



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Report to the Expert Mechanism on the Right to Development

1. In conformity with the efforts made by the Expert Mechanism on the Right to Development, which was established under resolution 42/23 of the UN Human Rights Council (UNHRC) to determine the best practices with regard to the right to development and the exchange of these practices between the UN member states and to empower local communities to realize such right, **Maat for Peace, Development and Human Rights**, in its capacity as a non-governmental organization holding a consultative status with the United Nations Economic and Social Council (ECOSOC), presents this report in conjunction with a series of meetings held by the Expert Mechanism with stakeholders to support the participation of civil society with a view to identify good practices, opportunities and challenges that can be shared with countries, international organizations and other stakeholders.

2. Similar to what was set out in the report of the Special Rapporteur on the Right to Development, this report views development as “a comprehensive economic, social, cultural and political process aimed at the constant improvement of the well-being of all individuals and peoples, on the basis of their participation in development and in the fair distribution of its benefits”. Building on this definition, there are numerous obstacles to the realization of the right to development coupled with the effects of the Coronavirus pandemic that widened the gap between states, which require intensified efforts within the framework of international and regional partnerships in order to ensure that no one is left behind, since human beings are the center and focus of development¹.

¹ Operationalizing the right to development in achieving the Sustainable Development Goals Thematic study by the Expert Mechanism on the Right to Development, a paragraph 11, Page 4, <https://undocs.org/en/A/HRC/48/63>



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Accordingly, this report primarily focuses on the obstacles to the realization and mainstreaming of the right to development in the least developed states; low-income states and other developing ones, given the fact that these states suffer from structural obstacles to the realization of this right coupled with the effects of the emerging Coronavirus pandemic. The report is also guided by two crosscutting themes outlined by the Expert Mechanism, which are the mainstreaming and realization of the right to development and the participation of the civil society in such realization².

First: Generalizing and Activating the Right to Development:

Activating and mainstreaming the right to development requires, in the first place, bridging the wide gaps between developed, low-income, and developing countries, particularly in light of the coronavirus pandemic, which has widened the gap between high-income countries and low-income ones, not only at the level of countries, but also at the level of individuals.³ Since the start of the COVID-19 pandemic, developed countries have struggled to manufacture and get vaccination, leaving the developing countries, which have suffered the most, behind. Among the shameful practices that the expert mechanism should take into account in their dialogues with United Nations bodies, Member States, and other stakeholders, are the private companies' opposition to waive vaccine patents to developing countries. In addition to the drug companies' refusal to give up intellectual property to produce the vaccine, they have not shown a willingness to allocate any

² Annual report of the Expert Mechanism on the Right to Development, General Assembly, Page 4, Available at the following link: <https://undocs.org/en/A/HRC/45/29>

³ How the coronavirus has widened the chasm between rich and poor, NBC News, 4 September 2020, <https://nbcnews.to/3BZrs7K>



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financial resources to the World Health Organization's Covid-19 Technology Access Group, practices that impede the realization of the right to development as a human right and widen the abyss between poor countries and their counterparts from the other rich countries.⁴

According to the report of the Working Group on the Right to Development, there is no agreement .5 among countries in the issue of providing the benefits of science and technology to developing countries and providing for a fair sharing of the burden of development. Therefore, making technology available to poor countries is a vital issue in the framework of ensuring that no country is left behind, and in the context of achieving the sustainable development goals, and in the context of fruitful international cooperation, particularly in the phase of recovery from the effects of the Coronavirus pandemic and to ensure that any health risks are faced in the future,⁵ this requires that the legal instrument on the right to development whose first draft appeared in 2020, should include reducing the gap between the rich and developing countries within the framework of a global and regional partnership that results from collective action among countries in accordance with the United Nations Declaration on the Right to Development. ⁶

Currently, 46 countries in the list of least developed countries, according to the United Nations .6 Committee for Development Policy (CDP), suffer from structural obstacles against the realization of the right to development, including the austerity policies put in place by these countries more than

⁴ <https://bit.ly/2Xq2UG2> عربية، 5 مايو 2021، على الرابط التالي: Independent هل يجب التنازل عن براءات اختراع لقاحات كورونا؟، ⁴

⁵ International investment law in support of the right to development? Leiden Journal of International Law (2021) Page 4, 5, <https://bit.ly/3AUU8h1>

⁶ Statement by Ms. Klentiana Mahmutaj Chair of the Expert Mechanism on the Right to Development, United Nation Human Rights Council, 18 May 2021, <https://bit.ly/30KdHwh>



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three decades ago, according to the United Nations Conference on Trade and Development,⁷ in addition to the inability of the economies of these countries to receive external shocks such as global economic crises and global health crises such as the emerging epidemic of the coronavirus, the relationship between the deteriorating level of development in the least developed countries and the Corona pandemic cannot be linked only, but the obstacles facing this country are attributed to a main factor, which is the weakness of the productive capacities of these countries, which calls for solidarity in order to overcome the structural characteristics or problems in the economies of these countries, which was confirmed by the corona pandemic, which exacerbated the inequalities between countries and some of them and between the classes of society in the same country.⁸

