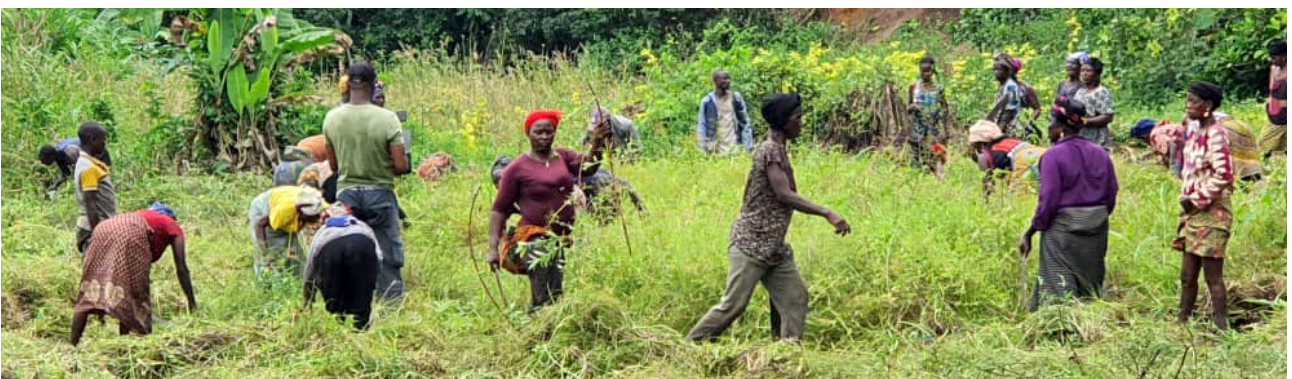
Panel 2 : The right to development, participation and social cohesion

Panel 3 : The Right to Development in the G77+China

FACE-TO-FACE, VIRTUAL AND LIVESTREAM FORMAT

The conference is organised by the Ministry of National Unity and Citizenship with the support of the United Nations system through the Office of the High Commissioner for Human Rights. It will be both face-to-face and virtual with the possibility of simultaneous English-French interpretation. The conference room will host 120 high-level guests, civil society representatives and panellists.

It will be broadcast live on social networks, television channels and local radio stations.



VISION AND MISSION OF HERNÁN SANTA CRUZ (1906 - 1999)

Hernán Santa Cruz was an early architect of the U.N. human rights system. A diplomat from Chile in the Human Rights Commission established in 1947, and a member of the Drafting Committee of the Universal Declaration of Human Rights (UDHR), his seminal contribution to human rights was his advocacy of socio-economic rights, which led to their inclusion in the Universal Declaration, in the face of concerted attempts to leave them out.



Speaking at the Economic and Social Council in 1948, Santa Cruz stated “Our task is to go on progressively studying the factors determining economic problems, and to adopt measures to deal with them, establishing the essential machinery for such studies, and also, if necessary, for putting the measures into effect”². He argued that economic, social and cultural rights (ESCR) embody freedoms that everyone should enjoy, which were indivisible from civil and political rights. Santa Cruz claimed that his delegation could not support a Declaration that did not embody socio-economic rights, and that “the right to work, the right to an equitable salary, the right to health, education and social security, and to the benefits of culture and scientific progress must not be omitted”³. He maintained that all States had an obligation to respect all human rights, irrespective of the forms of governments or economic systems in place therein.

Hernán Santa Cruz also actively supported the rights of migrants, in particular, the right to freedom of movement and the right to leave any country, advocating that “freedom of movement was the sacred right of every human being and that this principle should be defended and maintained as an element necessary to progress and to civilization”⁴.

Santa Cruz also advocated principles, which were later enshrined in the Declaration on the Right to Development, including fair distribution of the benefits of progress, combating inequalities and preventive approaches. For example, he affirmed that “scientific inventions should belong to society and be enjoyed by all”⁵, and that “if the causes of war were to be eliminated, the sovereignty of States must be limited by considerations of international solidarity and co-operation, and the economic level of the peoples of the world must be raised”⁶. Hernán Santa Cruz supported the Charter on the Economic Rights and Duties of States (1974), spearheaded by Latin American States, in particular, Mexico, Chile and Brazil. In this context, he argued that by virtue of its inclusion in the two human rights Covenants, the right to self-determination

and especially permanent sovereignty over natural resources, was legally binding.

The vision of Hernán Santa Cruz, of a human rights agenda integrated with the broader multilateral efforts for development and peace was evinced by his contributions to other multilateral processes, including in his capacity as President of the Economic and Social Council; as UN Special Rapporteur on Racial Discrimination; as Chairman of the Food and Agriculture Organization Conference; and as diplomat for Chile, who supported the creation of the Economic Commission for Latin America and the Caribbean (ECLAC) and the United Nations Conference on Trade and Development (UNCTAD).

Speaking at ECOSOC in 1948 in support of the creation of ECLAC, Santa Cruz observed that collective universal security is essential to the maintenance of peace, and alluded to the prevention of conflicts which ‘contain the seeds of a universal conflagration’⁷. Convinced of the potential role of the United Nations and the need to redress the imbalance between civil, political, and socio-economic endeavours, he emphasized the importance of international solidarity and cooperation. In resonance with this spirit, he became a pioneer advocate of the right to development at the Third Session of UNCTAD in 1972⁸.

The vision and mission of Hernán Santa Cruz articulated above resonate with the mandate and priorities of OHCHR, namely to promote and protect all human rights including economic, social and cultural rights and the right to development, redress economic inequalities, prevent conflict / sustain peace and advance the Sustainable Development Goals. Education is a key to positive change. When people are aware of their socio-economic rights, they can become empowered agents of change to claim them. Likewise, enhanced awareness among and across duty-bearers and all stakeholders can improve their ability to deliver on socio-economic rights.

² E/CN.12/21, 9 June 1948, p. 6.

³ E/CN.4/SR.50, p. 6.

⁴ A/C.3/SR.120, p. 315.

⁵ E/CN.4/AC.1/SR.15, p. 3.

⁶ E/CN.4/SR.50, p. 6.

⁷ E/CN.12/21, p. 4.

⁸ “Summary of Statement at the 93rd Plenary Meeting (20 April 1972) by H. E. Mr. Hernán Santa Cruz, Ambassador with Rank of Minister of State, Chile,” in UNCTAD, Proceedings of the United Nations Conference on Trade and Development, Third Session, 57-58.