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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Reinvigorating the right to development: A vision for the future**

### **Report of the Special Rapporteur on the right to development, Surya Deva\***

#### *Summary*

In the present report, submitted pursuant to Human Rights Council resolutions [33/14](#) and [51/7](#), the Special Rapporteur on the right to development, Surya Deva, outlines his vision for reinvigorating the right to development, highlights achievements in realizing this right over the years, identifies major current challenges for its full implementation and proposes strategies to overcome those challenges. The report also includes the Special Rapporteur's goals and thematic priorities and describes his methods of work to discharge his mandate and engage all relevant stakeholders in an inclusive manner.

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## **I. Introduction**

### **A. Context**

1. After taking up his role on 1 May 2023, the Special Rapporteur on the Right to Development, Surya Deva, has been reaching out to a wide range of stakeholders, such as representatives of States, United Nations agencies, national and regional human rights institutions, businesses, trade unions, civil society organizations, women's and youth organizations, Indigenous Peoples' organizations and academia to understand better the challenges and opportunities in realizing the right to development and to ascertain key priorities of the mandate. He has also held meetings with his predecessor, Saad Alfaragi, members of the Expert Mechanism on the Right to Development, the Chair-Rapporteur of the Working Group on the Right to Development and several other special procedure mandate holders.

2. The Special Rapporteur has participated in several events to highlight the importance of the right to development: (a) the twenty-fourth session of the Working Group on the Right to Development, held in Geneva from 15 to 19 May 2023; (b) the Geneva Dialogues on Human Rights and Climate Change held in Geneva on 17 May 2023; (c) the United Nations Responsible Business and Human Rights Forum, Asia Pacific, held in Bangkok from 6 to 9 June 2023; and (d) the high-level political forum on sustainable development held in New York from 10 to 19 July 2023. He also participated in the twenty-ninth annual meeting of special rapporteurs, special representatives, independent experts and chairs of working groups of the special procedures of the Human Rights Council, held in Geneva from 12 to 16 June 2023. His participation in those events allowed him to conduct bilateral meetings with various stakeholders.

3. In the present report, the Special Rapporteur outlines his vision for reinvigorating the right to development. In particular, he proposes specific strategies to overcome key challenges in realizing the right to development. He also uses the report to reinforce a holistic understanding of the right to development and to highlight the unique value that this right brings to international human rights law.

### **B. Objectives**

4. With the present report, the Special Rapporteur seeks to achieve four objectives. First, he articulates a holistic vision of the right to development derived from the Declaration on the Right to Development and other relevant instruments, such as the Rio Declaration on Environment and Development, the Vienna Declaration and Programme of Action, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, the 2030 Agenda for Sustainable Development and the Paris Agreement, and describes the added value offered by the right to development and the importance of multiple actors having concurrent duties and responsibilities. Second, he provides illustrative examples of achievements in implementing the right to development at the normative and practical levels, and how this right is central to the calls for a new economic order. Third, he highlights several ongoing challenges in realizing the right to development and proposes specific strategies to overcome those challenges. Fourth, he outlines some of the thematic priorities that he proposes to focus on during his mandate in the coming years and the methods of work that he plans to adopt.

### **C. Methodology**

5. In the present report, the Special Rapporteur draws on developments at the national, regional and international levels in implementing the right to development and the ongoing challenges experienced by States and other actors in realizing this right. The analysis in the report is informed by a literature review and insights gained from extensive outreach to collect input from all relevant stakeholders in an inclusive and transparent way.

6. In response to the Special Rapporteur's call for input from States and other stakeholders, submissions were received from 11 States, four international organizations, 18 civil society organizations, two business representatives and four individuals (including from academia).<sup>1</sup> The Special Rapporteur also conducted a consultation in Bangkok on 8 June 2023, during the United Nations Responsible Business and Human Rights Forum, and two online consultations with experts from all world regions on 21 and 22 June 2023. In addition, he had several bilateral conversations with representatives of States and other organizations in Geneva and New York during the period May–July 2023. The Special Rapporteur is grateful to all stakeholders for providing input in various forms.

#### D. Scope and limitations

7. In the present report, a broad-brush approach is adopted in highlighting current challenges to the full realization of the right to development and potential strategies to overcome those challenges. Owing to word limit constraints, it has not been possible to explore some of the themes or ideas contained in the report more deeply. However, the Special Rapporteur hopes to revisit some of those issues in subsequent reports or other work.

## II. A holistic understanding of the right to development

### A. Conceptual framework of the right to development

8. Although the roots of the right to development can be traced to the Covenant of the League of Nations and the Charter of the United Nations,<sup>2</sup> a landmark development was the adoption of the Declaration on the Right to Development, in 1986. It defines the right to development as the right of every human person and all 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 (art. 1 (1)). From this definition, three elements and four facets of the right to development can be discerned. 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.

9. Pursuing these four facets of development provides a pathway to realize all human rights and fundamental freedoms. In other words, the right to development is both an end and a means to realize other human rights.<sup>3</sup> The African Commission on Human and Peoples' Rights has observed that "the right to development is a two-pronged test, that it is both *constitutive* and *instrumental*, or useful as both a means and an end. A violation of either the procedural or substantive element constitutes a violation of the right to development. Fulfilling only one of the two prongs will not satisfy the right to development."<sup>4</sup>

10. Four overarching principles of the right to development can be derived from the Declaration on the Right to Development and other relevant instruments: (a) self-determination; (b) intersectionality; (c) intergenerational equity; and (d) fair distribution.

11. The first overarching principle of the right to development is self-determination. Peoples have a right to determine their economic, social and cultural development in line

<sup>1</sup> All submissions are available at <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-2023-reports-un-special-rapporteur-right-development>.

<sup>2</sup> Surya P. Subedi, "Declaration on the Right to Development" (2021). Available at [https://legal.un.org/avl/pdf/ha/drd/drd\\_e.pdf](https://legal.un.org/avl/pdf/ha/drd/drd_e.pdf).

<sup>3</sup> Amartya Sen, *Development as Freedom* (Oxford, United Kingdom of Great Britain and Northern Ireland, Oxford University Press, 1999), p. 10.

<sup>4</sup> *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, Communication No. 276/2003, Decision, para. 277.

with the International Bill of Human Rights. The principle of self-determination entails peoples having full sovereignty over all their natural wealth and resources.<sup>5</sup> This principle is relevant even in the post-colonial context, because some States and companies tend to justify taking control of the natural resources of vulnerable or marginalized communities, without their meaningful participation, as being for the larger public good or accomplishing a top-down model of economic development.

