**DRAFT Recommendations**

**Inclusive development: promoting equality in development**

*National Level*

1. Addressing inequalities in development requires social and economic justice, in order to ensure fair redistribution of wealth, resources, power, and opportunities.
2. Implement effective economic and social reforms to guarantee equitable distribution of benefits of growth to all sections of population and reduce inequalities among them. Formulate development strategies through participatory process with primacy to the rights and needs of marginalised populations, including women, indigenous peoples, ethnic, racial, religious and other minorities, rural poor, internally displaced persons, migrants and refugees, older persons, persons with disabilities.
3. Promoting equal participation and benefit of women in development requires addressing the structural socio-cultural barriers to the full enjoyment of their rights*.* Development that promotes equality should promote women’s capacity to exercise real power and control over their own lives and the terms on which they engage with social, economic and political structures. This also means dismantling the structures of violence and submission that women face.
4. The promotion of the rights of women also requires the effective, democratic and equal representation in decision-making processes both in public and private institutions.
5. Governments should give particular attention to unpaid care and devise economic policies and national accounting that fully factors in unaccounted work. In this regard, solutions should be envisaged and supported publicly by states to remunerate, redistribute and reduce unpaid care.
6. Global and national redistributive policies should be reviewed and guarantee the universal provision of services critical for the realisation of human development including universal health coverage, water and sanitation, energy, education, emergency services, housing and food. These services should remain the sole prerogative of public authorities to counter the increasing trends of privatisation that are hindering access to quality, essential basic services. Governments should also consider progressive tax policies and retention of state resources including land and encourage domestic resource mobilisation by ending illicit financial flows.
7. Governments should renounce austerity measures and public spending choices that are hindering commitments to universal social protection and delivery of public goods and services
8. Promoting equality in development requires governments to undertake a mapping of those who are excluded, through the collection of disaggregated data, along prohibited grounds of discrimination, while taking into consideration the intersectionality between multiple grounds of discrimination. Special attention should be given to women, indigenous peoples, ethnic and linguistic minorities, those excluded on grounds of ascendance, migratory status and other intersecting forms of discrimination, including gender, race, disability and other status.
9. Challenging inequality requires challenging neo-liberal economic systems, policies, institutions and accounting that entrench social inequalities, undermine regulatory capacity of states and prevent states from fulfilling their obligations.
10. Poverty alleviation schemes should embed resilience building, by integrating a set of measures to prevent falling back into poverty. In this context, it is necessary that states adopt a multidimensional[[1]](#footnote-2) approach to poverty.

*Regional and international levels*

1. The promotion of an enabling and conducive international environment for the realisation of the right to development requires states to mobilise efforts to counter adverse trends, such as imposing coercive measures, including sanctions, which are negatively affecting multilateral cooperation. Such coercive measures negatively impact the promotion of article 3 para.3 of the Declaration on the right to development, according to which states should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality.
2. Global and regional taxation architecture should be developed with a view to counter the race to the bottom with tax policies that are increasingly in favour of capital interest at the detriment of people’s welfare.
3. To operationalize the right to development for the poor below the poverty line, the mobilisation of the poor should be the centerpiece of all right to development strategies and policies of the nation states, to enable fostering of institutions of the people to access right to development and empower them to do social audit of public sector departments/ministries responsible for delivering right to development interventions to the poor.

**Partnerships and participation in development**

*National level*

1. Multi-stakeholder approaches are paramount in developing and implementing transformative paradigmatic shift towards a right based approach to development.
2. Promote a legal framework that facilitates participation in formal economic activities and remove barriers to the equal participation of all sections of society with specific temporary special and concrete measures to ensure the adequate development and protection of the disadvantaged
3. Design and implement development projects with democratic and meaningful consultations to address the development priorities of the communities in the project area and in partnership through alternatives to the traditional public-private partnership model, such as public-public partnerships (PPPs) which is more accountable, or public-community-private partnership (PCPP) approach, whereby the communities are at the center of the development projects in terms of control and benefits sharing. People’s free, prior and informed consent must be acquired in all development projects.
4. Ensure that adequate information about project financing, including co-financed projects, is disclosed in a systematic and timely manner and in the languages of project-affected communities and/or in accessible formats. It is the primary responsibility of governments and International Financial Institutions (IFIs) to make information accessible starting at the planning stages in order to involve concerned communities early in the process.
5. States should invest in building the capacity of the civil society to play an active and meaningful role in development processes. States should also ensure space for CSO to practice their roles and rights in development processes, especially the freedom of expression and rights to information. Empowering groups and communities will give them the opportunity for self-determined development.
6. Ensure that the promotion and fulfilment of the right to development of indigenous peoples encapsulates their right to self-determination. Indigenous peoples should develop their own development priorities and provide their free, prior and informed consent as guaranteed in the UN Declaration on the Rights of Indigenous Peoples, and thus undertake development activities for indigenous peoples in line with the concept of self-determined development.
7. Human rights education with a specific emphasis on gender and non-discrimination should be included at all levels of education to allow people to make informed decisions and participate in political, economic, social and cultural development.
8. Governments should be more open to including civil society in economic planning and reforms. In this regard, participatory gender-responsive budgeting can be envisaged at local levels. At national level, parliamentary hearings could be means of promoting participatory gender-responsive budgeting and transparency in economic policy decision making.

