

Questionnaire 1: “Operationalizing the right to development in realizing the SDGs with a focus on their means of implementation”

Introduction:

In its first annual report, the Expert Mechanism on the Right to Development¹ proposed to the Human Rights Council that its first thematic study be conducted on the aforementioned topic. Paragraph 23 thereof reads as under:

“23. The first thematic study would be on operationalizing the right to development in implementing the Sustainable Development Goals, focusing on the targets incorporated as means of implementation. It was acknowledged in the 2030 Agenda that the means of implementation were key to its realization. While it was recognized that each country had primary responsibility for its own economic and social development, the 2030 Agenda also set out, through the means of implementation, a framework for a revitalized Global Partnership for Sustainable Development. Progress on all the Sustainable Development Goals was therefore directly proportional to progress on the means of implementation. However, according to the Sustainable Development Goals Report 2019, progress in the first four years had not been on track, with many targets, especially the means of implementation, in fact decelerating. That downward spiral was expected only to be exacerbated by the COVID-19 pandemic. The thematic study would therefore seek to provide detailed guidance to States and other stakeholders on how the right to development could be mainstreamed and operationalized in the implementation of the Sustainable Development Goals, to ensure course correction. It would focus on the means of implementation through the normative lens of the duty of international cooperation to eliminate obstacles to sustainable development and to make advances therein. It would highlight the importance and urgency of doing so during and in the aftermath of the COVID-19 pandemic and the accompanying global crisis.”

In Paragraph 11 of Resolution 45/6,² the Human Rights Council resolved that it “welcomes the first report of the Expert Mechanism on the Right to Development, and requests the Expert Mechanism to implement the recommendations contained in its report and in doing so to pay particular attention to the international dimension of the right to development, and how this aspect will make the practical implementation of the right to development effective at the international, regional and national levels”.

It may be noted that the means of implementation targets in the 2030 Agenda are found under two streams. SDG 17, entitled as “Strengthen the means of implementation and revitalize the global partnership for sustainable development” contains 17 targets that are the means of implementing all the preceding 16 SDGs. The second stream of “means of implementation” targets are under each of the preceding 16 SDGs marked as “a, b, c” targets and represent the specific means for implementing the corresponding SDG, in particular the numerical targets under the particular SDG.

¹ A/HRC/45/29

² A/HRC/RES/45/6

In the aforesaid context, please share your views and proposals for development of the first thematic study, including on the following:

A. Prioritization of means of implementation targets for the first thematic study

Which means of implementation targets, according to you, should be prioritized for the purpose of the first thematic study for highlighting their importance to operationalizing the right to development in realizing the SDGs:

- a. in the remaining 10 years?

A consistent theme across means of implementation targets in the 2030 Agenda is the importance of ensuring that everyone, at all levels, is better able to access and use information to improve their lives and those of the people around them.

The importance of information (as set out in Article 19 of the Convention on Civil and Political Rights), and of education, science and culture (Articles 13 and 15 of the Convention on Economic, Social and Cultural Rights) is well recognised already in international law, and so (explicitly in the case of education) in the Convention on the Right to Development.

This theme – covering all of connectivity (physical access to the internet and other information sources), content (relevant materials which can help support development) and competence (the skill to use and apply the information accessed) appears in the following means of implementation targets: 3b, 5b, 5c, 7a, 9a, 9b, 9c, 14a, 17.6, 17.7, 17.8 and 17.16. In effect, access to information matters across the SDGs. This approach is reflected in the [Call to Action](#) issued by IFLA, the Internet Society and others in October 2020. Crucially, these are issues which are best addressed together.

Furthermore, while access to information includes emphasis on access to public information (a focus of target 16.10 of the SDGs), international law implies a more comprehensive understanding, covering all information, from whatever source, that can enable people to improve their lives. This, for example, is set out in the 1993 Constitution of South Africa, which underlines that ‘Everyone has the right of access to any information held by the state; and any information that is held by another person and that is required for the exercise or protection of any rights.’

We believe that this broader focus on the importance of universal and meaningful access to information (as explored in the targets cited above) would be a strong priority for the first thematic study, given that it touches on a wide number of SDGs, and offers a possibility to make an intervention on an often-overlooked aspect of human rights and individual empowerment. It is also an area that requires investment and coordination, and so the value of acting now is high, if we are to achieve successes by 2030.

- b. in the context of prevention and recovery from the COVID-19 pandemic?

The COVID-19 pandemic has underlined challenges around all three aspects of the right to information set out above. The digital divide has, more than ever, turned into an education and economic divide. Those who are unable to connect to the internet, and then access and use the information they find there, are excluded from online learning, from access to culture and science,

from participation in civic and democratic life, and from much economic activity. For example, already in April 2020, UNESCO was highlighting the risk of an [education divide](#).

Meanwhile, even for those able to get online, the lack of access to relevant content – including in local languages – has posed challenges. Often, this is down to the terms under which content is made available, with many countries failing to enact an adequate set of exceptions and limitations to copyright to allow education, research and cultural participation to continue virtually, as highlighted in a [forthcoming article](#) focused on COVID-19 lessons for culture, learning and copyright law.

In parallel, amid talk of infodemics, the importance of the skills to find, evaluate and apply information has become clear. So too has the fact that simply having an internet connection and device does not mean that people are able to use them effectively.

Finally, a number of governments have, commendably, made digital inclusion a key pillar of stimulus packages and efforts to support recovery. These efforts regularly include not only new connections, but also investment in content and in skills provision, not least through libraries. There are powerful lessons to be drawn and spread from this work.

B. Duty of International Cooperation

What are the key areas (such as finance, trade, debt, investment, loans, coercive measures, climate change etc.) and relevant aspects of the duty of international cooperation that should be prioritized in the first thematic study for operationalizing the right to development in realizing the SDGs:

- a. in the remaining 10 years?