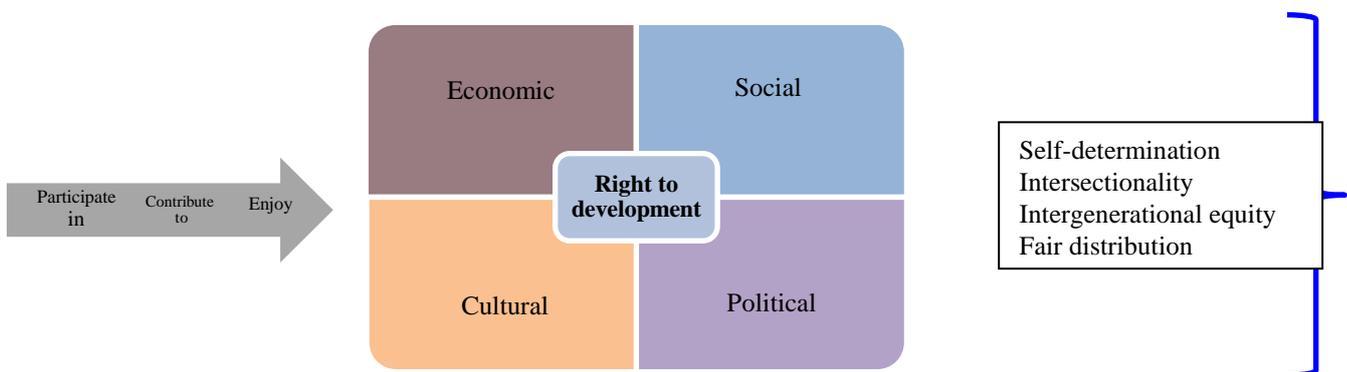
12. Intersectionality is the second overarching principle of the right to development, because rights holders are not a homogenous group.<sup>6</sup> Many individuals and groups often face multiple layers of discrimination in society, which undermines their ability to realize the right to development. For this reason, the obligation of States to promote universal respect for human rights “without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” is underscored in the preamble of the Declaration on the Right to Development.<sup>7</sup>

13. The third overarching principle of the right to development is intergenerational equity, as this right is not a licence to destroy the planetary ecosystem or undermine the ability of future generations to fulfil their development aspirations. This component of the right to development is highlighted in the Rio Declaration on Environment and Development and the Vienna Declaration and Programme of Action: “The right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations.”<sup>8</sup> In this context, principle 5 (b) of the Maastricht Principles on the Human Rights of Future Generations is relevant in that it is asserted therein that future generations are entitled to all individual and collective human rights, including the right to development. The principle of intergenerational equity, which is also acknowledged in the preamble of the Paris Agreement, is critical to ensure that the right to development contributes to inclusive, equitable and sustainable development.

14. Fair distribution is the fourth principle of the right to development. In article 2 (3) of the Declaration it is noted 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.<sup>9</sup> In other words, instead of facilitating development for and improving the well-being of some, no one must be left behind.

15. All the elements, facets and overarching principles of the right to development are crucial: taking out any of them would create an imbalance. Figure I depicts the correlation between the three facets, four elements and four principles.

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



<sup>5</sup> Declaration on the Right to Development, art. 1 (2).

<sup>6</sup> A/72/162, para. 26. See also A/HRC/41/43.

<sup>7</sup> See also art. 6 (1).

<sup>8</sup> Rio Declaration, principle 3. Similar language is incorporated into para. 11 of the Vienna Declaration and Programme of Action.

<sup>9</sup> See also article 8 of the Declaration and targets 2.5 and 15.6 of the Sustainable Development Goals.

## B. Unique value of the right to development

16. The right to development adds unique value to international human rights law in several ways.<sup>10</sup> First, it underscores the importance of the ability to enjoy rights. It is not enough for human beings to merely have an entitlement to human rights. Rather, they should be able to enjoy these rights, which requires that certain conditions exist for the enjoyment of rights. For example, international financial and tax systems should enable developing countries to have the resources necessary to offer essential public services. Moreover, in today's context, access to the Internet is usually necessary to enjoy fully the right to freedom of expression, the right to information and the right to freedom of association. Similarly, enjoyment of the right to work presupposes that reasonable opportunities to work exist.

17. Second, the right to development recognizes the agency of human beings. Human beings do not have or enjoy human rights only as passive agents. Rather, their active, free and meaningful participation is fundamental to realizing the right to development.<sup>11</sup> Moreover, human beings should contribute to the realization of the right to development. Both of these dimensions of agency apply to other human rights as well.

18. Third, the right to development 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 – that is, economic, social, cultural and political development – in which all human rights and fundamental freedoms can be realized. No one set of rights should take priority over the others. Nor can the lack of development be invoked to justify the curtailment of internationally recognized human rights. Rather, all rights should be realized together, in a harmonious way. A holistic understanding of the right to development could also assist in overcoming siloed or fragmented approaches to law-making and policymaking at all levels.

19. Fourth, the right to development offers a process not only for enhancing human capabilities to accomplish development but also for realizing all other human rights. As a former Independent Expert on the right to development noted, the “right to development as the right to a process of development is not just an umbrella right or the sum of a set of rights. It is the right to a process that expands the capabilities or freedom of individuals to improve their well-being and to realize what they value”.<sup>12</sup>

20. Fifth, the right acknowledges the collective dimension, an issue which is often overlooked in relation to human rights.<sup>13</sup> Nevertheless, the collective dimension, as a complement to the individual dimension, of human rights is relevant.<sup>14</sup> The recent recognition of the right to clean, healthy and sustainable environment is a case in point.<sup>15</sup> Synergy is also seen between individual and collective dimensions in relation to other human rights such as the right to freedom of association.<sup>16</sup>

21. Sixth, the right to development, a third-generation solidarity right,<sup>17</sup> underlines the importance of States' duty to cooperate to realize the right.<sup>18</sup> The relevance of cooperation

<sup>10</sup> See also OHCHR, “Frequently asked questions on the right to development”, Fact Sheet No. 37 (New York and Geneva, 2016), p. 10.

<sup>11</sup> Declaration on the Right Development, preamble. See also arts. 1 and 2.

<sup>12</sup> E/CN.4/2002/WG.18/2, para. 3.

<sup>13</sup> The recognition of collective or solidarity rights may address the limitations of an overly individualistic conceptualization of human rights and in turn address real societal issues such as peace, development and the environment (Philip Alston, “Making space for new human rights: the case of the right to development”, *Harvard Human Rights Yearbook*, vol. 1 (spring 1988), p. 4).

<sup>14</sup> See B.G. Ramcharan, “Individual, collective and group rights: History, theory, practice and contemporary evolution”, *International Journal on Group Rights*, vol. 1, No. 1 (1993).

<sup>15</sup> See General Assembly resolution 76/300.

<sup>16</sup> OHCHR, “Frequently asked questions on a human rights-based approach to development cooperation” (New York and Geneva, 2006), p. 4.

<sup>17</sup> Stephen Marks, “The human right to development: Between rhetoric and reality”, *Harvard Human Rights Journal*, vol. 17 (2004), p. 138.

<sup>18</sup> Declaration on the Right Development, arts. 3 (2) and (3) and 6 (1).

among States is applicable to the realization of all human rights, as the United Nations High Commissioner for Human Rights highlighted in his statement to the Human Rights Council at its fifty-third session.<sup>19</sup> International cooperation and solidarity are also vital to deal with many challenges currently faced by humanity – from climate change to migration, pandemics, peace and security, the regulation of new technologies, food security and terrorism.<sup>20</sup>

22. Seventh, the right to development 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. “Historically, the right to development has always been about correcting what is wrong in the global economic order.”<sup>21</sup> It offers a unique “language of resistance deployed both to challenge perceived inequities of the global political economy and to claim development assistance and cooperation as a human rights entitlement in a globalizing world”.<sup>22</sup>

### C. Multiple bearers of duties and responsibilities

23. The Declaration on the Right to Development identifies those who have duties and responsibilities in relation to the right to development. To begin with, all human beings have a responsibility for development (art. 2 (2)). This responsibility, which is both individual and collective, is consistent with rights holders being regarded as active agents to realize the right to development.

