

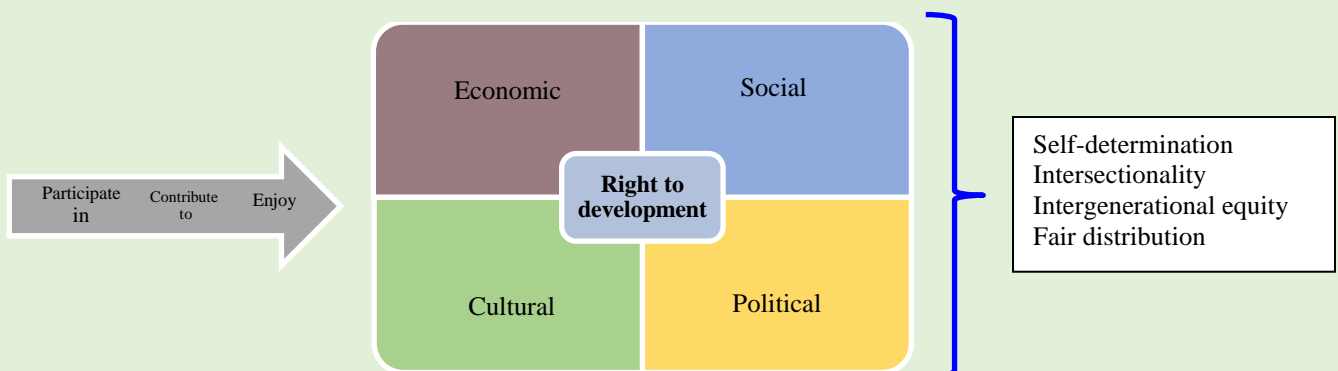
Reinvigorating the right to development: A vision for the future (A/HRC/54/27)

Summary of the Report of the Special Rapporteur on the right to development, Surya Deva

In his first report, submitted to the Human Rights Council pursuant to resolutions 33/14 and 51/7, the Special Rapporteur on the right to development, Surya Deva, outlines his vision to reinvigorate the right to development, highlights achievements in realizing this right over the years, proposes strategies to overcome major current challenges to the full implementation of the right to development and outlines the mandate goals and thematic priorities.

Based on the definition of the right to development elaborated in the landmark 1986 Declaration on the Right to Development, the Special Rapporteur discerns **three elements** and **four facets** of the right (see Figure 1). The three elements are the ability of human beings to participate in, contribute to and enjoy the right to development. The four facets are economic, social, cultural and political development. Pursuing these four facets of development provides a pathway to realize all human rights and fundamental freedoms.

Figure 1 **A holistic vision of the right to development**



The Special Rapporteur also derives **four overarching principles** of the right to development from the relevant normative instruments: (a) self-determination; (b) intersectionality; (c) intergenerational equity; and (d) fair distribution.

- (a) *Self-determination*: Peoples have a right to determine their economic, social and cultural development in line with the International Bill of Human Rights. The principle of self-determination entails peoples having full sovereignty over all their natural wealth and resources.
- (b) *Intersectionality*: Rightsholders are not a homogenous group, and many individuals and groups often face multiple layers of discrimination in society, which undermines their ability to realize the right to development. For this reason, States and other actors should adopt an intersectional approach in development-related policies, programmes and projects.
- (c) *Intergenerational equity*: The right to development is not a licence to destroy the planetary ecosystem or undermine the ability of future generations to fulfil their development

aspirations. The principle of intergenerational equity is critical to ensure that the right to development contributes to inclusive, equitable and sustainable development.

