



PROMOTING THE RIGHT TO DEVELOPMENT: THE ROLE OF PARLIAMENT

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Welcoming remarks by Mr. Craig Mokhiber, Chief, Development and Economic and Social Issues Branch, OHCHR

Distinguished delegates,
Members of Parliament,
Excellencies,
Ladies and Gentlemen,

It is with great pleasure that I join my colleagues from IPU in welcoming you to this year's human rights seminar. Dedicating this seminar to the right to development and the role of parliament is particularly timely, as we celebrate the 25th anniversary of the adoption of the United Nations Declaration on the Right to Development.

The Declaration emphasizes the role of participation in public affairs. The human person is the central subject of the development process, its main

participant and beneficiary. It is mainly the parliament, through which people participate in the management of public affairs.

Unsurprisingly then, parliaments are essential actors in the promotion and protection of the right to development as they are for all human rights.

But what exactly is the role of the parliament in the promotion and protection of the right to development?

Parliaments screen draft laws, adopt the budget, oversee the executive branch, elaborate national human rights action plans and national development strategies. They receive petitions, consider reports of National Human Rights Institutions, ratify international agreements including human rights treaties but also trade and investment agreements and follow up on recommendations and decisions of international human rights mechanisms. All these functions are quintessential to ensure the realization of the right to development. Allow me to elaborate on a few examples.

Under the Declaration on the Right to Development, States have the primary duty and responsibility to formulate appropriate national development policies. They have responsibility for the creation of favourable national and international conditions, including through effective international co-operation for the realization of the right to development. This includes the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.

Parliaments play a critical role in holding governments to account in their policy efforts to fulfil development commitments and obligations enshrined in national and international laws.

The Inter-Parliamentary Union adopted a resolution in 2006 on the role of parliaments in overseeing the achievement of the MDGs. This resolution calls for parliamentary oversight of government action and for more direct involvement of parliaments in the preparation and implementation of development strategies. In practice, there has been little progress in the area of parliamentary oversight and review of progress. Discussing national Millennium Development Goals reports in parliament would be a basis for broader political support and national ownership in achieving the Millennium Development Goals and holding Governments accountable.

The open-ended intergovernmental Working Group on the Right to Development, a subsidiary body of the Human Rights Council encouraged States to strengthen national parliamentary mechanisms and legislative bodies in order for them to play a more prominent role in the evaluation of Millennium Development Goal 8. MDG 8 on the global partnership for development in such areas as the Official Development Assistance, market access for trade, debt sustainability, access to affordable essential medicines and access to new technologies from the perspective of the right to development.

A second area I would like to address is the work of parliament in adopting the budget.

As with other human rights, implementing the right to development has budgetary implications. National budgets have a significant and direct bearing on whether the right to development is realised meaningfully and for whom, how much resources were allocated on what and how effectively the available resources are spent. This implies, in the case of developed countries, looking into the budget appropriated for official development assistance.

A human rights approach to the budget demands that policy choices be made on the basis of transparency, accountability, non-discrimination and participation. These principles should be applied at all levels from the policy formulation, through budgetary processes and down to impacts on the very right-holder.

Monitoring and analysing the budget is a useful tool to ascertain the extent to which national development priorities are met with the required means, the financial shortfalls or misallocations.

Political dynamics, socioeconomic factors as well as crises situations play an important role during the different stages of policy and budget processes. Asymmetries of leadership, actors and timing between each of these processes can result in incoherencies. This can be mitigated through strong institutional connections. Opening budget accounts to public scrutiny is a must to identify and address these incoherencies. Parliaments can play a critical and enabling role in this context.

Policy and budget information can help to give visibility to inequality concerns by comparing who carries a major tax burden with those who benefit more greatly from policy efforts. The same way policies are not people neutral, tax systems can exacerbate inequalities. For instance, overreliance on indirect taxes is proven to be detrimental to the poor while instituting property taxes on landowners can be an incentive for the economic elites to redirect their money to productive sectors of the economy.

A third example I would like to mention is the role of parliaments in reviewing trade and investment agreements.

Trade is generally seen as an engine of growth, generating resources for the realization of human rights. On the other hand, trade and investment agreements,

in particular free trade agreements can lead to violations of human rights or undermine government capacity to meet its international human rights obligation.

Parliaments must reject bilateral trade and investment agreements which compromise international human rights obligations of States, for instance, with respect to the right to food and right to health.

In scrutinizing trade and investment agreements parliaments can play an important role by requesting and reviewing the assessment of the impact of these agreements on the enjoyment of human rights. A positive development in this regard is the side agreement by Canada and Colombia to their free trade agreement, whereby each country agreed to produce reports on the impacts of the free trade agreement on human rights in each country. These reports will be tabled annually in Canada and Colombia's respective legislatures.

By way of conclusion of these introductory remarks, I would like to re-emphasize that parliaments play an essential role in the realization of the right to development. In order to do so, parliaments need to have adequate capacities and powers.

I thank you for your attention.