24. As with other human rights, all States have tripartite duties to realize the right to development, as set out in articles 2–8 of the Declaration. These duties relate to the national, extraterritorial and collective levels.<sup>23</sup> The extraterritorial dimension of duties is relevant to the right to development.<sup>24</sup> Moreover, considering the colonial history, which created an inherent disadvantage for the global South,<sup>25</sup> special attention is paid in the Declaration to the duty of States to cooperate with each other in ensuring development and eliminating obstacles to development (art. 3 (3)). In the second revised text of the draft covenant on the right to development, States’ duty to respect, protect and fulfil the right to development and their duty to cooperate is further elaborated upon.<sup>26</sup> Articles 7 and 9 of the draft covenant also outline the duty of legal persons to refrain from participating in the violation of the right to development and certain obligations of international organizations.

25. The Declaration on the Right to Development does not mention duties and responsibilities of other actors. Nevertheless, in view of the evolving nature of international human rights law, both international organizations and non-State actors also have independent duties and responsibilities in relation to human rights, including the right to development. Duty bearers include United Nations agencies, international financial institutions, public development banks, businesses, civil society organizations, universities and the media. For example, the General Assembly, in its resolution 48/141,

<sup>19</sup> See <https://www.ohchr.org/en/statements/2023/06/urging-greater-cooperation-high-commissioner-turk-opens-human-rights-council>.

<sup>20</sup> See A/75/982. See also <https://www.ohchr.org/en/press-releases/2023/06/un-expert-calls-declaration-right-international-solidarity>.

<sup>21</sup> Noel G. Villaroman, “Rescuing a troubled concept: An alternative view of the right to development”, *Netherlands Quarterly of Human Rights*, vol. 29, No. 1 (2011), p. 14.

<sup>22</sup> Bonny Ibhawoh, “The right to development: The politics and polemics of power and resistance”, *Human Rights Quarterly*, vol. 33, No. 1 (2011), p. 78.

<sup>23</sup> A/HRC/51/22, para. 52.

<sup>24</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities; and Mark Gibney and others, eds., *The Routledge Handbook on Extraterritorial Human Rights Obligations* (New York, Routledge, 2022).

<sup>25</sup> James T Gathii, “Africa and the radical origins of the right to development”, *Third World Approaches to International Law Review*, vol. 1 (2020), pp. 38–45.

<sup>26</sup> A/HRC/54/50, arts. 10–12.

establishing the position of the High Commissioner, explicitly stipulated that it should be the responsibility of the High Commissioner to promote and protect the realization of the right to development. The human rights responsibilities of the World Bank and the International Monetary Fund,<sup>27</sup> as well as of businesses, are also well established.<sup>28</sup>

### III. Key achievements

26. It is important to acknowledge key achievements in realizing the right to development at both the normative and the operational levels over the years. The right to development is also emerging as a cornerstone of the calls for a new economic order.

#### A. Normative recognition at the national, regional and international levels

27. The right to development is expressly recognized in the constitutions of some States. For example, article 30 of the Constitution of Malawi provides that all persons and peoples have a right to development and that women, children and persons with disabilities in particular are to be given special consideration in the application of this right.<sup>29</sup> Article 43 of the Constitution of Ethiopia provides that the peoples of Ethiopia as a whole and each nation, nationality and people in Ethiopia in particular have the right to improved living standards and to sustainable development.<sup>30</sup> The constitutions of some other States recognize other human rights that contribute to the realization and implementation of the right to development, such as the right to enjoy a healthy environment,<sup>31</sup> or provide that the State has the duty to protect natural resources and to guarantee sustainable development.<sup>32</sup>

28. Moreover, regional courts have elaborated the content of the right to development through judicial interpretation. For example, the African Court on Human and Peoples' Rights has concluded that participation is a key component of the right to development.<sup>33</sup> Similarly, the East African Court of Justice, in *African Network for Animal Welfare v. the Attorney General of the United Republic of Tanzania*, struck a balance between the right to development and the right to the environment and suggested that alternatives to destructive development projects should be found.<sup>34</sup>

29. At the regional level, the right to development has been recognized in 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). One of the general objectives of the Agreement Establishing the African Continental Free Trade Area is to promote and attain sustainable and inclusive socioeconomic development, gender equality and structural transformations of States parties (art. 3 (e)).

30. 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

<sup>27</sup> See Sigrun Skogly, *The Human Rights Obligations of the World Bank and the International Monetary Fund* (London, Cavendish Publishing, 2001).

<sup>28</sup> A/78/160.

<sup>29</sup> See <https://faolex.fao.org/docs/pdf/mlw136089.pdf>.

<sup>30</sup> See <https://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>.

<sup>31</sup> See, for example, the Constitutions of Argentina, Colombia, Guatemala, Mexico and Paraguay. Available at <https://constituteproject.org/countries>.

<sup>32</sup> Constitution of El Salvador, art. 117.

<sup>33</sup> *African Commission on Human and Peoples' Rights v. Kenya*, Application No. 006/2012, Judgment, 26 May 2017.

<sup>34</sup> Elsabé Boshoff, "Rethinking the premises underlying the right to development in African human rights jurisprudence", *Review of European, Comparative and International Environmental Law*, vol. 31, No. 1 (2022), p. 33.

Rights Council.<sup>35</sup> 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.

## B. Practical implementation of the right to development

31. The 2030 Agenda has helped in practical implementation of the right to development in all world regions. It has also assisted in reinforcing some core components of the right, such as non-discrimination, leaving no one behind, fair and equitable sharing of benefits, protection of the planet and intergenerational equity.

32. Many States have adopted policies and programmes to realize the right to development, in particular of marginalized or vulnerable populations.<sup>36</sup> For example, the Government of Chile has concluded the United Nations Sustainable Development Cooperation Framework for 2023–2026, which establishes a transformative road map to accelerate its path towards sustainable, inclusive and resilient development, including the achievement of substantive equality in access to and the full exercise of human rights.<sup>37</sup> Ecuador has adopted the LGBTI+ Diversities Action Plan 2022–2025, which seeks to integrate the common interests of the LGBTI+ population in institutional planning and national strategies.<sup>38</sup> Senegal has been following an ambitious decentralization policy that enables local authorities to freely administer local resources and wealth for the benefit of their communities.<sup>39</sup>

33. Several States have also taken measures to eradicate poverty in recent decades, thus creating the conditions necessary to realize the right to development. Over the past 40 years, China has lifted about 800 million people out of extreme poverty (income of below \$1.90 per day), accounting for close to three quarters of the reduction in extreme poverty globally since 1980.<sup>40</sup> In Kenya, various strategies have had a positive result in poverty reduction, despite the negative impact of the COVID-19 pandemic.<sup>41</sup> In the Latin American region, countries such as Argentina, Bolivia (Plurinational State of), Brazil, Panama and Uruguay have significantly reduced poverty, including by adopting redistributive policies.<sup>42</sup>

34. There is growing recognition that universal social protection is also an important part of the conditions necessary to realize the right to development and all fundamental freedoms in the post-COVID-19 world.<sup>43</sup> States have also taken steps to bridge the digital divide. For example, the Malaysia Digital Economy Corporation has taken various measures to achieve digital inclusion.<sup>44</sup>

## C. Right to development underpinning calls for a new economic order

35. The right to development is regaining its due place in the arena of international human rights law as a result of the failings of the current economic order, which continues to leave millions of people behind in a systemic way, hence the call for a new

<sup>35</sup> See <https://www.ohchr.org/en/hrc-subsiaries/iwg-on-development>.

