United Nations Special Rapporteur on the
RIGHT TO DEVELOPMENT

An introduction to the mandate
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What is a UN Special Rapporteur?

Special Rapporteurs have been described as ‘the eyes and ears’ of the United Nations Human Rights Council. They are also independent voices who are appointed by the Council to examine and report back on a specific “mandate” (usually a country situation or a specific human rights issue). As of 1 August 2017, there are 44 thematic mandates and 12 country mandates.

Special Rapporteurs are independent experts – while they are appointed by the Council, they are not United Nations staff and they are not remunerated for their work. Their opinions do not necessarily reflect that of the United Nations, its agencies or its member states.

What is the mandate of the Special Rapporteur on the right to development?

The Special Rapporteur on the right to development monitors and reports on issues affecting the right to development and advocates for its promotion worldwide. He is explicitly mandated to contribute to the promotion, protection and fulfilment of the right to development in the context of the implementation of the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the Paris Agreement on climate change.

The position was established in September 2016 through Human Rights Council resolution 33/14. The Special Rapporteur’s full mandate can be found here.\(^2\)
Who is the current Special Rapporteur?
The current (and first-ever) Special Rapporteur on the right to development is Mr. Saad Alfarargi of Egypt. He began in his term of office on May 1, 2017, for an initial period of three years. For more on Saad Alfarargi, see his official UN bio.¹

How do Special Rapporteurs promote and protect my rights?
Special Rapporteurs have a number of tools at their disposal to conduct their work, including:

Public thematic reports: Special Rapporteurs are required to submit reports annually to both the Human Rights Council and the General Assembly. These reports typically detail their activities and research findings on specific topics, and form a written record of the mandate’s work. They are important tools for highlighting pressing issues and global trends in human rights; they usually contain recommendations for specific actions to improve the situation on the ground.

Country visits: Special Rapporteurs may also visit countries at the invitation of Governments, where they meet with the government, civil society, and others to evaluate the human rights issues related to their mandate. They then present the findings from these visits - along with recommendations - in public reports to the Human Rights Council.

Receiving and investigating complaints: Any individual, group, civil-society organization, inter-governmental entity or national human rights bodies may submit a complaint about violations of their rights directly to any Special Rapporteur, primarily via an online questionnaire on the UN Human Rights website: https://spsubmission.ohchr.org/ or if not possible via post, fax or e-mail (urgent-action@ohchr.org). The Special Rapporteur then examines these complaints and may write a formal request for information - known as a “communication” - to the government concerned. These communications and the government responses are presented to each regular session of the Human Rights Council, and can be found at http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx

The Special Rapporteur has other tools as well, including offering technical assistance to governments; conducting formal studies; using his position to engage in public outreach and activities that raise awareness of the right; and more.

For more detailed information on how the Special Rapporteur on the right to development plans to promote and protect your rights, see Part 3.

Does the Special Rapporteur have enforcement powers?
No, Special Rapporteurs have no legally binding enforcement powers. It is up to the Council, other UN bodies and UN Member States to decide whether to act on their advice. But their status as experts in their field gives their assessment considerable weight and authority. The reports of Special Rapporteurs are an important advocacy tool for the national civil society to follow-up and exert pressure on Governments.
The right to development is about promoting and protecting the individual’s ability to participate in, contribute to and enjoy development - including economic, social, cultural or political. It envisions that ‘the human person’ should be the central subject, participant and beneficiary in the process of development. Therefore, the right to development is not only a human right in itself, but also necessary for the full realization of all other human rights. It also calls for the fair distribution of benefits that result from development.

The right to development is both an individual and a collective right. This means that collectivities (e.g. countries, peoples, nations and groups) are also beneficiaries of the right to development.

The right to development is deeply entwined with the right of peoples’ to self-determination, and their right to exercise full sovereignty over all their natural wealth and resources. The right to development, therefore, applies to the entire population of States and States.
Why is the right to development important?
The world has made major progress on poverty reduction, with more than 1 billion people being lifted out of extreme poverty since 1990. Despite this, about 800 million people still live in extreme poverty today (see graphs below) and suffer from hunger. Even more troubling, poverty rates are distributed very unevenly: for example, women and people living in fragile or conflict-affected countries face a heightened vulnerability to poverty, and nearly 35 per cent of the population in least developed countries could remain in extreme poverty by 2030 if inequalities remain constant. The right to development addresses systemic and structural issues and root causes of poverty, inequality and conflict. Its effective implementation will help to reduce poverty and inequality, prevent conflict and promote progress, leaving no one behind, so that all individuals and peoples may live with freedom, equality and dignity and enjoy lasting peace.

