

Mandate of the United Nations Special Rapporteur on the right to development

Regional consultation on the practical implementation of the right to development: Identifying and promoting good practices

Modalities

Thank you for confirming your participation in the third Regional Consultation convened by the UN Special Rapporteur on the right to development for the Latin American and Caribbean region. The present document is to be read together with the draft agenda.

Day 1: The first day of the meeting will begin with an opening session, followed by thematic roundtable discussions. In order to facilitate in-depth discussion in smaller groups, there will be two parallel roundtable discussions on different topics (see below). Each group will have a moderator and a rapporteur as well as two or three presentations to stimulate the debate. The rapporteurs will be in charge of presenting the outcome of the two roundtable discussions in the plenary session, during which time comments and suggestions would be welcomed from the floor.

Due to logistical constraints, one roundtable will benefit from simultaneous interpretation in Spanish and English while the other roundtable will be conducted in English only. Therefore, we invite all participants that are not fluent in English to join thematic round table 1 on 11 October. As mentioned above, a summary of the discussion of each roundtable—and a chance to provide feedback on that discussion—will be given in the plenary session, enabling all participants to contribute.

Day 2: The second day of the meeting will begin with a thematic discussion on ensuring accountability and access to effective remedies in the context of development processes. The thematic discussion will be followed by a working session aimed at discussing practical recommendations that will inform the outcome document of the regional consultation process. Simultaneous translation will be provided in English and Spanish.

Background and guiding questions for the thematic discussions and the working session

Before beginning our discussions, it is important to recall the objectives of the consultation, which are to:

- ❖ Share good practices and experiences in designing and implementing development policies and programs that integrate human rights; demonstrate inclusive and participatory approaches; and contribute to the realization of all human rights, including the right to development;
- ❖ Share methodologies to monitor and assess the structure, processes and outcomes of said programs and policies;
- ❖ Share recurring obstacles and challenges to the effective implementation and integration of human rights in development policies and programs; as well as successes and innovative approaches in overcoming these obstacles.

In order to further guide the discussions, the below focus questions and issues have been identified for the thematic roundtables and the working session. The questions and issues mentioned are not

exhaustive and merely serve to stimulate the debate. We hope that they will help participants to present some good/promising practices they have observed in the course of their work as well as share information on challenges and innovative ways to address them. Examples may relate to both development processes and outcomes. They may concern all phases of development processes e.g. agenda setting, design/planning, financing, implementation, monitoring and evaluation stages.

Thematic Roundtable 1: Inequality, austerity and inclusive sustainable development

Article 1 of the Declaration on the Right to Development emphasizes that the right to development is an invaluable human right that entitles all individuals and peoples to “participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”. However, persistent poverty, discrimination and inequalities based on income, sex, gender, age, disability, race, class, ethnicity, religion, social status and other criteria continue to prevent many people from meaningfully participating in, and benefiting from, development. Austerity measures adopted in the wake of rising debt, financial and economic crises have compounded this state of affairs in many countries. While these measures are aimed at reducing deficits and stabilizing economies, they often lead to increasing inequalities, poverty and inequitable growth. Particularly due to their adverse impact on social protection schemes, such measures have hit the world’s poorest and most vulnerable communities the hardest, leading to further exclusion and marginalization. In this context, it is vital that we take seriously the commitment of the 2030 Agenda “to leave no one behind”. In order to ensure that the sustainable development targets are met for all individuals, peoples, nations and segments of society, we must think about innovative ways of advancing development that is sustainable, inclusive and conducive to the realization of all human rights.

Some questions that may be useful to guide this roundtable discussion include:

- What challenges do inequalities within and between countries pose for the realization of the right to development in the region? What promising practises exist to eliminate discrimination and reduce inequalities to advance inclusive sustainable development?
- What measures have proven successful in empowering and promoting the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion, economic or other status?
- What promising practices exist to ensure inclusive and participatory development processes? How should these processes be designed, implemented, monitored and evaluated?
- What challenges does austerity pose for the advancement of inclusive sustainable development e.g. in terms of its impact on social protection? What innovative ways exist to monitor, evaluate and mitigate the adverse impact of austerity on the realization of the right to development for all segments of society?
- Can austerity measures be reconciled with inclusive sustainable development? What innovative steps have States taken as alternative to austerity measures?