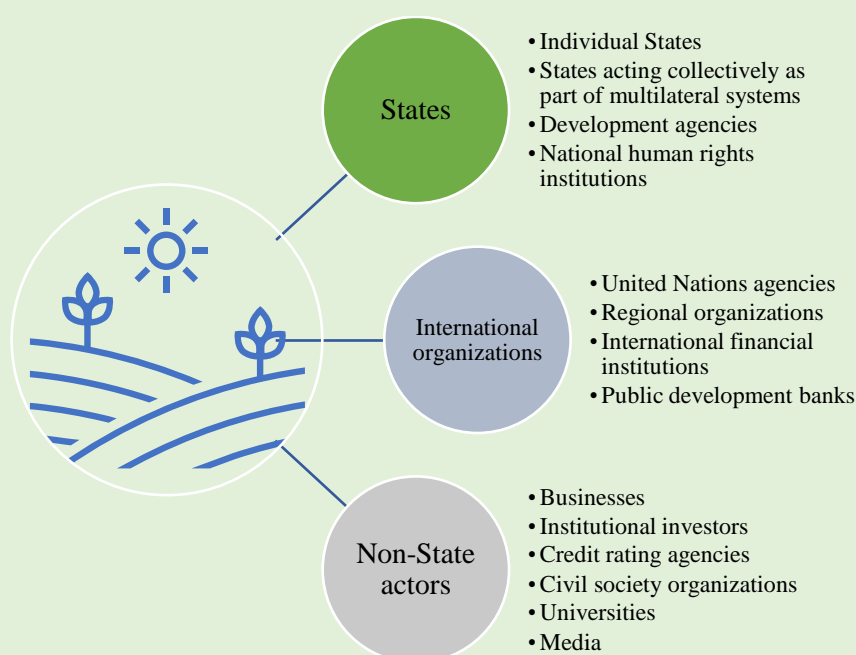
- (d) *Fair distribution*: Article 2(3) of the Declaration on the Right to Development states that the aim of development policies should be the constant improvement of the well-being of the entire population and of all individuals and the fair distribution of the benefits. Instead of facilitating development for and improving the well-being of some, no one must be left behind.

The Special Rapporteur highlights how the right to development adds **unique value** to international human rights law. The right to development:

1. Underscores the importance of the ability to enjoy rights. Human beings' ability to enjoy these rights requires that certain conditions exist for the enjoyment of rights.
2. Recognizes the agency of human beings: their free and meaningful participation is fundamental to realizing the right to development.
3. Embodies the practical application of the principle that human rights are indivisible, interdependent and interrelated. It does so by focusing on the vision of achieving holistic development in which all human rights and fundamental freedoms can be realized.
4. Offers a process not only for enhancing human capabilities to accomplish development but also for realizing all other human rights.
5. Acknowledges the collective dimension of human rights.
6. Underlines the importance of States' duty to cooperate to realize the right.
7. Offers the potential to address structural issues in the current economic order that systemically disempower developing countries from realizing the human rights of their people.

The Special Rapporteur identifies **multiple duty bearers** in relation to the right to development (see Figure 2). In addition to human beings' responsibility for development, all States have tripartite duties, relating to the national, extraterritorial and collective levels. Moreover, international organizations and non-State actors such as United Nations agencies, international financial institutions, public development banks, businesses, civil society organizations, universities and the media are also duty bearers.

Figure 2 Actors involved in the realization of the right to development



The report acknowledges **key achievements** in realizing the right to development at both the normative and the operational levels: the right to development is expressly recognized in the constitutions of some States; regional courts such as the African Court on Human and Peoples' Rights have elaborated the content of the right to development through judicial interpretation. At the regional level, the right to development has been recognized in several instruments: the Charter of the Organization of American States (art. 17), the African Charter on Human and Peoples' Rights (art. 22), the Arab Charter on Human Rights (art. 37) and the Association of Southeast Asian Nations Human Rights Declaration (art. 35). At the international level, the right to development has informed several policy frameworks such as the Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction 2015–2030, the Paris Agreement and the 2030 Agenda.

The process of drafting a covenant on the right to development is also at an advanced stage at the Human Rights Council. Once adopted, the covenant will mark an important milestone by strengthening the legal status of the right, as well as the corresponding obligations of States and other actors. The report also identifies a number of policies and other measures that had been adopted in different world regions to facilitate the practical implementation of the right to development.

The Special Rapporteur identifies **six challenges** that are undermining the ability of States and other actors to fully realize the right to development: (a) conceptual confusion; (b) limited capacities; (c) polarization; (d) lack of participation; (e) inequalities; and (f) the neocolonial and neoliberal order.

