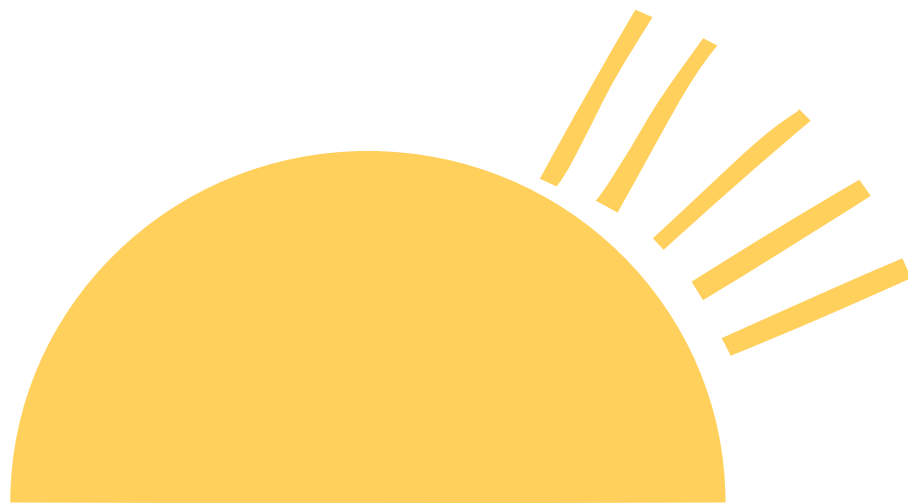




Intersectionality, Economic Justice and the Right to Development

Identifying pressing issues for
feminist and sexual rights activism
in the UN human rights system



Submitted by: Sexual Rights Initiative (SRI)

To read our full submission to the Special Rapporteur on the Right to Development, click the following link: <https://www.sexualrightsinitiative.org/sites/default/files/resources/files/2023-07/SRI%20submission%20to%20SR%20on%20development%20-%20vision-setting%20report.pdf>

Introduction

This publication is a summary of a submission, sent to the Special Rapporteur on the Right to Development in June 2023 in response to a call to inform his vision-setting report. In this submission, SRI called for the Special Rapporteur to address inequalities and the right to development from an intersectional perspective, and to provide a thematic report dedicated to gender and the right to development.



How is intersectionality a useful lens for looking at the right to development?

Intersectionality offers us a radical critique of patriarchy, capitalism, white supremacy and other forms of domination, and it complicates any sense of gender, sex, class, race, caste or disability as singular and discrete identities.¹ It rejects any hierarchy of one categorical determination over others and brings us to the conclusion that no form of oppression or subordination ever stands alone.

Therefore, an intersectional analysis and recommendations that clearly outline the oppressive structures leading to some people, communities and countries being particularly affected and further marginalised by the denial of the right to development is needed. While these are often presented as “vulnerable groups,” that vulnerability is not inherent to them, their identity or their belonging to a specific group. Instead, it is the **product of structural discrimination and deliberate policies by States and other actors, including international financial institutions and investors.** Naming and examining the structural factors shaping people’s experience is also essential in outlining the corresponding State obligations to redress the situation.

Key to that intersectional analysis is a deeper and more systematic engagement with class and class-based discrimination. The broader UN human rights system has occasionally but insufficiently² named and engaged with class, despite its severe and wide-ranging impacts and despite the prohibition against discrimination based on social origin, property or birth in the UDHR, ICESCR, and ICCPR - prohibitions which have been “virtually ignored by Governments, United Nations human rights bodies and commentators.”

1. Intersectionality and intersectional discrimination has been recognised as part of the international human rights framework by several UN bodies and experts, including the Committee on the Elimination of Discrimination against Women. See, for example, General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, para. 18, available at: <https://www.refworld.org/docid/4d467ea72.html>.

2. See for instance the section “Linguistic lenses that can obscure the plight of the poor” in Report of the Special Rapporteur on extreme poverty and human rights, A/72/502, 2017, including para. 56; Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. A/HRC/29/31, 2015, para. 55; Raymond A. Atuguba: “Equality, non-discrimination and fair distribution of the benefits of development.” Chapter 7 in Realizing the Right to Development. OHCHR ebook, 2013. <https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf>, pages 110-111.

We believe it important for the Special Procedures mandates and the broader human rights system to adopt a class analysis of poverty, inequality, resource distribution and the right to development. Such an analysis articulates poverty not as the result of individual attributes, or as an “unfortunate by-product” of a certain system, but rather as an inherent feature of a society economically structured around class and exploitation by powerful actors invested in maintaining poverty, which is an essential condition for the realisation of their interests³. This also means that **analyses of poverty on the international stage must recognize the central historical and contemporary role of colonial exploitation, extraction and impoverishment of the Global South in the construction of ‘welfare states’ in the North**, and the vested interest of Northern states and privileged classes across the world in maintaining an unjust and discriminatory economic status quo.