Is the right to development solely about economic progress?
No. Development is often misconceived as a purely economic process measured only by an increase in gross domestic product. The right to development on the other hand, emphasizes a comprehensive process including economic, social, cultural and political development, and it puts people – not governments or businesses – at the centre. The right to development is also about creating a social and international order in which all human rights and fundamental freedoms can be fully realized, for all individuals and peoples in all nations. It is about achieving specific results, but it is also about putting in place a particular process of development that allows the realization of economic, social, and cultural rights as well as civil and political rights and freedoms by expanding the capabilities and choices of individuals and peoples to improve their well-being and to realize what they value.

What are the origins of the right to development?
The right to development was first mentioned as a distinct right in 1966, when then-Foreign Minister of Senegal, Doudou Thiam, referred to it at the General Assembly. Thiam linked the failure to meet UN development goals to the failure of newly decolonized States to resolve the growing economic imbalance between the developing and developed worlds. The right’s foundations, however, go back even further than Thiam’s statement: They are found in Articles 1, 55 and 56 of the Charter of the United Nations. These Articles state that peaceful and friendly relations among nations require conditions of stability and wellbeing – words that clearly emphasize the importance of the right to development. The Charter also prohibits discrimination and mandates the United Nations to promote, among other things: higher standards of living; full employment; conditions of economic and social progress and development; and universal respect for human rights.

The right to development was formally enshrined in The Declaration on the Right to Development, which was adopted via the United Nations General Assembly resolution 41/128 on 4 December 1986. The Declaration recognized the right to development as “an inalienable human right by virtue of which every human person and all peoples are entitled 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.” The right to development has since served as a guiding value for several international declarations and frameworks, including the 1992 Rio Declaration on Environment and Development, the Vienna Declaration and Programme of Action, the 2030 Agenda and Sustainable Development Goals, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, the Paris Agreement on climate change, and an array of Human Rights Council resolutions. It is also referenced in major regional human rights instruments in the Americas, Africa, Asia and in the Arab Charter on Human Rights.
Is the Declaration on the Right to Development legally binding?

No, but its core principles – such as self-determination, economic and social progress, higher standards of living, participation, inclusiveness, equality and non-discrimination – are anchored in legally-binding international law such as the Charter of the United Nations, International Covenants and Conventions on Human Rights. Moreover, principles such as non-discrimination and State sovereignty are also part of customary international law, which is binding on all States.

Why was the Special Rapporteur on the right to development mandate created?

The Special Rapporteur’s mandate was created in September 2016 because the Human Rights Council was of the view there was an “urgent need to make the right to development a reality for everyone.” The timing of the resolution – just ahead of the thirtieth anniversary of the Declaration on the Right to Development – presented a unique opportunity for the international community to demonstrate and reiterate its commitment to the right to development.

The Council also noted a need for the international community to strive for greater acceptance of the right to development as an integral part of the international human rights framework. This is particularly important in the context of implementing the United Nations’ major development plans over the next decade and beyond, including the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction, the Addis Ababa Action Agenda and the Paris Agreement on climate change.

For more about the challenges in realizing the right to development, see Part 3.

Do other United Nations bodies work on the right to development?

Yes. The Office of the High Commissioner for Human Rights is mandated to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose. More information on the High Commissioner’s work in that field is available via the OHCHR website.

The intergovernmental Working Group on the Right to Development – established in 1998 – is mandated to monitor and review progress on the right to development, analyzing obstacles to its full enjoyment, and to provide recommendations on how to better promote it at the national and international levels. The Working Group meets once a year and presents annual reports to the Human Rights Council and General Assembly. More information on the Working Group is available via the OHCHR website.

A number of UN agencies, intergovernmental organizations also work extensively on development issues, including UNDP, UNCTAD, UNFCCC, ECA, the World Bank, IMF, WTO, UNESCO, WIPO, and WHO.

The Special Rapporteur contributes to the work of these bodies in a broad sense, but his position as an independent expert allows him to approach the subject from a primarily human rights perspective. He is guided by the concept that development is a human right in itself, and should happen in accordance with human rights principles for all, rather than simply economic growth. The Special Rapporteur evaluates programmes and policies and provides practical recommendations on how to make these more inclusive, just and equitable, participatory and sustainable.
What is the Special Rapporteur’s vision for promoting the right to development?

In the 31 years since the Declaration on the Right to Development, the international community has struggled to move beyond political platitudes with regard to its implementation. Meanwhile, billions of people await the improvements in their lives that the right to development can deliver.

The Special Rapporteur feels there is a need to reinvigorate the advocacy process to advance the practical implementation of the right to development. Business as usual will not be sufficient to achieve progress. We urgently need to move past debate and towards implementation.