*Regional and International levels*

1. South-South and Triangular cooperation should be envisioned as a promising route of development cooperation, while acknowledging that power imbalances and differences in levels of development between countries of the South also require integrating a right based approach in such cooperation.
2. IFIs, including multilateral development banks and international corporations should limit/refrain from imposing conditionality on governments, in particular when these would lead to weakening sustainable human development policies. Governments should conduct human rights impact assessment prior to any economic reforms, particularly those resulting from the advices of IFIs or trade and investment agreements.
3. Governments should regulate as appropriate the actions of the private sector in line with the UN Guiding Principles on Business and Human Rights, including through legal reforms to establish criminal liability for businesses that violate human rights and to require businesses to act with human rights due diligence to address their impacts.
4. States must observe their extraterritorial obligations including by, inter alia, regulating the actions of multinational corporations headquartered in their countries. States should support the process for the creation of a legally binding treaty on transnational corporations, including those owned by states.

**Accountability in development**

*National Level*

1. Transparent and accountable mechanisms are needed at national level, including in the context of resource mobilization.
2. Good governance, peaceful, just and transparent rule of law and democracy are key conditions for the effective promotion and fulfilment of the right to development.
3. Sates should safeguard the democratic space for human rights and environmental defenders and establish effective complaints mechanisms. States should support and empower civil society organizations, and defenders engaged in fighting corruption, seeking for social justice, freedom of expression, and documenting the adverse impacts of development policies and projects. In this regard, it is particularly important that due regard be given to indigenous people’s land rights and associated struggles and that their interests be preserved and their free, prior and informed consent is sought in development processes.
4. States should recognise and protect the work of women human rights defenders, end all forms of persecution and violence against them, and ensure an enabling environment for their courageous act of resistance and activism in realization of the right to development.
5. National Human Rights Institutions (NHRIs) should play an important role as an avenue for redress by challenging- national authorities who do not comply with human rights obligations and recommendations from independent human rights bodies. NHRIs role in addressing violations related to economic, social and cultural rights and the right to development should be strengthened. NHRIs could also play a role in monitoring the compliance with extra-territorial obligations of states in the context of the country’s foreign investments.
6. Ensure that effective mechanisms are in place to guarantee that development projects are carried out according to international transparency standards and in line with the Rio Declaration on Environment and Development.
7. Domestic judicial remedies should be strengthened to deliver timely relief; criminal and civil judicial institutions have a particularly important role because they can hold government accountable. These processes should be transparent and public information should be made available on the outcomes of such cases including statistics on decisions taken in such matters.
8. States should promote an enabling environment for public interest litigation by enacting adequate laws. The right to development and international norms should be introduced in public interest litigation as a means to ensure that domestic judicial institutions hold Government accountable with regards not only to domestic laws, but also to international norms that they have signed onto.

*Regional and International levels*

1. At the occasion of the 2019 review of the format and organizational aspects of the UN High-level political forum (HLPF), promote the integration of a human rights approach to state reporting on progress made in SDGs’ implementation and make such reporting mandatory rather than voluntary. Promote a participatory reporting process on the SDGs by opening space for civil society to engage in the High-level political forum in similar ways that are promoted with the UPR and other UN Human rights monitoring mechanisms.
2. Investor-state dispute settlement (ISDS) system allowing corporations to bring complaints in relations to investment agreements against states should be revised, to become more fair and just and ensure compliance in practice with international human rights standards.
3. Reporting on progress made on the right to development should be featured in the UPR process, as well as in the reviews by the various UN human rights treaty bodies. UN Voluntary Fund should support initiatives in this regard.
4. human rights, women’s rights and environmental impact assessments must be conducted ex-ante and periodically thereafter as a part of the planning cycles of development policies and projects, in addition to technical feasibility studies.
5. Encourage at regional and international levels the establishment of improved dispute settlement mechanisms that promote and respect equality between states and states sovereignty.
6. Environmental and social safeguard policies and accountability mechanisms set up by IFIs could be an avenue for redress for developmental harms; however, the safeguards should be known to and the mechanisms need to become accessible to ordinary people. The scope of action of these mechanisms should be expanded to go beyond mediation and incorporate the possibility of vetoing projects that are not welcomed by the affected communities. At the same time, IFIs, particularly those recently established, and many governmental development agencies have not formulated and implemented safeguard policies in line with international human rights standards or established effective grievance mechanisms. Those IFIs and agencies should immediately formulate necessary policies and operationalize grievance mechanisms following adequate consultations with relevant civil society organizations.
7. Strengthen mechanisms and institutions to provide effective remedy and justice for harms caused by development projects. Perpetrators should be subject to strict resolution and compensation deadlines.
8. Regional human rights mechanisms should play a role in advocating for the right to development as well as monitoring its implementation and related violations. The Asian regional human rights mechanisms should play a stronger role in advocating for the rights to development by monitoring the process, investigating in the human rights and related violations, and should develop their own accountability mechanisms for the development implementation.