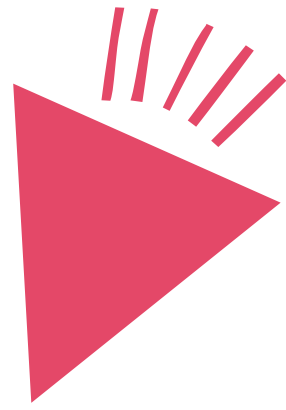
Along with class-based discrimination, the operation of racial discrimination is sometimes erased in UN human rights spaces, but as the Special Rapporteur on Racism has noted, in many contexts, “class discrimination is also racial discrimination.” We must use a racial justice lens in our analysis of the right to development and its denial.

Finally, continued analysis of the disability dimensions of the right to development would also be important. While the mandate of the Special Rapporteur on the Rights of Persons with Disabilities has issued a report on international cooperation, that report did not use the frame of the right to development.

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3. Wright, Erik Olin. “The class analysis of poverty.” *International Journal of Health Services*, vol. 25, no. 1, 1995, pp. 85–100. JSTOR, <http://www.jstor.org/stable/45130193>, pages 85, 90.

An economic justice approach to the right to development contributes to a human rights-based economy and an equitable global economic order



Feminist propositions for economic justice have centred principles such as participation; intersectionality; sustainable, self-determined development from the local to the global; an economy centred around human rights, substantive equality, justice and the well-being of the planet; just (re-)distribution of wealth and resources for all, without monopolisation; feminist and cross-movement solidarity; a shift away from the disproportionate emphasis on a “productive economy” into a feminist decolonial green new economy; an equitable and just global trade order; debt justice; and a democratic global economic governance architecture. The Bailout Manifesto for a Global Feminist Economic Recovery in the wake of the COVID-19 pandemic contains core principles and concrete recommendations to that effect.

Such an approach recognises that economic justice is essential for the realisation of gender justice - just as it is for racial, disability or climate justice - and treats these issues as inextricably linked. It is rooted in a feminist and human rights analysis of power and resource distribution and an intersectional understanding of substantive equality. It advocates for an expansive conception of poverty, and a focus on economic inequality, and directly addresses the harms and logic of capitalism that permeate current conceptions of poverty, development and economics, including regarding care work. It challenges the unequal and unfair distribution of resources within and among countries and makes the case for their redistribution through the right to development, progressive taxation, debt cancellation, and reparations for colonialism and environmental degradation. Finally, an economic justice approach necessarily challenges the privatisation of natural resources and basic services, public and private partnerships, and multi-stakeholder approaches as ‘solutions’ to end poverty and advance development. Rather, **it requires dismantling corporate power, impunity and capture and holding states, international institutions and corporations accountable for laws, policies and practices that are extractive and exacerbate inequality.**

Economic justice is:



- **Debt justice:**
 - Sri Lankans are experiencing shortages of medicines, food, and essential products due to the country's crushing debt repayments.
 - In Kenya, debt repayment surpassed the government's recurrent expenditure on items such as civil servant salaries
 - In March 2020, Egypt's annual debt service amounted to three times its education budget or five times its health budget.
- **Tax justice**
- **Corporate accountability**
- **Accountability for international financial institutions**
- **An end to unilateral coercive measures**

Pressing issues

Gender perspectives on the right to development



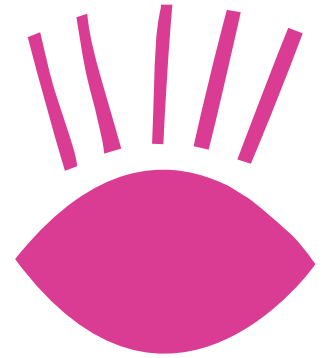
Exploring the inherent links between gender equality, resource distribution and the right to development is essential. It is vital for us to gain a deeper understanding of the intersections of gender with the right to development in a multilateral context where powerful wealthy northern states continue to sideline, dismiss and marginalise the right to development and its challenge to inequalities between countries, and treat it as a separate issue from gender and women's human rights, when most women in the world who live in poverty do so as a result of a systematic and deliberate disregard by northern states and corporations for Global South countries of peoples and their right to development.

The marginalisation and dismissal of issues of redistribution of resources is not gender-neutral; just as the marginalisation of economic, social and cultural rights is not gender-neutral. It is part and parcel of a patriarchal system positioning civil and political rights as the “real” human rights - and their violations, expressed in narrow (overwhelmingly male) terms, as the “real” human rights violations deserving of scrutiny. It is also indicative of a broader Northern commitment to a racially discriminatory status quo.



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Degrowth and just transition



A critical stance on capitalism and its focus on economic growth as the be-all and end-all of development, without regard for human or environmental costs, is needed. A focus on economic justice recognizes that poverty is not a ‘fact of life’; rather, it is an inherent feature and requisite of capitalism, and a form of structural violence.

