



STATEMENT BY SAAD ALFARARGI
UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHT TO
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“THE ROLE OF HUMAN RIGHTS IN PROMOTING GOOD
GOVERNANCE”

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Chairperson, distinguished delegates, ladies and gentlemen,

I am honoured to be with you today in my capacity as United Nations Special Rapporteur on the right to development. It is my pleasure to participate in the thematic debate on the important topic of the Role of Human Rights in Promoting Good Governance.

What is good governance?

When preparing for my participation in this thematic debate I looked at different concepts of good governance and tried to evaluate what are the element of good governance that are in accordance with the right to development. Good governance is a broad concept which does not have a single and exhaustive definition: it has been said to encompass: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance. Resolution 2000/64 of the former Commission on Human Right for example identifies as key attributes of good governance the following: transparency, responsibility, accountability, participation and responsiveness to the needs of the people.

The vision contained in the Declaration on the Right to Development, namely that it entitles everyone to participate in, contribute to and enjoy development in its economic, social, cultural and political dimensions, is a vision, which also provides a sound framework for good government. From the point of view of my mandate, good governance is a one that ensures full and effective participation of all segments of the society in decision making on equal basis,

The mandate given to me by the Human Rights Council requires me to contribute to the promotion, protection and fulfilment of the right to development in the context of the coherent and integrated 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 concept of good governance is mentioned repeatedly in the Agenda 2030: in its paragraph 9 states envisage a world in which democracy, good governance and the rule of law are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. The Agenda notably recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and **good governance** at all levels and on transparent, effective and accountable institutions (paragraph 35). At the same time, the Agenda recognises that poor governance is among the factors which give rise to violence, and that need to be addressed in its implementation.

In September 2017, the Human Rights Council adopted Resolution 36/9, which requested me to hold regional consultations on the implementation of the right to development. The aim of these consultations, which I convened throughout 2018 and 2019, is to identify good practices in designing, implementing, monitoring and assessing policies and programmes that contribute to the realization of the right to development in various regions. These consultations have so far gathered representatives of Member States from the respective regions, as well as representatives of United Nations agencies,

intergovernmental organizations, academia, civil society and the private sector from across the globe.

During the five regional consultations, topics related to good governance came up repeatedly in the discussions. In particular, throughout the discussions, I heard one overarching concern, namely the difficulties in ensuring effective participation and inclusion of all stakeholders in development processes at the local, national, regional and international levels. The lack of access to reliable, timely, and easy to comprehend information on development policies represents an obstacle to meaningful participation. Particularly, individuals and communities that have suffered exclusion and discrimination are often not in a position to mobilise around their interests and that of their communities. States have a responsibility to empower these stakeholders so they can formulate their own development priorities. The right to development requires that all stakeholders take part in all stages of development processes, including in the development, implementation, monitoring and evaluation of policies and programs. Only when participation is real, policies and programs are able to meet the needs and expectations of their intended beneficiaries.

Meaningful participation requires that individuals and communities are entitled to participate in the decisions that directly affect them. Meaningful participation may take on a number of different forms: providing balanced, objective information, in an accessible format; consulting the affected communities to gain feedback; involving communities in each aspect of decision making, including the development of alternatives and identification of solution; and empowering communities to retain ultimate control over the key decisions that affect their wellbeing.

Wider and meaningful participation can be achieved through wider access to information. Access to information and participation will lead to understanding of the process, and widen support for much needed reforms. Participation will also help designing, implementing, monitoring and evaluating the results of development programmes and projects in a meaningful way and increase their effectiveness and efficiency. And, last but not least, it would lead to greater accountability and the chance to tackle endemic issues such as corruption and lack of good governance.

Further, good governance requires the existence of effective remedies for those whose rights have been violated. With regard to the right to development, which is justiciable under the African Charter on Human and People's Rights and is included in the Constitutions of a number of countries, that signifies creating judicial (whenever possible) or other mechanisms that would allow victims to claim redress or peoples and individuals to take action to prevent violations of their right to participate in, contribute to, and enjoy economic, social, cultural and political development.

In my work I have studied the connection between the right to development and equality, the consequences of inequalities within countries on the enjoyment of the right to development. I have come to the conclusion that inequality and discrimination are major obstacles to the realization of the right to development within and across countries. Inequalities threaten long-term social and economic development, impede poverty reduction and have an impact on the ability of individuals and communities to participate in, contribute to and enjoy economic, social, cultural and political development. Therefore, one of the main "symptoms" of good governance in my view is governance that strives to eradicate inequalities.

The 2030 Agenda itself recognizes “rising inequalities within and among countries”, “enormous disparities of opportunity, wealth and power” and persistent “gender inequality” as “immense challenges” confronting the world today. Under the Agenda, a commitment is made to leave no one behind, to ensure targets are met for all nations and peoples and for all segments of society, and to reach the furthest behind first. Consistent with international human rights law, the 2030 Agenda contains a commitment to combating income and wealth inequalities and acknowledges that relative inequalities in income and wealth hamper the achievement of development.

The commitment to combat inequalities and discrimination is reflected in two goals explicitly focused on this issue. Sustainable Development Goal 5 (Achieve gender equality and empower all women and girls) is the stand-alone goal dedicated to bridging the gap between men and women and addressing gender-based discrimination depriving women and girls of their rights and opportunities and thus of their ability to realize their full potential. Women’s equal right to development could in itself be an amplifier of development. However, the realization of their right to development is beset by challenges rooted in the inequalities that pervade their lives. For women, the right to development requires consideration for their lack of voice and participation in decision-making within their families and societies. To ensure good governance, States must, therefore, take action to provide genuine opportunities and strengthen capacity of women to actively and meaningfully participate in national planning, policy design, implementation and budgeting, which affect their livelihoods and wellbeing. Participation of women without discrimination of any kind in economic and political decision-making and policy formulation so as to advance gender equality and women’s empowerment is indispensable for the effectiveness of all development processes.

And last but not least, in my view good governance requires the existence of effective legal mechanisms to defend equality. Such mechanisms can go a long way towards protecting and promoting the right to development as well.

I thank you for your attention and I am looking forward to the thematic debate.