Thematic Roundtable 2: Cooperation and partnerships for sustainable development

Today, the international community is confronted with ever-increasing global challenges and crises that pose a threat to the economic, social, cultural and political development of current and future generations. Already back in 1986, the Declaration on the Right to Development recognized that global development challenges can only be addressed if States and other relevant stakeholders join forces to find common and sustainable solutions. More recently, the importance of development cooperation and multi-stakeholder partnerships for sustainable development has been reaffirmed in the four

internationally agreed policy documents of 2015 (the Addis Ababa Action Agenda on Financing for Development, the Sendai Framework for Disaster Risk Reduction, 2030 Agenda for Sustainable Development, and the Paris Agreement on climate change). Sustainable Development Goal 17, in particular, stresses that achieving the ambitious targets of the 2030 Agenda requires enhanced cooperation and partnerships that bring together Governments, civil society, the private sector, the United Nations system and other actors and that mobilize all available resources.

Some questions that may be useful to guide this roundtable discussion include:

- How can a right to development perspective be integrated into international and regional cooperation/integration initiatives? How can such initiatives advance the realization of the right to development across the region?
- How can the private sector—which may impact development through corporate social responsibility, investment, cooperatives and public/private partnerships—be leveraged to advance the realization of the right to development? Which challenges do these partnerships pose for the realization of the right to development? What are the lessons learnt and promising practices in addressing these challenges?
- How can a right to development perspective be integrated into South-South/triangular cooperation? What promising practices exist that demonstrate how South-South/triangular cooperation can advance inclusive sustainable development and human rights? What challenges and opportunities does South-South/triangular cooperation pose for the realization of the right to development?
- What role can financial institutions, development banks and funds play in promoting inclusive sustainable development in the region? What promising practices exist in incorporating human rights/the right to development in their operations? What challenges and opportunities do these institutions pose for the realization of the right to development?

Thematic Roundtable 3: Promoting Accountability & Access to effective remedies

During the previous consultations for the African and European regions, participants stressed the importance of adequate accountability mechanisms and access to effective remedies in the context of development processes. Ensuring development processes are accountable may require the imposition of proactive or reactive measures; it can similarly trigger compensatory or process-oriented changes. Reference has been made in past consultations to: recourse through national or international courts, international complaints mechanisms, compliance review systems, the provision of compensation for affected individuals, mandatory inclusion of communities in participatory processes and mediation, among other accountability mechanisms. Therefore, this group discussion aims to address some of the following issues and questions in various fields of interventions:

- What are some of the main challenges in ensuring accountability concerning the right to development? What are the lessons learnt?
- How can we ensure and improve accountability in relation to the right to development?
- What accountability mechanisms have proven to be effective/ innovative?
- What avenues exits/can be created so that individuals and communities can effectively claim their right to development as well as the economic, social, cultural, civil and political rights that are part and parcel of the right to development?
- How can we ensure that affected individuals and communities have access to effective remedies when their rights have been violated in the context of development processes?
- What innovative ways exits to mitigate the impact of ill-governance on human development programming?

Working session on practical recommendations

The regional consultations convened by the Special Rapporteur are expected to result in the development of a set of practical guidelines and concrete recommendations for the advancement of the right to development across the globe. Drawing from empirical evidence, good practices and lessons learnt in the different regions, these recommendations will aim to provide guidance to States and other stakeholders involved in development processes. As such, they will provide a valuable tool for the integration of a right to development perspective into the design, implementation and assessment of development policies, programmes and projects that are sustainable, inclusive and conducive to the realization of all human rights.

Drawing from his/her expertise and experiences, each participant is kindly asked to prepare at least two concrete recommendations that can be discussed during the working session. While there is no set format or thematic focus, we encourage participants to think about the following aspects when formulating recommendations:

- Recommendations may be aimed at advancing the right to development on the local, national, regional and international levels. As such, they may be directed at various stakeholders, including States, international or regional organisations, financial institutions and development banks, local authorities, non-governmental organisations, civil society and the private sector etc.;
- Recommendation may concern the structures, processes and outcomes of development policies, programmes and projects. They may concern all phases of development processes e.g. agenda setting, design/planning, financing, implementation, monitoring and evaluation stages;
- Recommendations may concern all thematic areas related to the right to development, including financing for development, development cooperation, poverty reduction, climate change and disaster risk reduction, to name but a few examples. The promotion of meaningful participation, inclusiveness and accountability should be taken into account with regards to all thematic areas.

Some sample recommendations made during the consultation for the African region can be found at: <https://www.ohchr.org/Documents/Issues/Development/SR/AddisAbaba/OutcomeDocument.docx>

We look forward to fruitful discussions.