Capitalism cannot exist without poverty, yet much of the UN work being done to address poverty does not fundamentally question capitalism—in line with a “collective inability to imagine the end of capitalism.”⁴ The 2030 Agenda for Sustainable Development also assumes “the need for never-ending economic growth” as part of development and poverty alleviation.

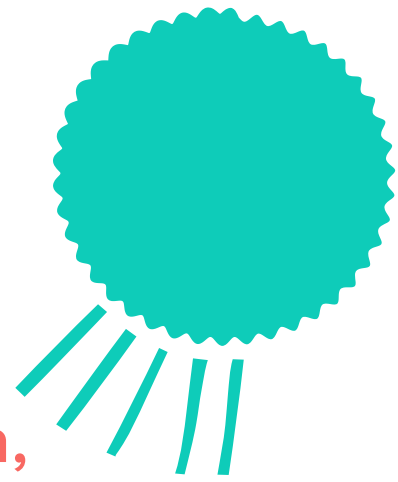
“[t]he promise of international law that capitalism, or nowadays aggressive neoliberalism, will pave the way for legal status and equality is one that always hangs on a thread. Playing this game involves trying to adapt to a model of producing and consuming that is fundamentally unsustainable.”

-Ntina Tzouvala⁵

Many have argued for human rights law to go “beyond growth assumptions,” require stronger material equality, and focus more strongly on redistribution. De-growth movements have also contested the centrality of economic growth, measured in GDP increase, to argue for “a shift towards a lower and sustainable level of production and consumption” including the reduction of “resource-, energy- and emission-intensive superfluous production, particularly in the North.” From a feminist perspective, **this would also entail a redefinition, redistribution and revalidation of labour, including unpaid care work.**

The UN human rights framework would benefit from engaging more deeply with degrowth arguments, including in opposing “green capitalism” or “green growth” approaches to the climate crisis. Degrowth would also benefit from a right to development perspective, in line with its roots in anti-colonial politics. Where growth or production is required, **we should ask: growth and production of what, for what purpose, by whom, and to whose benefit?**

4. 5. Ntina Tzouvala: “Capitalism As Civilisation: A History of International Law.” Cambridge University Press: 2020. Page 220.

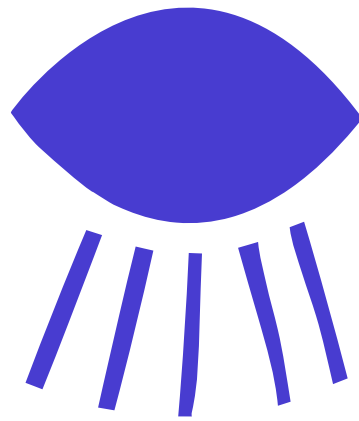
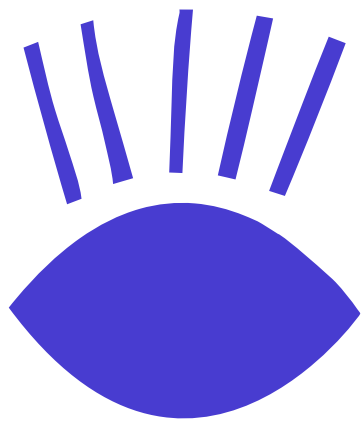


Right to development and self-determination in contexts of (neo-)colonialism, imperialism, occupation and indebtedness

The previous [Special Rapporteur on Racism](#) has found that **the 2030 Agenda is “incapable of fundamentally disrupting the dynamic of racially discriminatory underdevelopment embedded in the international economic order”** and “preserves colonial injustice, perpetuates the domination of powerful nations over peoples and territories that were subject to historical colonial extraction and preserves structural racial discrimination within nations.” Given the roots of the right to development in [anti-colonial struggles](#) and its potential “to enable claims for the transfer of resources and self-determination as urgent precursors of all human rights obligations,” the continued opposition by wealthy states to the adoption of an instrument on the right to development, signals the North’s “commitment to an unjust and discriminatory status quo” and to the largely voluntary commitments and Northern priorities dominating the international development framework, including the SDGs.

The rights to development and to self-determination are central claims for peoples subjected to ongoing settler colonialism and occupation, including in Palestine. As noted by the former [Special Rapporteur on the oPt](#) and [Al-Haq](#), among others, the right to development is crucial “for the occupied Palestinian people to access their natural wealth and resources, which is systematically and routinely denied by the Israeli occupation, colonisation and annexation of the territory.”

States and people benefitting from colonialism have a responsibility to contribute to the right to development. This responsibility is not merely moral, there are clear [human rights legal obligations](#) to provide reparations for racially discriminatory violations of human rights, including colonialism and slavery. Countries that have amassed enormous wealth through the subjugation of entire peoples and exploitation of their natural resources, and continue to do so with the support of international financial institutions, [owe a debt that must be paid.](#)





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