Second: Good Practices in the Realization of the Right to Development:



Despite the highly complex challenges faced by the least developed states to realize the right to development, Maat commends some of the recent initiatives endorsed by international financial institutions, such as the Catastrophe Containment and Relief Trust (CCRT) of the International Monetary Fund (IMF). In October 2021, for example, the Trust Fund approved debt relief for 24 poor countries for the fourth time since the emergence of the Coronavirus pandemic, at value of 124 million dollars, bringing the total debt relief to about 973 million dollars since the beginning of the pandemic. The relief may contribute, at least in part, to the recovery efforts of the low-income least developed states from the effects of the pandemic, which might place these states at the beginning

⁷ The least developed countries in the post-COVID world: Learning from 50 years of experience, The United Nations Conference on Trade and Development (UNCTAD), Page 12, https://unctad.org/system/files/official-document/ldc2021_en.pdf

⁸ تقرير أقل البلدان نموا لعام 2020 (استعراض عام)، مؤتمر الأمم المتحدة للتجارة والتنمية، ص5، على الرابط التالي: <https://bit.ly/3ISb83e>



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of the path towards realizing the right to development and achieving Sustainable Development Goals (SDGs)⁹.

The Covax Scheme¹⁰ represents a step in the right direction to support the recovery efforts of poor and developing countries from the effects of the pandemic that hampered any progress with regard to the right to development and exacerbated poverty in a broad spectrum of these states. Despite challenges, the Covax Scheme was able to deliver vaccines to about 20 million people in poor countries as of the end of March 2021. This Scheme plans to distribute sufficient vaccines to protect at least 20% of the population in 92 low- or medium-income states, with health personnel and the most vulnerable groups as a priority¹¹. Maat believes that the Scheme, despite its significance, will not be able to deliver vaccines to a large number of people in poor countries, suggesting the need for more wider initiatives or for an expansion of the current one within the framework of international cooperation to support the recovery efforts in post-pandemic periods, as the continued vaccination of citizens in these states at a very slow pace would hamper the efforts of realizing the right to development and lead to further deterioration of the health sector therein.

Third: Role of Civil Society in the Realization of the Right to Development:



⁹ صندوق النقد يخفف أعباء ديون 24 دولة فقيرة، العين الإخبارية، 9 أكتوبر 2021، على الرابط التالي: <https://bit.ly/3DXV7iy>

¹⁰ مبادرة لقاحات عالمية يشرف عليها تحالف يضم تحالف اللقاحات ومنظمة الصحة العالمية، وهي ممولة من تبرعات تأتي من الحكومات، والمنظمات، والمؤسسات متعددة الأطراف. وتتمثل مهمة "كوفاكس" في شراء لقاحات فيروس "كوفيد-19" بكميات كبيرة، وإرسالها إلى الدول الأكثر فقراً التي لا يمكنها منافسة الدول الغنية في تأمين عقود مع شركات الأدوية الكبرى.

¹¹ Covax: How many Covid vaccines have the US and the other G7 countries pledged? BBC, 23 September 2021, <https://www.bbc.com/news/world-55795297>



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Maat for peace believes that it is difficult to measure the contributions of civil society to .9 development due to the disparity between the locations of these organizations and their workplaces, but it is not possible in any way to prejudice the role of these organizations in effectively affecting the right to development and partnership within the framework of achieving the sustainable development goals, and because these contributions cannot be measured in an equal manner, the active organizations share specific contributions, namely:

Building partnerships and alliances, among the efforts in which civil society participates with other .10 stakeholders is building partnerships, as civil society represents the third partner in the partnership between the state and the private sector, where civil society is a partner in many development projects and in bringing support and funding at the international level at the international level. As announced in the 2030 Agenda for the Sustainable Development Goals, this partnership should be based on transparency and mutual accountability of partners. The United Nations Sustainable Development Agenda Resolution referred to the role of civil society in promoting development partnerships, and the SDG 17.17 calling for promoting and strengthening partnerships between the public and the private sectors and between the private sector and effective civil society to achieve maximum benefit from these partnerships and partnership strategies in mobilizing financial resources.¹²

The accountability aspect of the work of civil society organizations is also an essential aspect of the .11 realization of the right to development. Civil society organizations' monitoring and documentation of unsustainable and non-transparent development policies is an important tool for their abolition, in

¹² دور المجتمع المدني في خطة التنمية المستدامة لعام 2030، شبكة المنظمات العربية غير الحكومية للتنمية، ص 16، علي الرابط التالي: <https://2030monitor.annd.org/data/manual/arabic/5.pdf>



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order to ensure the compliance of governments and other concerned parties, and helping to prevent corruption, abuse and other governance failures, with the need to be matched by an analysis of the development process of development activities and stimulating activities that have significant benefits for the population, in addition to monitoring and evaluating development policies and programs, let alone asking questions about government performance and negative business practices, this aspect of the achievement of goal 16 of the Sustainable Development Goals which promotes effective and accountable institutions.¹³

In a related context, civil society, through protection and empowerment, also plays a key role in .12 protecting the marginalized and the poorest and most vulnerable groups by providing humanitarian services, emergency services and social care to the neediest groups. Local organizations also work to empower and integrate these groups into local communities by organizing voices of marginalized and underrepresented groups in poor communities, and awareness of these vulnerable groups about their rights and how to claim them.

