## The Duty to Cooperate and Non-State Actors

The Expert Mechanism on the Right to Development is seeking input to its study on *The Duty to Cooperate and Non-State Actors*.

More specifically, **contributions are requested** on:

* Situations that should be examined in the context of the study as evidence of good practices of cooperation among States and between States and Non-State actors that have benefitted the right to development of local communities;
* Situations that should be examined because better cooperation among States and between States and non-State actors could have an improved impact on the realization of the right to development of local communities, including through the elimination of obstacles to development;
* Documents, publications, policies that should be taken into account in the context of the study.

In addition, the EMRDT welcomes offers to act as a voluntary **advisor** to the study. The views of the circle of advisors will be sought at various stages of the production process of the study.

### Objective of the Study

The global dimension of the right to development requires that States cooperate to mobilize appropriate technical, technological, financial, infrastructural and other necessary resources for the realization of human rights. While the duty to cooperate applies first and foremost among States, it also implies a broader partnership with non-State actors, consistent with the use of the term “all stakeholders” in the 2030 Agenda on Sustainable Development and the United Nations Sustainable Development Cooperation Framework.

Consequently, the **purpose** of the study is to investigate how constructive engagement among Member States and relevant actors can lead in practice to the realization of the right of local communities, i.e. by ensuring their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

On the basis of this investigation, recommendations will be formulated on a further clarification and operationalization of the duty to cooperate as an instrument for the realization of the right to development.

For the purposes of the study ‘relevant actors’ include not only the State exercising territorial sovereignty over the relevant activity that retains the primary responsibility for the creation of national conditions favorable to the realization of the right to development, but also other States, intergovernmental organizations, foreign investors, grassroots organizations and local communities.

### Method

For illustrative purposes, situations that would be particularly well suited to examine could include the following actors:

|  |  |
| --- | --- |
| A domestic State | Striving to comply with its international human rights obligations (connects to the domestic level of the right to development). |
| Other concerned State(s) | In their capacity of a Home State of a foreign investor, or as provider of ODA, striving to take into account the human rights impact of its actions on the affected community (connects to the extraterritorial level of the right to development). |
| A foreign investor | Ideally endowed with a corporate social responsibility policy recognizing human rights responsibilities and with a commitment to obtain a social licence to operate. |
| An intergovernmental organisation | Providing assistance to enhance the capacity of public authorities and/or civil society to deal with human rights issues, or offering its services to conciliate, mediate, arbitrate or settle disputes between parties, with a view to arriving at an outcome that is respectful of the rights of the community. |
| A grassroots organisation | Striving to enhance the community’s capacity to claim and realize its rights. |

The **desk review** will be based on a review of documents, publications and policies.

The **field work** will consist of a site visit to the local community at the heart of the relevant situation, for the purpose of interaction with local stakeholders (local authorities, grassroots organizations, community representatives, other stakeholders with a local presence) and of interviews with relevant actors at head offices. The field work is contingent on the willingness of relevant actors to contribute to the study.

The results of both the desk review and the field work will feed into **recommendations** on the clarification and operationalization of the duty to cooperate as a component of the right to development.

### Projected Timeline

Please note that this projected timeline may be subject to change due to COVID-related or other circumstances:

* Selection of the site for the field work: at October 2021 EMRDT session;
* Presentation first draft desk review: at April 2022 EMRDT session;
* Field work: throughout 2022.
* Presentation first draft site visit report: at October 2022 EMRDT session;
* Presentation full draft: at April 2023 EMRDT session; thematic study finalized end of April 2023 (= end of current EMRDT term);
* Submission of the study to the Human Rights Council: subsequently in 2023.