<sup>36</sup> A/HRC/41/50, paras. 35–46; and see <https://www.ohchr.org/sites/default/files/Documents/Issues/Development/seminar-contribution-development/1st-study/WangXigen.pdf>.

<sup>37</sup> Submission from Chile.

<sup>38</sup> Submission from Ecuador.

<sup>39</sup> Submission from Senegal.

<sup>40</sup> See <https://www.worldbank.org/en/news/press-release/2022/04/01/lifting-800-million-people-out-of-poverty-new-report-looks-at-lessons-from-china-s-experience>.

<sup>41</sup> World Bank Group, *Rising Above the Waves*, Kenya Economic Update No. 23 (June 2021), pp. 3 and 4.

<sup>42</sup> Collins Ayoo, “Poverty reduction strategies in developing countries”, in *Rural Development: Education, Sustainability, Multifunctionality*, Paola de Salvo and Manuel Vaquero Pineiro, eds. (IntechOpen, 2022).

<sup>43</sup> See A/HRC/47/36.

<sup>44</sup> Submission from Malaysia.

transformative order, including a new social contract.<sup>45</sup> The Secretary-General, setting out his priorities for 2023, expressly mentioned the realization of social and economic rights and the right to development.<sup>46</sup> Moreover, the High Commissioner’s call for a human rights economy, which “directs investment to address and redress barriers to equality, justice and sustainability” and “builds in maximum space for inclusive participation and social dialogue”,<sup>47</sup> shares the vision of the right to development articulated above. Similarly, the right to development must be a core component of the Summit of the Future. To illustrate, it is highlighted in the policy brief entitled “Valuing what counts: framework to progress beyond gross domestic product” that sustainable development is multidimensional and that solely focusing on gross domestic product does not capture the adverse impacts of economic growth on the environment and biodiversity.<sup>48</sup> These elements are essential components of the right to development.

## IV. Major ongoing challenges

36. On the basis of discussions with various stakeholders and a literature review, the Special Rapporteur has identified 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.<sup>49</sup>

### A. Conceptual confusion

37. During consultations, representatives of a few States and other stakeholders asked the Special Rapporteur questions that may together be regarded as conceptual confusion.<sup>50</sup> There are several strands to such questions: (a) what exactly the right to development means in practice; (b) how this right is related to other human rights and the Sustainable Development Goals; (c) what the relation of the right to development is to economic development or other approaches such as development-based human rights and human rights-based development; and (d) what the basis and relevance of the duty of international cooperation in realizing the right to development are. Some of these conceptual confusions have also contributed to certain States adopting an antagonist political position regarding the right to development.

38. Divergent views can also be seen in scholarly writings about the meaning of the right to development, its added value or the need for legalization. One scholar has argued that there are no solid grounds for claiming that there is a legal right to development.<sup>51</sup> Another scholar has noted that the right to development functions as a “cluster right”.<sup>52</sup> In

<sup>45</sup> Secretary-General, “Tackling inequality: a new social contract for a new era”, eighteenth annual Nelson Mandela lecture, New York, 18 July 2020; and <https://www.ituc-csi.org/new-social-contract-five-demands>.

<sup>46</sup> See <https://www.un.org/sg/en/content/sg/speeches/2023-02-06/secretary-generals-briefing-the-general-assembly-priorities-for-2023>.

<sup>47</sup> See <https://www.ohchr.org/en/statements-and-speeches/2023/04/statement-un-human-rights-chief-human-rights-economy>.

<sup>48</sup> United Nations, Our Common Agenda Policy Brief No. 4 (May 2023).

<sup>49</sup> Three challenges are identified in A/HRC/36/49: (a) politicization; (b) lack of engagement; and (c) adverse global trends.

<sup>50</sup> It has been noted that there is a lack of agreement on what exactly the right to development entails and how it can be operationalized (Nico Schrijver, “A new convention on the human right to development: Putting the cart before the horse?”, *Netherlands Quarterly of Human Rights*, vol. 38, No. 2 (June 2020), p. 85).

See also Roman Girma Teshome, “The draft convention on the right to development: a new dawn to the recognition of the right to development as a human right?” *Human Rights Law Review*, vol. 22, No. 1 (June 2022), pp. 4 and 5.

<sup>51</sup> Jack Donnelly, “In search of the unicorn: The jurisprudence and politics of the right to development”, *California Western International Law Journal*, vol. 15 (1985), p. 477.

<sup>52</sup> Schrijver, “A new convention on the human right to development”, p. 92.

fact, calls have also been made to “dissolve” the right because it duplicates work done in the field of extraterritorial and transnational human rights obligations’ of States and non-State actors.<sup>53</sup>

39. Some of the practices concerning the right to development are also problematic because they tend to focus mostly on one dimension of the right (that is, cumulative economic development), adopt a sequencing mindset between economic development and the realization of human rights, or ignore the adverse impact of economic development on the environment as well as the ability of future generations to fulfil their development aspirations. These practices are inconsistent with the normative conceptualization of the right as contained in the Declaration on the Right to Development, the Rio Declaration and the Vienna Declaration.

## B. Limited capacities

40. Realizing the right to development requires resources – technical expertise, staffing, finances and technologies. Many States, in particular least developed States and small island developing States, face serious capacity issues in mobilizing or accessing the necessary resources. These capacity deficits arise for various reasons. For example, some States are not benefiting from international trade, global supply chains and foreign direct investment. Tax evasion by companies and illicit financial flows also undermine the ability of States to mobilize adequate financial resources.<sup>54</sup> Moreover, challenges are posed by growing debts.

41. The Addis Ababa Action Agenda provides pathways to overcome most of these capacity deficits. However, the progress in translating these commitments into action has been slow and COVID-19 has reversed some of the gains.

## C. Polarization

42. Continued divisions among States about the nature and content of the right to development and the corresponding duties have led to deep polarization and politicization.<sup>55</sup> Some States think that this right may be employed “to formulate obligations incumbent upon them to provide development aid to countries which cannot on their own realize the right to development of their inhabitants.”<sup>56</sup> They also fear that far-reaching changes to the international economic order would be enforced on the basis of the right to development, including fairer terms of global trade, debt relief and compulsory transfer of technology.

43. The polarization is also reflected in States’ contrasting positions regarding the proposed covenant on the right to development being negotiated at the Human Rights Council.<sup>57</sup> Such polarization, which is also fuelled by the wide ambit of the right and the lack of clarity about the corresponding duties, is a major barrier to States working together to realize the right to development.

<sup>53</sup> Arne Vandenberg, “The right to development in international human rights law: A call for its dissolution”, *Netherlands Quarterly of Human Rights*, vol. 31, No. 2 (June 2013), p. 208.

<sup>54</sup> Shane Darcy, “‘The elephant in the room’: Corporate tax avoidance and business and human rights”, *Business and Human Rights Journal*, vol. 2, No. 1 (2017), p. 1.

<sup>55</sup> A/HRC/36/49, para 30 (a). See also Yuefen Li, Daniel Uribe and Danish, “The international discourse on the right to development and the need to reinvigorate its implementation”, Research Paper No. 149 (Geneva, South Centre, 2022), pp. 10–15; and Marks, “The human right to development”, pp. 141–152.

<sup>56</sup> Schrijver, “A new convention on the human right to development”.

<sup>57</sup> A/HRC/41/50, para. 17.

