

## **CLOSING STATEMENT**

### **H.E. AMBASSADOR MINELIK ALEMU GETAHUN, CHAIRPERSON- RAPPORTEUR OF THE 2011 SOCIAL FORUM**

#### **Distinguished Participants:**

We now have come to the end of our 2011 Social Forum. It was an honour and a real pleasure for me to chair this Forum focused on right to development, in the context of the 25<sup>th</sup> anniversary of the adoption of the Declaration on the right to development, as mandated by Human Rights Council Resolution 16/26. It is indeed very timely and of crucial importance that the 2011 Social Forum is dedicated to the Right to Development in light of its relevance to so many individuals and communities, affected by extreme poverty, marginalization and climate change.

I am particularly grateful for the excellent presentations and statements, which have been delivered over the past three days, and the delegations that have shared their national experiences in the implementation of the Right to Development. We have also seen a series of short documentaries and films, which crystallised in a very powerful way the many facets and ways in which development impacts communities and individuals. I am certain that these insightful presentations will continue to inspire all of us and offer valuable inputs to national, regional and international efforts and actions, including the ongoing negotiations, both within the framework of the Human Rights Council and beyond.

Allow me to highlight some of the issues that we have discussed at this Forum.

- **Making Right to Development a Reality**

Participants agreed on the need to go beyond theoretical and legalistic debate. There is a need for practical conclusions, for action which is relevant to people around the world.

Participants agreed on the urgency of the realization of the right to development. Indeed, in light of the multiple crises it was more important than ever.

Participants expressed concern over the obstacles preventing the full the realization of the right to development, since the adoption of the Declaration on the Right to Development 25 years ago.

It was underlined that the right to development belonged to every human person and all peoples. In light of current transformation of the global economy, there is a need to renew dialogue and understanding on the right to development, on the implementation of all human rights, including the right to development.

There is a need to reform international governance, in particular international financial institutions, to make them inclusive, equitable, and democratic.

There is a need for more robust accountability mechanisms. The realization of the right to development was often victim to lack of good governance and corrupt practices, serving private economic interests at the expense of public policy goals.

Realizing the right to development is essential to eliminate poverty. Social protection systems, based within a human rights framework can assist states to fulfil the right to development.

Particular attention had to be paid to persons with disabilities, migrants, indigenous peoples, minorities, women and children.

The human rights-based approach to development brings deeper specificity to the right to development, and serves as a framework to push forward the agenda on the right to development.

- **Human Rights and Development**

Many participants underlined the multidimensional aspect of the right to development. Development is not only about economic growth but it is about achieving the well-being of populations, social inclusion and justice.

Development and human rights are closely interrelated, and mutually reinforcing. Human rights are an intrinsic part of development.

It was crucial to rethink the effects of neo-liberal capitalist economic doctrine on development. Participants noted that the right to development provided an integrated, holistic and cohesive framework, encompassing civil and political, economic, social and cultural rights, as well as the national and international dimensions of development.

- **Promoting Right to development through right to education**

The mutually reinforcing nature of the right to development and the right to education was reiterated. There are multiple conceptual links; indeed both the right to education and the right to development are enabling rights, in as much as they are basic requirements for achieving all other human rights. The right to education is fundamental for achieving development. There is a need for quality basic education and ensuring equality of opportunity to quality education and

employment. The concepts of entitlement and empowerment are critical to both rights. Education is an indispensable tool to advance development and it is not sustainable if not anchored in human rights.

- **Participation**

Particular attention by all participants was placed on the role of free, active and meaningful participation in the development process, including of indigenous peoples, persons with disabilities, women and children. Participants underlined the importance of information and education to make participation meaningful. In particular there was a need for respect of the principle of free, prior and informed consent of affected communities at all stages decision making.

Empowerment of people to participate and be consulted in matters affecting them was also underscored.

The need to adopt new approaches to participation were recognized as innovative, powerful tools to ensure participation, such as participatory videos, or participatory ways to approach culture and development.

- **Culture and development**

There was a need for a more genuine reflection on culture and development, on the way in which culture can critique, contribute to or interact with development.

The role of cultural activity in development remains significantly under-explored. The need to examine the potential of culture and development – considering the ways in which a range of cultural activities and innovative cultural programmes can inform and work alongside in mainstream development processes and programmes was stressed.

- **Legally binding instrument and the legal status of the right to development**

The Forum did not conclude the debate for a legally binding instrument. The codification of the Right to Development in the African Charter on human and People's right was recognized. In any case there is now a need for a focus on implementation, while the debate on whether a binding normative framework is required.

It was recognized that many elements of the RTD are already included in legally binding instruments and some are already recognized as customary international law.

- **Litigation and legal advocacy**

It is important to mobilize existing law more routinely, including relying on the right to development directly, where applicable, such as the African Charter on Human and Peoples' Rights or relevant provisions of the Convention on the Rights of the Child. The right to development consists of procedural and substantive elements, which if violated, constitute a violation of the right to development.

Litigation and legal advocacy cannot be seen separate from other methodologies such as social action to make a meaningful impact. In the case of a court ruling, there is a need for concerted and sustained advocacy to implement the ruling.

The right to development should be invoked more routinely, not only against States but also *viz à viz* non-state actors, such as transnational corporations.

There is a need to strengthen legal advocacy. The use of litigation could help build additional jurisprudence and impact at the national level in terms of enforcement.

The universal ratification of human rights treaties, with particular reference to the the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights should be advocated.

There is a need to find better ways to use treaty bodies, but also other international human rights mechanisms, including the UPR and special procedures.

Concern was expressed about development and market-based evictions, very often happening in the name of servicing the public good, and in disregard of existing national and internationally accepted standards, guidelines and principles.