**Promoting sustainability in development: the environment and climate questions**

*National level*

1. Without the implementation of the right to development by all, developing countries will not be able to adapt to climate change. Developing countries need to fully integrate a sustainable rights-based approach to their development policies while developed countries should bear a fair share of the climate change mitigation and adaption efforts reflecting their historical responsibilities.
2. Governments and peoples need to recognize and acknowledge the threat that climate change presents for human rights and development. States should act to popularise the understanding of climate change at all levels, with a view to promote consciousness among the public at large and especially local communities and marginalised groups in order to enhance their resilience, adaptive capacities and adaptation to impacts of climate change.
3. States should engage local communities to facilitate adaptive capacity building and encourage long-term preparedness schemes as well as climate change mitigation processes. In this regard, communities should be sensitised to climate risks.
4. States should promote energy democracy that allow local communities to choose their own clean energy solutions should be encouraged and accompanied by the Government.
5. Farming communities should have a leading role in the development of seed banks with a view to preserving traditional seed production and preservation as a means of resilience building and achieving food sovereignty. Governments should further protect, respect and fulfil the rights of farmers and small holders.
6. States should exercise their sovereign right to ensure that Multinational Corporation in promoting and implementing sustainable development policies informed and determined by the people and in accordance with their expressed needs.
7. Environmental and human rights impact assessments should be embedded in policy design and investment agreements; and their cost should be appropriately budgeted. The social and environmental costs should be assessed and publicised. Comprehensive and independent assessments of environmental, social and human rights impacts should be conducted, including at transboundary level as needed for relevant development projects, to prevent, address and mitigate those impacts, whereby those assessments are either led by the concerned communities or have their full and effective participation or require their approval.
8. States should identify methods for effective data collection on the environmental impacts of development policies.
9. The effective promotion of development that is human rights compliant and environmentally sustainable, requires the creation of adequate civic space and the full protection of environmental defenders.
10. Promoting sustainable development requires dismantling the adverse social and cultural norms and in particular those who are hindering the rights of women.
11. Sustainable human rights complaint development requires distinguishing between necessity carbon emission and luxury emissions. State must provide basic energy services. For example, access to clean cooking energy should be guaranteed.
12. Promoting sustainable development requires mapping the various constituencies, and interests that may be in competition and building bridges between communities in the Global South but also strengthening North-South solidarity.
13. States need to urgently recognize the need to act upon and to keep the temperature increase below 1.5 degrees, as the failure to limit that increase will mean the failure of achieving the Sustainable Development Goals.

*Regional and International levels*

1. South-South and Triangular development cooperation should integrate a sustainable and human right based approach.
2. Civic space should be widened to allow democratic and meaningful participation of all stakeholders within the multi-lateral processes related to climate change.
3. The Green Climate Fund should be directly accessible to states and community based stakeholders. Rules regulating access to funds should be reviewed to be more inclusive and guarantee that projects are truly geared towards reducing emission and promoting clean energy solutions, encouraging a paradigm shift towards socially just transitions and a resilient society; and ensuring that false solutions are not supported.
4. Ensure that developed states act to limit climate change through radically reducing carbon emissions nationally and across their production and consumption supply chains.
5. Further advocacy is required to amend the climate change agreement to bring its implementation into full conformity with the obligation to “respect, protect, promote and fulfil” human rights, including the right to development.

1. “Multidimensional poverty is made up of several factors that constitute poor people’s experience of deprivation – such as poor health, lack of education, inadequate living standard, lack of income (as one of several factors considered), disempowerment, poor quality of work and threat from violence”, Oxford Poverty and Human Development, <https://ophi.org.uk/policy/multidimensional-poverty-index/>, accessed 13/12/2018 [↑](#footnote-ref-2)