## D. Lack of participation

44. While active, free and meaningful participation of people in decision-making processes is a key element of the right to development, in practice, States and other actors do not often ensure that such participation is facilitated. For example, the African Commission observed that “the State has a duty to actively consult with the said community according to their customs and traditions. This duty requires the State to both accept and disseminate information, and entails constant communication between the parties. These consultations must be in good faith, through culturally appropriate procedures and with the objective of reaching an agreement.”<sup>58</sup>

45. Lack of participation, especially of vulnerable or marginalized individuals and groups, often contributes to the unequal sharing of economic benefits, forced displacement of communities, social divisions, environmental pollution, loss of biodiversity and persecution of human rights defenders.<sup>59</sup> The overall result of such a decision-making process is the economic prosperity of some at the cost of the well-being of most people and the planet.

## E. Inequalities

46. Inequalities (social, economic, cultural, religious, political and digital) within and among States are a major challenge to realizing the right to development.<sup>60</sup> Vulnerable and marginalized individuals and communities living in least developed countries, landlocked developing countries, small island developing States and countries in conflict face additional inequalities. Refugees – who are forced to flee their countries of origin due to wars and conflicts – are one of the most vulnerable groups, trapped in layers of inequalities.<sup>61</sup>

47. Despite the adoption of non-discrimination laws and policies, many individuals and communities, such as Dalits, Roma, Haratine, Burakumin and Quilombolas, continue to experience discrimination based on work and descent in different world regions, thus directly undermining their ability to realize their right to development. Girls, women and LGBTIQ+ people continue to face various forms of discrimination (including the gender pay gap, sexual harassment and gender-based violence) in both the private and the public spheres. Economic inequality is at all-time high, with 1 per cent of the global population owning more than half of the world’s wealth.<sup>62</sup>

48. Inequalities are also reflected in access to healthy food and the general level of global hunger. Almost 3.1 billion people could not afford a healthy diet in 2020<sup>63</sup> and it is estimated that 1.1 billion urban residents lived in slums or slum-like conditions in 2020.<sup>64</sup> When such a significant portion of the world’s population lives under such conditions, the goal of realizing the right to development, or enjoying human rights generally, becomes illusory.

<sup>58</sup> *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, para. 289.

<sup>59</sup> Submission from the Asian Forum for Human Rights and Development; and joint submission from 71 civil society organizations.

<sup>60</sup> See [A/HRC/39/51](#).

<sup>61</sup> The total number of refugees increased to 34.6 million at the end of 2022, the highest number ever recorded (*The Sustainable Development Goals Report: Special Edition* (United Nations publication, 2023), p. 33).

<sup>62</sup> Submission from Oxfam International.

<sup>63</sup> Food and Agriculture Organization of the United Nations, International Fund for Agricultural Development, United Nations Children’s Fund, World Food Programme and World Health Organization, *The State of Food Security and Nutrition in the World: Repurposing Food and Agricultural Policies to Make Healthy Diets More Affordable* (Rome, Food and Agriculture Organization of the United Nations, 2022), p. xiv.

<sup>64</sup> *The Sustainable Development Goals Report*, p. 34.

49. The COVID-19 pandemic has worsened some of these inequalities, as well as the capacity of developing countries to address the situation. Many developing countries have been confronted with a decline in trade, drastically shrunken fiscal space and an unprecedented level of public debt, with 60 per cent of low-income countries being in debt distress or at high risks of debt distress.<sup>65</sup>

## F. Neocolonial and neoliberal order

50. The right to development is closely connected to past colonization, which directly undermined the capabilities of many people in the global South to realize their right to development. Despite this, many States that benefited directly from the exploitation of people and resources during colonization continue to deny their duty to correct a historical injustice: peoples and States that were victims of colonization deserve not only a sincere public apology and reparation, but also financial and technological support as part of a duty of cooperation and international solidarity.

51. Another continuing aspect of colonization has been that international financial institutions do not allow developing countries fair representation in decision-making processes and pursue policies that do not prioritize the development needs and interests of such countries. As people have a right to participate in decision-making processes concerning the right to development, the exclusion of developing countries from the power architecture of international financial institutions is a major barrier to securing finance for development on fair terms.

52. Equally worrying are the challenges posed to the right to development by the neocolonial and neoliberal economic order under which land is grabbed by extractive and agribusiness companies without meaningful consultation with the relevant people, the seed sovereignty of farmers and peasants is violated by companies championing genetically modified food, workers are treated as a replaceable commodity and knowingly exposed to hazardous chemicals or inhumane working conditions, half of the newly generated wealth in the past decade has been captured by the richest 1 per cent, women's contribution to the care economy is not recognized, the commodification of human rights is promoted, consumers are encouraged to practice unsustainable consumption to enhance corporate profits, money from tax evasion and illicit financial flow is stored safely in tax havens, the total public debt of developing countries has risen to 60 per cent of their gross domestic product, and the States most responsible for the current climate crisis are hesitating to contribute to the loss and damage fund.

## V. Strategies to overcome challenges

53. The Special Rapporteur believes that ongoing challenges in the full realization of the right to development could be overcome by various actors adopting certain targeted strategies (see table). There is also a role for the Special Rapporteur, the Expert Mechanism on the Right to Development and the Working Group on the Right to Development in overcoming each of the challenges.

### Strategies to overcome challenges to the full realization of the right to development

<i>Challenges</i>	<i>Strategies</i>	<i>Key actors</i>
Conceptual confusion	Embrace a holistic vision	States, United Nations agencies and universities
Limited capacities	Leverage the role of multiple actors	States, development partners and businesses

<sup>65</sup> Li, Uribe and Danish, "The international discourse on the right to development and the need to reinvigorate its implementation".

<i>Challenges</i>	<i>Strategies</i>	<i>Key actors</i>
Polarization	Build bridges and partnerships	Regional groups of States, United Nations agencies and civil society organizations
Lack of participation	Ensure peoples' participation	States, companies and development finance institutions
Inequalities	Adopt an intersectional approach	States, businesses and development partners
Neocolonial and neoliberal order	Move towards planet-centred participatory development	States, international financial institutions and businesses

### **A. Embrace a holistic vision of the right to development**

54. It is important to address the confusions or concerns of some stakeholders about the right to development. Doing so should help not only in correcting improper implementation of the right in practice but also in bridging the ongoing polarization about the right within various United Nations forums. Developing a common understanding about the right to development is also critical to fully realize this right of all individuals and peoples because it would require international cooperation and solidarity.