- **The role of civil society**

While States are the primary duty bearers for the realization of the Right to Development, the very focus of the right to development on people implies an important role for civil society.

Civil society has to take the lead as the engine for the realization of the right to development.

Wider space for civil society and enabling environment for active civil society engagement is encouraged as a critical element of the Right to Development.

Civil society organizations have a legitimate role at the micro, meso and macro levels.

Public budget monitoring was recognized as an important tool to promote the right to development.

- **International cooperation**

Participants underscored the fundamental importance of international cooperation to achieve the right to development, to create an enabling environment for the realization of the right to development. Despite the current global economic challenges it is important to maintain the political commitment and to live up to existing commitment in the area of development cooperation, such as the 0.7% target for Official Development Assistance.

The very concept of development has to be reconsidered in light of a climate- and energy-constrained world. It is important to adjust our ways of life, in particular unsustainable patterns of consumption.

There is a need for political will, both at national and international levels and a need for policy coherence. Policy coherence would go a long way in realizing the right to development, including in areas such as trade, in ensuring that aid is effective, untied and predictable and transfer of technology.

- **Millennium Development Goals (MDGs)**

The future for the failure of achieving the MDGs is the absence of an explicit human rights approach. Indeed participants insisted that efforts to meet some MDGs should not be used to justify efforts such as slum clearance or illegal evictions to meet Target 7.

There was a need to focus on implementing existing human rights obligations at core of development agenda and looking beyond the MDGs implementation period.

While MDGs 1 to 6 has clear benchmarks and time-bound targets, MDG 7 and 8 had not. Future frameworks have to include clear and time-bound targets in this regard.

Incorporating human rights into MDGs would allow their comprehensive and inclusive advancement.

- **Climate change**

Participants reiterated the need for a fair, ambitious and binding instrument with the potential of real impact. Efforts should be undertaken in this regard for a successful negotiation in Durban.

Referring to the recommendation of the 2010 Social Forum, participants reiterated the call for a special mechanism on human rights and climate change.

- **International solidarity**

The inter-linkages between international solidarity and the right to development were recognized. International solidarity should be viewed in a broader sense - it is about diversity, about human rights as a binding force bringing heterogeneous forces into a harmonious whole.

- **New mechanisms**

Participants welcomed the establishment of a new special procedure mandate on an equitable international democratic order.

- **Development aid effectiveness/financing for development**

There is a need for a global partnership for development aid effectiveness, recognizing the important role of civil society in their own right and aiming at delivering human rights-based development. The adoption of a Convention on Development Effectiveness within the United Nations was proposed.

- **New International Development Architecture**

In the wake of the global economic crisis, development models based on market fundamentalism have been widely discredited. For most Least Developed Countries (LDCs), growth patterns have been both regressive and below potential, with generally adverse implications for equity, social welfare and the environment. LDCs and developing countries as whole would benefit from a developmental state, which would include a new development compact that can provide proactive guidance, political consensus, social legitimacy, mobilization of domestic resources for development and supplemented by international cooperation. The issue of integrating human rights approach in this framework should be considered.

- **Investment**

Principles for responsible contracts can provide a guide to integrating the management of human rights risks into State-investor contract negotiations underpinning major investments. Improving development results from private investment requires constructing a system that embeds respect for human rights into the DNA of private investment.

- **Trade and intellectual property**

The WTO preamble provides that "sustainable development" is a goal of the WTO together with the need for positive efforts designed to ensure that developing countries, and especially the least-developed among them, secure a share in the growth in international trade commensurate with their economic and sustainable development needs.

Other participants pointed out that multilateral and bilateral trade agreements and the resultant trade arrangements have far reaching implications on the realization of people's right to development in low income countries.

The impact of Intellectual property on Right to Health is a crucial issue and opportunities exist to further incorporate flexibilities into intellectual property, competition and access to medicines legislations.

- **Rio+20, and climate change adaptation and mitigation**

The Rio Declaration on Environment and Development affirms the right to development but also builds on it. The Rio Declaration identifies the three integral and mutually reinforcing pillars of sustainable development as economic prosperity, social equity and environmental protection. We should use the occasion of the 2012 Earth Summit as an occasion to promote human rights and sustainable development. The right to development can provide a normative framework for policy coherence. We need to seek additional means of seeking social and environmental justice, holding national and international actors to account, and also add new instruments for strengthening the justiciability of the right to development.

On climate change adaptation and mitigation, the role of intellectual property is often viewed as a barrier to developing and disseminating climate related technologies in developing countries. The regimes in which intellectual property norm-setting has historically been done are the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO). Technology transfer in the UNFCCC is governed by some of the clearest and strongest international legal obligation in environmental and economic governance, especially Art. 4 of the UNFCCC, which covers financing, transfer and commitments.

One clear recommendation is that we need systemic integration of all regimes of international law as a solution to conflict of norms and a tool for more tightly integrating the right to development into the climate change regime.

I would like to assure participants that conclusions and recommendations from the civil society summary will be given due attention, including possible inclusion of some of the ideas into the draft resolution to be tabled to at the subsequent Human Rights Council regular session. I would like to encourage distinguished participants to send to the Secretary of the Forum, any comments and suggestions on this general summary and possible inputs into the report to the Human Rights Council.

Before concluding, I wish to express my sincere thanks:

- to all of our Speakers and Panellists for their excellent presentations;
- to all the participants for your interest in this event;
- to the interpreters;
- to the Conference Service Personnel for facilitating the smooth conduct of the Forum; and
- to the Secretariat of the 2011 Social Forum for its invaluable input and support on all aspects of the organization of this Forum, with particular words of appreciation to the Secretary of the Forum, Ms Susan Mathews.

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Thank you.