The United Nations’ sustainable development agenda offers a unique opportunity for this. The global community is intensely focused on this agenda – from the Sustainable Development Goals to the Paris climate agreement – and there are substantial amounts of money and resources being poured into its mobilization.
**Development is not simply about economic growth. It’s about giving people the ability to live their lives to the fullest potential.**

Why is the right to development so important to the post-2015 agenda?

This boils down to what “development” really means.

Development is not simply about economic growth. It’s about giving people the ability to live their lives to the fullest potential, not about them having full bank accounts. Measuring development ‘success’ should be nuanced, multifaceted, and grounded in respect for all human rights.

The Special Rapporteur believes that the success of the post-2015 development framework must be judged from a perspective that shifts the focus away from economic indicators and towards the overall well-being of people and the fulfillment of their human rights. Only when people have access to education, when they are allowed to work in a profession of their choice and in decent and dignified working conditions, when they have access to financial services, health care and housing, when they can fully and fairly participate in shaping the policies that govern their lives, are they able to achieve true and sustainable development – In other words, only when their right to development is realized.

What are the primary challenges to realizing the right to development?

There are many, but the Special Rapporteur has initially identified three key obstacles that he has prioritized to be addressed during his mandate:

**Politicization.** More than 30 years after the adoption of the Declaration on the Right to Development, States are still divided in interpreting the right. There is a persisting debate about the relative emphasis to be placed on States’ national obligations versus the obligations of the international community in promoting an enabling environment for the realisation of the right to development. And there are differences of opinion among States regarding criteria and indicators for measuring progress towards implementing the right to development.

These conceptual differences have resulted in a lack of sufficient momentum – and common ground – for the full realization of the right to development.

**Lack of engagement.** The political divide has resulted in a low level of engagement by United Nations agencies and civil society in promoting, protecting and fulfilling the right to development. Despite the evolution of the concept of the right to development and its inclusion in some international and regional instruments and national constitutions, the general level of understanding as to what the right really means and engagement in its implementation are low.

Progress in development, meanwhile, has been uneven, particularly for people in least developed countries, landlocked developing countries and small island developing States. In addition, the low level of awareness of the right to development among grass-roots organizations further hampers advocacy efforts.

**Adverse global trends.** The implementation of the right to development faces numerous other challenges related to the state of our world today: the global financial and economic crisis, the energy and climate crisis, the increasing number of natural disasters, the new global pandemics, the increase in automation in many sectors, corruption, illicit financial flows, the privatization of public services, austerity and other measures and the ageing of the global population.

There is also growing demand for resources for the realization of the right to...
development – a demand that is going largely unmet. The rise of nationalistic tendencies and the related trend to move away from international solidarity and cooperation may further weaken international governance in this context (and lead to further diminished resources and less attention to realizing the right to development). Addressing these global challenges will require the concerted effort of all relevant stakeholders, at all levels.

How does the Special Rapporteur plan to address these challenges?

As an initial step, the Special Rapporteur plans further research and study on each of the challenges identified above. He also plans to:

**Work towards identification and removal of structural obstacles:** The structural obstacles facing the implementation of the right to development are significant, and the Special Rapporteur can play an important role in working to remove them. He plans to do this by systematically assessing national and international development policies and providing recommendations on fostering effective international cooperation. He also intends to convene wide consultations to explore possible means of addressing persisting issues.

**Foster constructive dialogue:** A key role of any Special Rapporteur is that of a “convener” – someone who can bring people together to talk, to understand different perspectives, and to work towards solutions. To fill this role, the Special Rapporteur plans to develop a constructive dialogue with States and other stakeholders to identify, exchange and promote good practices relating to the realization of the right to development. This dialogue will focus heavily on how the right can be used as a guiding force for the implementation of the 2030 Agenda, the Sendai Framework, the Addis Ababa Action Agenda and the Paris Agreement on climate change.

**Contribute practical recommendations:** The Special Rapporteur is mandated to contribute to the promotion of the right to development in the context of the implementation of the United Nations’ overall development agenda. To that end, he plans to provide concrete, practical recommendations on how the right to development can be realized at the national and international levels.

These recommendations will be developed in consultation with Member States, international organizations, civil society, communities, direct beneficiaries of development programs and other stakeholders. The SR also plans to examine the processes put in place for the implementation of the 2030 Agenda, with an eye towards ensuring that they incorporate input of all relevant stakeholders.