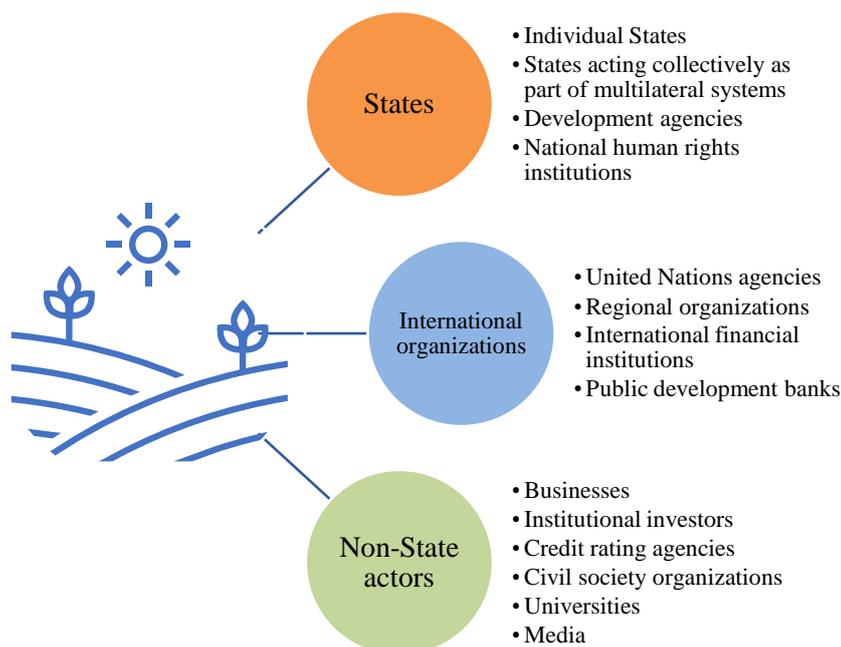
55. The Special Rapporteur believes that embracing a holistic understanding of the right to development in line with its normative grounding under the Declaration on the Right to Development is critical. With this in mind, in section II of the present report, a holistic understanding of the right to development that States and other actors should adopt is articulated.

56. In the political declaration adopted at the 2023 high-level political forum on sustainable development, States reaffirmed such a holistic understanding of the right to development. This understanding will also be central to the Secretary-General's call for a new economic and financial order and a new vision part of the Summit of the Future. The same applies to the High Commissioner's vision of moving towards a human rights economy.

### **B. Leverage the role of multiple actors**

57. To overcome capacity deficits in realizing the right to development, the roles of multiple actors should be leveraged in a coordinated fashion. Apart from individuals, three sets of actors have a key role: States, international organizations and non-State actors. Figure II provides an illustrative list of actors under each category.

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



58. Strengthening the duty to cooperate and international solidarity will be necessary to mobilize and make available necessary resources to developing countries and in turn realize fully the right to development in all world regions. In that context, official development assistance, inclusive trade policies for sustainable development and North-South, South-South and triangular cooperation will be critical. In addition, international organizations, development partners, businesses and other non-State actors can offer financial aid, technical expertise and technologies to facilitate the realization of the right to development.

### C. Build bridges and partnerships

59. States should rise above their political positions and see the value of realizing the right to development of every human being because, in an interconnected world, “poverty anywhere constitutes a danger to prosperity everywhere”.<sup>66</sup> The same could be said about conflicts and wars. Internal displacement, forced migration and a refugee crisis often triggered by poverty and conflicts have an impact on all States, directly or indirectly. To save globalization and create a common future, States should move beyond adopting a myopic vision and avoid riding on waves of populism, nationalism and xenophobia.

60. The Special Rapporteur will try to build bridges between the global North and the global South by trying to identify common entry points. Regional groups of States, United Nations agencies and civil society organizations also have a key role in facilitating dialogues to develop a shared understanding about the right to development. Partnerships – including public-private partnerships – to implement the Sustainable Development Goals could also assist in overcoming polarization among States.

### D. Ensure peoples’ participation

61. Putting people at the centre of all decision-making processes related to the right to development at the local, national, regional and international levels will go a long way in addressing current concerns about lack of meaningful participation. States, public development banks, businesses and other actors should respect the agency of people and

<sup>66</sup> Declaration concerning the aims and purposes of the International Labour Organization, part I (c).

facilitate genuine participation from an early stage. They should share relevant and accurate information beforehand in an accessible way to ensure that participation is active and informed. Further elements concerning participation are elaborated upon below.

## **E. Adopt an intersectional approach**

62. Reducing inequalities within and among States requires adopting a multi-prong approach involving equitable resource distribution, investing in education and skills development, implementing social protection measures, combating discrimination, supporting marginalized groups and fostering international cooperation for fair trade and financial systems. However, considering that many inequalities are the result of multiple layers of discrimination, States, United Nations agencies, public development banks, development partners, businesses and other actors should adopt an intersectional approach in development-related policies, programmes and projects.

## **F. Move towards a model of planet-centred participatory development**

63. The current model of development is neither inclusive nor sustainable: it is focused on cumulative economic development, does not ensure the participation of people and ignores the planetary boundaries.

64. As the Secretary-General recently stated, “We cannot move incrementally. This is not a time for tinkering. It is a time for transformation”.<sup>67</sup> In line with this call for a transformative vision for the future, the Special Rapporteur believes that the world needs a new model of planet-centred participatory development. Putting the planet at the centre will ensure that the entire planetary ecosystem, comprising people, biodiversity and the environment, is protected and that the negative consequences of adopting an anthropocentric approach are minimized. Human beings generally tend to ignore the relevance of nature and the environment to their existence. Moreover, decision makers often focus too much on the present, as if “the future is someone else’s problem”.<sup>68</sup>

65. The Special Rapporteur therefore believes that the trustees of the planet and future generations should be involved in decision-making processes that have a bearing on their interests. The right to development goes hand in hand with the right to a clean, healthy and sustainable environment. The goal of leaving no one behind should include not merely people but also plants and animals because, without these organisms, people cannot survive. As the right to development is not a licence to destroy the planet or undermine the ability of future generations to realize their legitimate development aspirations, brakes should be applied to the idea of infinite economic growth and more focus should be placed on ensuring the fair and equitable distribution of existing resources by respecting the planetary boundaries.

66. Moreover, all development policies, programmes and projects should be developed through the active, free and meaningful participation of people in an inclusive manner. For now, the representative voices of children, youth, women, Indigenous Peoples, migrant workers, refugees, persons with disabilities, marginalized groups, rural populations and LGBTIQ+ persons are barely involved by decision makers. Selected people participate in a top-down model of development decision-making and such participation is often used as a tool to secure legitimacy for decisions already made. The results of such exclusionary development processes are clear: deepening poverty, rising inequalities, growing xenophobia and increasing societal polarization.

67. To remedy the situation, all decision makers – such as States, United Nations agencies, international financial institutions, public development banks, businesses and civil society organizations – should adopt an intersectional and bottom-up approach to

<sup>67</sup> See <https://www.un.org/sg/en/content/sg/speeches/2023-02-06/secretary-generals-briefing-the-general-assembly-priorities-for-2023>.

<sup>68</sup> Ibid.

participation. The agency of all individuals, peoples and communities should be recognized to determine their development aspirations and priorities. Participation should take place at early stages of decision-making. Moreover, wherever necessary and feasible, affirmative measures should be taken to overcome financial or linguistic barriers to meaningful participation.

68. Reform of the international financial and tax regime will also be needed to support a model of planet-centred participatory development. Enhancing the participation of developing countries in the governance of international financial institutions and building a human rights-based international tax regime should be part of such systemic reform. Developing countries will also need financial and technological resources, debt relief and a fairer trade system to realize the right to development.