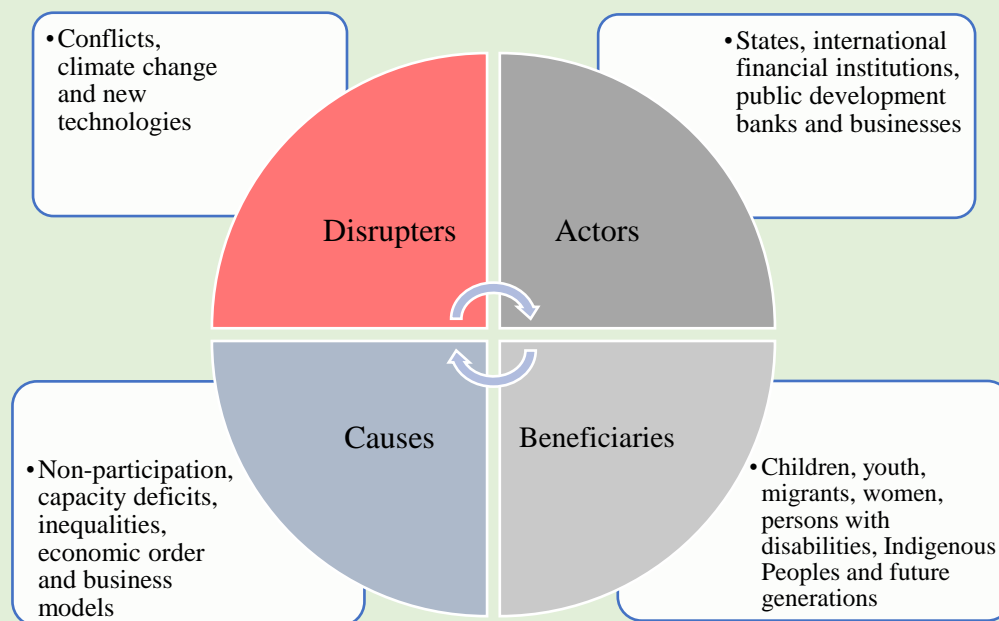
To overcome these ongoing challenges to the full realization of the right to development, the report proposes targeted strategies and outlines a role for the Special Rapporteur, the Expert Mechanism on the Right to Development and the Working Group on the Right to Development, as well as for other actors such as States, United Nations Agencies, civil society, development finance institutions, businesses and academia.

Further, the Special Rapporteur notes the **three broad goals** that he has set out for his mandate:

1. To promote a holistic understanding of the right to development and dispel perceptions or practices that tend to equate the right to development with economic development.
2. To mainstream the right to development within the United Nations system and within governance processes at the national and regional levels, and to connect the right with other relevant policy agendas such as the Sustainable Development Goals, business and human rights, climate change, migration and new technologies.
3. To make efforts to bridge the political divide between the global North and the global South, including by facilitating dialogues and identifying common entry points.

The Special Rapporteur will focus on **four sets of thematic issues** related to actors, beneficiaries, causes and disrupters (see Figure 3). Particular attention will be devoted to the role of *States, international financial institutions, public development banks and businesses*. Although all human beings and peoples are the beneficiaries of the right to development, the Special Rapporteur will especially focus on the development aspirations and needs of certain vulnerable or marginalized groups such as *children, youth, women, migrants, persons with disabilities and Indigenous Peoples and future generations*. Among the many root causes of the non-realization of the right to development, the focus will be on *lack of participation, capacity deficits, conflicts, inequalities, economic order and business models*. Finally, three potential disrupters to realizing the right to development – *conflicts, climate change and new technologies* – will be explored.

Figure 3 **Grouping of thematic priorities**



In discharging his mandate and focusing on these thematic priorities, the Special Rapporteur will adopt a **consultative and evidence-based approach** to engage all stakeholders in an inclusive and transparent manner, including during country visits. He will integrate **an intersectional approach**, as the different experiences and aspirations of children, women, LGBTIQ+ people, migrant workers, ethnic, religious or racial minorities, marginalized groups, elderly people, persons with disabilities and Indigenous Peoples have a direct bearing on how the right to development should be operationalized at all levels.

The report concludes by asserting that *the right to development is a human right relevant for everyone, everywhere*. By providing a pathway to holistic development (economic, social, cultural and political) through a participatory process, it is a route to realize all other human rights and fundamental freedoms and preserve intergenerational equity. It is also central to the 2030 Agenda, the Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction and the Paris Agreement. Moreover, it underpins the idea of a human rights economy and the calls to address structural issues in the current economic order that systemically disempower developing countries from realizing the human rights of their people. The Special Rapporteur makes practicable recommendations addressed to States, international financial institutions, public development banks, businesses and civil society organizations.