The Civil Society Organizations Forum, the platform established by the World Bank, represents a .13 pioneering experience that must be disseminated to promote dialogue among civil society organizations, including grass-roots and professional organizations, trade unions, and women's associations, with the World Bank, international organizations and government actors, to participate in discussions and recommendations for to civil society organizations in Africa, including providing

¹³ Tracking progress on Sustainable Development Goal 16 with Global State of Democracy Indices, The International Institute for Democracy and Electoral Assistance (International IDEA), 8 September 2019, <https://bit.ly/2Z1jNb6>



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advice to the World Bank and international financial institutions on priorities to be directed at poor countries and steps to implement them.¹⁴

Fourth: Obstacles Faced by Civil Society in Implementing the Right to Development:



Civil society organizations, including non-governmental and local organizations in poor countries, .14 face obstacles that limit their ability to promote the right to development, as identified by the expert group mechanism on the right to development. Among these obstacles, development is limited to goals that countries implement without partnership with other stakeholders. It is against the development comprehensive concept that is supposed to be a comprehensive process that requires the participation of all stakeholders. They included civil society organizations, non-governmental organizations, and the private sector through participatory procedures, for which a budget is allocated in proportion to the actual steps to be achieved.

In addition to the lack of involvement of stakeholders in financing development, the excessive use of .15 financial intermediaries in disbursing financing for development purposes alienates official donors from the beneficiaries of development projects. That makes it difficult to adhere to the standards of guarantees at all stages of the financing chain, which impacts local organizations that may not benefit from the effects of financing, which hinders their work.

Maat, along with some other civil society organizations, have noted that the practices of the .16 European Investment Bank, as an international development finance institution in poor and

¹⁴ Evaluation of the African Development Bank's Engagement with Civil Society, Independent Development Evaluation (IDEV) at the African Development Bank, Page 8, <https://bit.ly/2XrQygB>



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developing countries, undermine the participation of stakeholders. Because of the conflict between the provisions contained in the standards of the bank and the actual practices on the ground. Although development projects are provided with a legal framework that provides for public participation in the EIA framework, this does not translate into meaningful participation with communities on the ground.

Another issue that stands in the way of non-governmental organizations' participation in the .17 implementation of the right to development is the restrictions imposed on the participation of civil society organizations in intergovernmental conferences and discussions related to United Nations financing for development operations. It was noted that there is disproportionate participation of international civil society organizations belonging to the more developed countries from those national and regional organizations of the developing countries. In addition, it is difficult for civil society organizations that do not work in the English language to participate, which makes their participation in informal discussions and negotiations very difficult. That made some local and independent organizations in developing countries feel excluded from the financing for development discussions.

Maat believes that giving attention to the involvement of civil society organizations in developing .18 countries in development processes is a necessary goal to prevent inequality, especially in light of the suffering experienced by these countries from the accumulation of debt burdens. Whereas data from the United Nations Conference on Trade and Development showed that developing countries gained additional debt of 500 billion dollars in 2020, bringing the total accumulated debts to 11.3 trillion dollars.



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Undoubtedly, disparity between rich and poor countries affects vulnerable groups, especially .19 women. The lack of civil society involvement in development discussions and financing results in the weak integration of gender equality in financial resources as women's rights organizations do not receive sufficient financial resources to pass or develop their work agenda. The continuation of these policies widens the gap between the developed countries and the poorest countries. On the contrary, the flow of financial resources to grassroots organizations in poor countries contributes to achieving sustainable development goals. Because if the organizations have sufficient resources, they could negotiate the benefit of the local population and the vulnerable classes with the local authorities.

Recommendations:



The necessity of expanding initiatives aimed at supporting recovery efforts in low-income, least .20 developed countries, which support not impeding development projects and lifting pressure on the national economy.

Ensuring the representation of local civil society organizations in thematic discussions on financing .21 for development in the various UN bodies.

It is necessary to allocate part of the thematic studies issued by the Expert Mechanism on the right .22 to development to the efforts made and good practices, if any, in the context of recovery for the post-Coronavirus world, focusing on the efforts made in favor of low-income least developed countries.



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The need to work on issuing an initial draft that includes a specific framework for the Expert .23 Mechanism to deal with civil society organizations

The necessity of disseminating good practices of a partnership between civil society and .24 international financial institutions such as the Forum of Civil Society Organizations established by the World Bank to consult on development projects in African countries

The necessity of setting a goal in the 2022 Agenda for the least developed countries and increasing .25 international funding allocations for these countries at the Fifth United Nations Conference on the Least Developed Countries in 2022.



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