

**“20 Years of the Right to Development - where do we
stand and where do we go?”
Pubic Panel Discussion at the Occasion of the 20th
Anniversary of the Right to Development**

**Report of the FES Parallel Event on the Right to Development
29 November, 12-2 pm, UN Palais des Nations, room IX**

*Felix Kirchmeier**

- Speakers:**
- ♦ **Ambassador Ibrahim Salama**
(Chair of the Working Group on the Right to Development)
 - ♦ **Margaret Sekaggya**
(Chairperson of the Uganda Human Rights Commission,
Member of the High-Level Task Force on the Right to
Development)
 - ♦ **Joseph Ingram**
(Consultant to the World Bank and former Special
Representative of the Bank in Geneva)
 - ♦ **Yao Agetse** (Franciscans International)
 - ♦ **Susan Mathews** (Tilburg University)

Moderation: ♦ **Erfried Adam** (Friedrich-Ebert-Stiftung)

Summary:

The Right to Development came into being via a Declaration by the General Assembly on the 4th of December 1986. 20 years have passed since, which gave ample reason to look back at the achievements and take a stock of the challenges that lie ahead. A milestone in its development was the 1993 Vienna World Conference on Human Rights with its Declaration which included the Right to Development and stressed the indivisibility of all human rights. Although this Declaration was adopted unanimously by 171 heads of state, the debate around the Right to Development continues due to different perceptions and interpretations of this particular human right.

The panel discussion recalled the developments and offered the opportunity to debate what should be the next steps taken in view of a practical application of the Right to Development in order to make this human right a reality for all. The meeting was attended by approximately 60 people.

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Ambassador Ibrahim Salama (Chair of the Working Group on the Right to Development), opening the discussion stressed that the 20 years were more than a symbolic time – the Right to Development (RtD) was at crossroads, so there was a need for the Working Group (WG) to look where to go from now. He pointed to the history, highlighting what developments lead to the 1986 Declaration. He saw the need to institutionalize development policies and ground them in human rights as a major factor. This in turn brought him to the question, whether it should now be the aim of the WG to work towards the establishment of a treaty. Before getting there, he stressed the need to demystify the RtD. A work that was to be done by the High-level Task Force (HLTF), which, since its 6th session, started to work on concrete topics, in order to complement and inject RtD elements into trade policies, without claiming to be a “supra”-organizational institution. In its 7th session the HLTF established criteria to be used to periodically evaluate development partnerships as laid out in Millennium Development Goal (MDG) 8. Obstacles to the implementation of the RtD he saw in the lack of coherence and interaction between UN bodies, who, due to the limited political mandates they are given, can often not provide the necessary inter-institutional links. He also referred to the need of making the RtD a national concern – not a Geneva concern, as the political will of member States is crucial for the RtD’s implementation. For the WG he envisaged a road map to avoid the annually repeated improvisation in establishing future goals for its work.

Ms. Margaret Sekaggya (Chairperson of the Uganda Human Rights Commission, Member of the High-Level Task Force on the Right to Development), in her statement recalled the history of the RtD in the time between the 1986 Declaration and the Millennium Declaration. Thereby she put an emphasis on the African perspective, pointing out that Africa was making progress in development and the conflict prevention, yet the crucial sectors for social development remained chronically underfinanced. Armed conflicts destroyed the infrastructure and were an impediment to any development (social, political and economical). Future policies, backed up by the RtD, would have to focus on poverty eradication and ensure ownership in poverty reduction strategies; provide access to productive assets, employment, education and ensure access to justice and its timely delivery which is not only important for the human rights situation in a given country and its governance structures, but also to attract FDI and foster economic development.

Mr. Joseph Ingram (Consultant to the World Bank and former Special Representative of the World Bank in Geneva), pointed to a recent publication by the Bank, entitled “Development Outreach”. An article therein on RtD stressed the joined responsibilities established through RtD in 5 principles: 1) equality, 2) participation, 3) non-discrimination, 4) transparency, 5) accountability. A realization of those principles in development partnerships would lead to more equality and empowerment of the people in partner countries. He also referred to a OECD/DAC review process, which, as a first of its kind, was seriously taking human rights policies into account. Within the World Bank, he said a human rights based approach was only slowly “trickling down” to the implementing level. While the decisions to go that way had been taken, the Bank, as other agencies, was still struggling with the implementation of this relatively new policy. He saw a great need to educate people within the Bank and in partner countries about human rights, especially economic, social and cultural rights, to reach a proper understanding of their importance at the working level. In his view, human rights provided the only guarantee that development policies could reach a level of

sustainability which would make them less vulnerable to political changes. With his plea that “Donors should do no harm” he closed his statement, recalling the responsibility of donors, to respect and promote human rights in and through development partnerships.

Mr. Yao Agbetse (Franciscans International) added a civil society point of view to the debate. He spoke about Franciscans International’s engagement in the promotion of the Right to Development. His organization had always aimed to bring the academic debate into pragmatics. In informal dialogues with NGOs, civil society and the Permanent Missions in Geneva, Franciscans tried to ensure, that the preoccupation of concerned populations became visible. They also supported the Working Group, the High-level Task Force, and before this the independent expert with numerous publications. He stressed that for him it was also important to link different efforts of the UN, like the RtD process and the work on the Norms on transnational corporations, as those topics should be seen in their interlinked complexity. Concerning the future of the Working Group on the RtD, he suggested recalling all the important academic work that has already been done, and transform this rich input into a practical approach. In his view, the RtD could become a counterweight to intellectual property rights when implemented through development partnerships. Closing his statement, he suggested the WG could take up the issue of migration in order to tackle the topic in a more holistic way and to widen the scope beyond the purely economic side.

Ms. Susan Mathews (Tilburg University) challenged the panel and audience by an unconventional view: the RtD should incorporate the right to oppose to development (strategies)! It should include a right to resistance. She supported that claim by stressing the impotence and vulnerability of the most marginalized parts of society. Because of unequal distribution of advantages and disadvantages of development, especially infrastructural programs might affect some populations negatively. Those negatively affected should get an opportunity to resist, or at least be adequately indemnified. The RtD, in her opinion, could help to “modernize” development partnerships, ensure more equality and give development a “human face.” The right to development, she insisted, could provide a basis that allowed parts of the population to resist certain development models.

In the following **Question & Answer** session, **Susan Mathews** explained that her vision of a possibility to resist had to go beyond the right of freedom of expression. It should furthermore include an option for those who do not know their rights. **Yao Agbetse** added to his remarks that human rights in his view had to be the starting point of all developing policies. Asked about the reasons for dispute in the debate on the RtD, **Joseph Ingram** pointed out that most of those were due to misunderstandings or misconceptions of the RtD, which he hoped could be avoided following the 5 core principles, he referred to earlier, in applying the RtD. **Ambassador Ibrahim Salama** added to this point that he acknowledged the misconceptions to account for 85% of the disputes around the RtD. Yet the remaining 15% were still a political debate as human rights were always a political issue. He reiterated that the aim of the Working Group was not to negate the political debate but to reconcile the different positions.