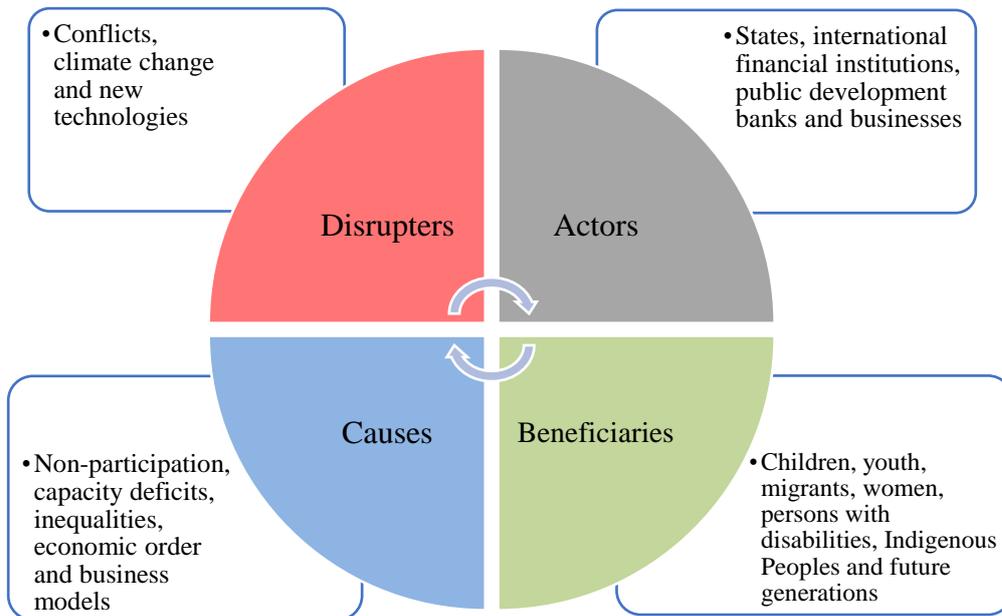
## **VI. Goals and thematic priorities**

69. During his mandate, the Special Rapporteur aims to reinvigorate the right to development by demonstrating to States, United Nations agencies and other actors the practical relevance of the right to building an inclusive, equitable and sustainable common future. He has set out three broad goals for his mandate. First, 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. Second, 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. Third, to make efforts to bridge the political divide between the global North and the global South regarding the right to development, including by facilitating dialogues and identifying common entry points.

70. To achieve these goals and overcome the challenges to the realization of the right to development identified in the present report, the Special Rapporteur will focus on four sets of thematic issues related to actors, beneficiaries, causes and disrupters. Among many actors, the focus will be on 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 focus in particular 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.

71. Finally, three potential disrupters to realizing the right to development – conflicts, climate change and new technologies – will be explored. Figure III showcases illustrative examples for these four thematic groupings.

Figure III  
Grouping of thematic priorities



72. These four thematic groupings will be the focus of the Special Rapporteur's reports as well as other work, such as policy briefs and amicus curie submissions. The issues will also guide his engagements during country visits and in sending communications to States and other actors. A brief elaboration of the four sets of thematic issues is provided below.

### A. Actors

73. As noted above, the role of multiple actors should be leveraged in realizing fully the right to development of all human beings and peoples. Individual States have tripartite duties regarding the right to development. States must accelerate their individual and joint efforts to implement the 2030 Agenda and keep the right to development at the centre of the Summit of the Future. They should also reform regimes governing trade and investment agreements, as well as special economic zones and export processing zones, which are prominent vehicles for achieving development. In addition to continuing to provide official development assistance, States should act collectively as part of a duty to cooperate and build international solidarity. Contributing to the loss and damage fund is a case in point. The Special Rapporteur will examine what more States should do, both individually and collectively, to realize the right to development by exploiting various entry points for action.

74. Apart from States, international financial institutions, public development banks and businesses are indispensable to realizing the right to development. In his first thematic report to the General Assembly, the Special Rapporteur dealt with the role of business in realizing the right to development.<sup>69</sup> In the report, he highlighted what businesses need to do to contribute to inclusive, equitable and sustainable development. He also made a call for a fundamental shift in how businesses operate in society by reorienting the purpose of business, changing irresponsible business models and going beyond the "do no harm" approach. In a future report, the Special Rapporteur will focus on the role of public development banks in assisting States in realizing the right to development, including supporting a just transition to a green economy. He also intends to engage the International Monetary Fund and the World Bank with a view to bringing a structural shift in their policies, governance and orientation to contribute more fully to the realization of the right to development.

<sup>69</sup> A/78/160.

## B. Beneficiaries

75. All human beings and peoples are the beneficiaries of the right to development. However, some of these beneficiaries – those who have been marginalized, made vulnerable or ignored – face additional challenges in realizing the right to development. Although it might not be possible for the Special Rapporteur to focus on all such beneficiaries in detail, he envisages focusing in particular on the experiences, perspectives and needs of children, youth, women, migrants, persons with disabilities, Indigenous Peoples and future generations. Efforts will be made to involve representatives of such beneficiaries in consultations.

76. What the right to development means for children, adolescents, youth and future generations and how decision makers should engage these beneficiaries of development will be the focus of a future report. Moreover, the Special Rapporteur will integrate an intersectional gender perspective in a cross-cutting manner throughout his mandate to deal with discrimination faced by individual or groups on grounds of sex, sexual orientation or gender identity and in turn promote substantive gender equality. Developing guidance and compiling good practices regarding the inclusion of persons with disabilities in development policies, programmes and projects will be another priority.

77. Migrants have been a cornerstone of development since the dawn of time.<sup>70</sup> Migrant workers contribute to development in countries of both origin and destination. However, existing recruitment and visa processes, coupled with vulnerabilities related to poverty, discrimination, conflicts and climate change, make many migrants workers an easy target for exploitation. Moreover, migration for many workers is not connected to pathways to immigration, again creating a trap for abuse and inadequate sociocultural integration in destination countries. The Special Rapporteur envisages exploring the nexus between humane migration and the right to development, in line with international standards, including the Global Compact for Safe, Orderly and Regular Migration.

78. Indigenous Peoples often bear the brunt of the current model of development, which does not respect their right to determine development priorities and strategies. Their land and resources are taken away for development projects without their free, prior and informed consent. Indigenous Peoples are also vulnerable owing to the push for renewable energy projects. Therefore, the Special Rapporteur aims to focus on the development aspirations of Indigenous Peoples, in line with relevant international standards.

## C. Causes

79. There are many root causes behind the non-realization of the right to development. Lack of meaningful participation of people in decision-making processes, capacity deficits related to finance and technology, various inequalities, the current neocolonial and neoliberal economic order and irresponsible business models are just some. The Special Rapporteur aims to grapple with some of these root causes in different forms.

80. States, United Nations agencies, development finance banks, businesses, foundations and other actors should ensure the active, free and meaningful participation of all people, especially those made vulnerable or marginalized, in decision-making processes concerning the right to development. However, in reality, such participation is often neither inclusive nor meaningful – the shrinking civic space means that active and free participation is hardly feasible. The non-participation of the beneficiaries of development means that development projects are leaving too many people behind and damaging the ecosystem. The Special Rapporteur aims to develop guidance for States and other actors in ensuring meaningful participation in line with the Declaration on the Right to Development and other relevant standards.

81. States, especially in the global South, face significant capacity deficits – some of which are linked to past colonization and the continuing neocolonial order – in realizing the

<sup>70</sup> Submission from the International Organization for Migration.

right to development. While some of these deficits relate to access to finance and technologies, others relate to good governance issues such as transparency, corruption, the rule of law, judicial independence, free media and accountability. International cooperation and solidarity will be critical to fill these capacity gaps.

82. Multiple inequalities are another root cause that should be addressed if the goal of leaving no one behind is to be achieved. The Special Rapporteur will not only integrate an intersectional perspective throughout his mandate but will also develop guidance for States and other actors on overcoming patriarchal norms, economic exclusions and intersectional forms of discrimination.