The Special Rapporteur plans to develop a set of criteria to assess, measure and compare what qualitatively could be considered good practices, relating to the realization of the right to development in the context of the implementation of the post-2015 development policy frameworks. He intends to collect a body of empirical evidence of good practices in designing, implementing, monitoring and assessing programs conducive to the realization of the right to development. There will serve to provide states with examples of processes, laws and policies that genuinely ensure participation of all segments of the society in economic, social, cultural and political development – and that no one is left behind.

**Cooperate with the Working Group on the Right to Development:** The Special Rapporteur also plans to contribute to the work of the Working Group on the Right to Development, with a view towards using his expertise to support its overall mandate, taking into account the deliberations and
recommendations of the Working Group, while avoiding any duplication.

Play a facilitating role: To address the challenge of politicization, the Special Rapporteur sees his role as facilitating cooperation among stakeholders and building bridges between initiatives and stakeholders, countries and continents. His ultimate goal is to create platforms for the exchange of good practices and lessons learned - and to elaborate on those good practices in a clear, effective and useful manner.

Serve as a catalyst: In a time where progress towards the right to development has been hampered by divisions, the Special Rapporteur hopes to serve as a spokesperson for the right to development, a catalyst for unified action and strengthened impact. This is particularly crucial in relation to the implementation of the Sustainable Development Goals, which emphasize building effective, accountable and inclusive institutions and revitalizing the Global Partnership for Sustainable Development.

What principles will guide the Special Rapporteur in approaching his work?

Participation, dialogue and transparency: The Special Rapporteur aims to carry out his work in a participatory, consultative and open manner. This means actively involving all relevant stakeholders at the national, regional and international levels: Member States, international organizations, non-governmental organizations, think tanks, and others. The Special Rapporteur will invest particular efforts to include all actors - especially civil society and non-governmental stakeholders, including affected communities - in the consultation process.

Gender perspective: At the same time, efforts to implement the right to development have not been successful in meaningfully integrating a gender perspective. The Special Rapporteur will pay special attention to the gender dimension in his work, particularly the examination of how gender stereotypes and patriarchal structures have hindered development for specific groups - primarily women, and girls. Manifestations of this range from laws that give unequal access to land and other resources to development policies that hamper women and girls’ access to education, business financing, health care, housing and even food.

Inclusiveness: The history of the implementation of the Millennium Development Goals suggests that minorities and indigenous peoples have progressed at a slower rate and that existing inequalities have been exacerbated as others have benefited from interventions. Indigenous peoples, minorities, persons with disabilities and other disadvantaged groups have a stake in the implementation of the right to development and should not be left behind. In implementing his mandate, the Special Rapporteur will advocate fiercely for the inclusion and active participation of all disadvantaged groups in all forums linked to the right to development and sustainable development.

Right to development and youth: There were 1.2 billion youth aged 15-24 years globally in 2015. By 2030, the target date for the sustainable development goals, the number of youth is projected to have grown by 7 per cent, to nearly 1.3 billion. Among the greatest challenges facing many countries today are inadequate human capital investment and high unemployment rates among youth. If youth are provided with sufficient education, training and jobs, then the growth in their numbers could be
highly beneficial for development. If instead they are unemployed or underemployed, the growing number of youth will pose a challenge to the achievement of sustainable development, and could prove socially or politically destabilizing as well. The right to development requires equity within and between generations and is very much concerned with the well-being of younger and future generations. Youth can be a positive force for development when provided with the knowledge and opportunities they are entitled to in order to thrive. The Special Rapporteur intends to work with youth leaders across the world, to ensure that their perspective is taken into consideration and that they are not left behind.

**Interdependence and indivisibility of human rights:** The Special Rapporteur believes that human rights and fundamental freedoms – including the right to development – are universal, indivisible, interdependent and interrelated. This means that equal attention should be given to the implementation, promotion and protection of all rights: civil, cultural, economic, political, and social. It also means that respect for and enjoyment of certain human rights cannot justify the denial of other human rights and fundamental freedoms. The adoption of a series of consensual international commitments, including the 2030 Sustainable Development Agenda – which explicitly recognizes the right to development – provides an opportunity to revitalize the right to development as being entitled to the same consideration as other human rights.

**International cooperation:** International cooperation in solving international problems is one of the core purposes of the United Nations, as set forth in Article 1 (3) of its Charter. Further, the Declaration on the Right to Development states clearly that the right to development cannot be realized without effective cooperation among States. While the Special Rapporteur cannot force States to work together, he can encourage them to do so. He thus plans to provide complementary and constructive contributions to help encourage international cooperation and the creation of an international environment that enables the realization of the right to development and all human rights.


7. See A/CONF.157/23 (Vienna Declaration and Programme of Action), available at: http://www.ohchr.org/EN/ ProfessionalInterest/Pages/Vienna.aspx


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