83. It is becoming increasingly clear that the current economic order and business models are not fit for the purpose of achieving inclusive, equitable and sustainable development. A fundamental shift is needed. In the present report, the Special Rapporteur has shared his initial thinking about the need to move towards a model of planet-centred participatory development at all levels. Further guidance on how to operationalize this model will be developed in partnership with relevant stakeholders.

#### **D. Disrupters**

84. The quest to fully realize the right to development may be disrupted by, among others, conflicts, climate change and new technologies. The Special Rapporteur aims to focus on these three potential disrupters in his reports, guidance briefs, country visits, communications, court submissions and speaking engagements.

85. Conflicts disrupt peace, thus directly affecting pathways to development through loss of lives, destruction of property and infrastructure, gender-based violence, forced displacement, weakening of governance institutions and political instability.<sup>71</sup> What States should do to address underlying causes of conflicts, what preventive role neighbouring States could play in solidifying peace, how States can be encouraged to divert resources from militarization and weaponization to development and how businesses could contribute to peacebuilding and transitional justice are some of the issues that deserve further attention in the context of the right to development.

86. Climate change will pose another major challenge to States, in particular developing countries and small island developing States, in realizing the right to development in years to come.<sup>72</sup> It will be critical to ensure that the transition to a low-carbon economy is responsible, just, equitable and gender responsive. Developed countries, United Nations agencies, development partners, public development banks and businesses will be key to achieving this goal.

87. Realizing economic, social, cultural and political development requires access to affordable and safe technologies in different sectors – from agriculture to manufacturing, transport, infrastructure, banking, trade, education, housing, health, energy and the environment. Technologies will also be integral to mitigating greenhouse gas emissions, climate change adaptation and the transition to a low-carbon economy. The enabling role of technologies can be contrasted with the disruptive role of new technologies such as automation, robotization, artificial intelligence and the Internet of Things. For example, automation may result in loss of jobs, whereas artificial intelligence may perpetuate existing discrimination. New technologies also bring adaptability challenges or additional risks for vulnerable groups such as children, elderly people and persons with disabilities. There are challenges concerning the digital divide, as well as data privacy and surveillance. Moreover, as seen during the COVID-19 pandemic, intellectual property rights often pose a significant barrier to technology transfer to developing countries. The Special Rapporteur will focus on minimizing the disruptive aspects of new technologies, including through ensuring human rights-compatible development, transfer, marketing and usage of technologies.

<sup>71</sup> Addis Ababa Action Agenda, para. 8. See also submission from Italy.

<sup>72</sup> See [A/76/154](#) and [A/HRC/48/56](#).

## VII. Methods of work

88. The Special Rapporteur will be guided by the following methods of work:

- (a) Submitting to the Human Rights Council and the General Assembly annual thematic reports on key issues related to the right to development;
- (b) Conducting dialogues with States to understand challenges and good practices in implementing the right to development, as well as to convey any concerns raised by civil society organizations;
- (c) Adopting a consultative and evidence-based approach to engage all stakeholders in an inclusive and transparent manner, including during country visits;
- (d) Conducting face-to-face or in-person consultations with stakeholders (including children, adolescents and youth) in all world regions to receive input for annual thematic reports and to inform other mandated activities;
- (e) Raising awareness of the right to development among various stakeholders, building the capacity of grass-roots movements and civil society organizations and promoting the integration of the right to development in curricula in schools and universities;
- (f) Participating in relevant events at the national, regional and international levels to mainstream the right to development and link it with other policy agendas such as the Sustainable Development Goals, business and human rights, climate change, migration and new technologies;
- (g) Taking the lead on communications sent to States and other actors on the basis of allegations of breaches of the right to development shared by individuals and communities with the Special Rapporteur;
- (h) Forging partnerships with States, United Nations agencies, national human rights institutions, development agencies, public development banks, businesses, industry associations, trade unions, civil society organizations, research centres, academia and the media to co-design solutions and implement practical recommendations made by the Special Rapporteur;
- (i) Collaborating with relevant special procedure mandate holders and regional human rights bodies to promote the effective implementation of the right to development;
- (j) Showcasing good practices of States, public development banks and businesses in contributing to the realization of the right to development;
- (k) Integrating 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.

## VIII. Conclusions and recommendations

### A. Conclusions

89. 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, the right to development underpins the idea of a human rights economy, the Summit of the Future 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.

90. Nevertheless, the transformative potential of the right to development remains unfulfilled owing to several challenges – ranging from conceptual confusions to polarization, capacity deficits, non-participation of people, inequalities and the current neocolonial and neoliberal economic order. In the present report, the Special Rapporteur has outlined strategies to overcome these challenges. There is a need to embrace a holistic vision of the right to development, leverage the role of multiple actors to strengthen capacity, build bridges to overcome polarization, ensure the meaningful participation of people and integrate an intersectional perspective to overcome discrimination. The world also needs a new model of planet-centred participatory development. Only then will it be possible to build an inclusive, equitable and sustainable common future for all.

91. The present report contains an outline of the Special Rapporteur’s thematic priorities – grouped around actors, beneficiaries, causes and disrupters – and his methods of work to achieve three primary goals: (a) promote a holistic understanding of the right to development; (b) mainstream the right to development into governance processes at all levels; and (c) bridge the political divide between the global North and the global South regarding the right to development.

## **B. Recommendations**

92. **The Special Rapporteur recommends that States:**

(a) **Adopt a holistic and gender-responsive approach to the right to development and abandon the “economic development first, human rights later” mindset;**

(b) **Accelerate the implementation of the Sustainable Development Goals as part of the 2030 Agenda and keep the right to development central to operationalize the idea of a human rights economy as well as the Summit of the Future;**

(c) **Build bridges and partnerships to overcome avoidable polarization around the right to development and engage in good faith in the process to adopt a covenant on the right to development;**

(d) **Respect planetary boundaries and intergenerational equity in implementing the right to development;**

(e) **Ensure the active, free and meaningful participation of all people, in particular vulnerable and marginalized individuals and groups, in all development-related policies, programmes and projects;**

(f) **Preserve civic space, embrace good governance principles and integrate an intersectional approach to overcome all forms of discrimination;**

(g) **Take decisive steps to address systemic problems with the current economic order to facilitate a fair distribution of benefits and move towards a model of planet-centred participatory development.**

93. **The Special Rapporteur recommends that international financial institutions reform their governance structure to provide developing countries with an equal say in decision-making, scale up efforts to achieve the 2030 Agenda and the Addis Ababa Action Agenda and enhance peoples’ participation in decision-making processes.**

94. **The Special Rapporteur also recommends that public development banks provide more human rights-compatible financing for sustainable development, take steps to promote gender equality, ensure the active, free and meaningful participation of all people and civil society organizations in decision-making processes, and establish effective grievance mechanisms to address adverse human rights impacts. They should also support developing countries in achieving a just transition to a green economy.**

95. **The Special Rapporteur further recommends that businesses respect all human rights (including the right to development), contribute to the achievement of the Sustainable Development Goals, take ambitious climate change mitigation and**

**adaptation measures, refrain from tax evasion and abandon irresponsible business models. They should also adopt an intersectional approach to overcome discrimination and ensure the active, free and meaningful participation of people in all development projects.**

**96. The Special Rapporteur recommends that civil society organizations facilitate the meaningful participation of people by States, public development banks and businesses in all development policies, programmes and projects. They should also continue to advocate for systemic reform of the current economic order and business models.**

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