Relating to the focus on the importance of access to information highlighted in the previous section, a key area of priority in the first thematic study could include ensuring that international trade and investment agreements do not serve to limit the possibility of developing countries in particular to support the right to information.

Agreements at an international level could serve to facilitate access to ICT equipment, as well as providing a legal grounding for use of content for education, research and access to content, both within and across borders. The model of the Marrakesh Treaty, which works to allow people with print disabilities easier access to accessible-format works, and so support engagement in education, research, culture and beyond. It follows, in both cases, that developed countries should refrain from coercive measures in order to force the weakening or repeal of legitimate measures that support access to information.

- b. in the context of prevention and recovery from the COVID-19 pandemic?

Linked to the previous point, an important step would be to secure a clarification at UN level that current international law (notably the Berne Convention, the WIPO Copyright Treaty, and the TRIPS Agreement) can and should be interpreted in such a way as to facilitate access to information. This is particularly true in the case of enabling digital access to information,

education, science and culture, building on the precedent of the 2001 Doha Declaration. With it unclear when the institutions that support such public interest goals may be able to open their doors again, there is a pressing need to enable their activities to take place online.

C. Obstacles to development

What obstacles to sustainable development exist at national, regional and international levels, according to you, for human beings and peoples in operationalizing their right to development in realizing the SDGs:

- a. in the remaining 10 years?

In line with the three aspects of access to information set out above, there are three key obstacles.

Firstly, there is the ongoing connectivity gap. While over half of the world's population is now online, this still leaves billions of people without access to the internet. Growth in internet connectivity also appears to be [slowing](#), underlining the need for alternative approaches than simply relying on the market.

Secondly, there is the content gap. Far too much research is still paywalled, with access controlled by major commercial publishers, effectively preventing users who do not belong to (wealthy) institutions from drawing on it. In parallel, there is a need to invest further in supporting the creation and sharing of local content that responds to local development needs, in local languages.

Thirdly, there is a lack of digital skills. At best, this leaves people at risk of not realizing the potential of information to improve their lives and those of the people around them. At worst, it leaves them vulnerable to the dangers that exist online, and may instead have a chilling effect on people's readiness to take initiatives and engage.

- b. in the context of prevention and recovery from the COVID-19 pandemic?

In the specific case of the COVID-19 pandemic, all of the above obstacles apply – indeed arguably more acutely than ever give that there is not the alternative of using physical institutions and tools to access information.

D. Non-State Actors and the Global Partnership for Development

What is the positive role that non-state actors, including businesses and civil society organizations, can play in operationalizing the right to development in realizing the SDGs through enhancing the global partnership for development:

- a. in the remaining 10 years?

We would argue that libraries can play a significant role in operationalising the right to development and so delivering on the SDGs, from the individual to the global levels. At the individual level, the world's 430 000 public and community libraries have a mission to ensure that no-one lacks the information they need to take decisions and improve their lives. Globally,

libraries working together are supporting science and research both practically, and through advocacy for open access and open science. The SDG Stories shared on IFLA's [Library Map of the World](#) provide varied examples of how this support is being provided.

There can be particular merit in working with libraries at a system level – i.e. incorporating libraries into wider policy planning, for example around broadband/digital, open government, health or education, making it possible to provide support most efficiently and effectively. IFLA is ready to work at the global level in order to share information, provide direction to the library field, and engage with others.

- b. in the context of prevention and recovery from the COVID-19 pandemic?

As highlighted above, libraries are already being incorporated into COVID-19 responses in some countries, with a particular focus on realizing their potential to support connectivity, access to content, and skills. In particular in times of social strain, the value of libraries as community centres should not be under-estimated. Once again, such inclusion can best take place at a systemic level.

E. Human Rights Based Approach to Development

- a. Do the frameworks for Human Rights Based Approach to Development (HRBA) adopted or promoted by you, or required to be followed by you by development cooperation partners/donors/lenders, place equal attention to national dimensions of obligations (ensuring that States or recipients realize human rights internally while implementing development projects) as well as the international dimensions of obligations (ensuring that development cooperation partners/donors/lenders do no harm to human rights through conditionalities or cooperation requirements)?

IFLA's approach to development focuses primarily on promoting positive reforms and improved policies at the national level. However, we do, through our engagement with the World Intellectual Property Organization and others, emphasise the need to avoid trade and other international agreements that place restrictions on the rights to information, education, science and culture. We work rather to promote frameworks that enable access to information, and which are coherent with development policies that support the development of an access to information infrastructure.

- b. Do the frameworks for Human Rights Based Approach to Development (HRBA) adopted or promoted by you, or required to be followed by you by development cooperation partners/donors/lenders, place equal attention to addressing obstacles to the realization of human rights and development emanating from national as well as international conditions?

Similarly to the previous answer, while much of IFLA's work is focused on overcoming obstacles to access to development at the national level through effective library services on the ground, and national-level advocacy for improved laws, we engage at the international level when international action is necessary. This is in particular the case when there is unevenness in

information laws between countries, notably as concerns content moderation, copyright and beyond.

F. General Questions

What other aspects do you consider important for the first thematic study to highlight in the context of operationalizing the right to development in realizing the SDGs:

- a. in the remaining 10 years?

Emphasising the role of action on means of implementation as a development accelerator would help promote the impact of the first thematic report in discussions around the SDGs. To this end, it would be particularly valuable to focus on cross-cutting themes – i.e. those which appear in a number of means of implementation targets. It will also be valuable to focus on issues which are not already being explored by others (often because their importance is already widely recognised, such as action on climate change).

- b. in the context of prevention and recovery from the COVID-19 pandemic?

Clearly, work to enhance the effectiveness of the response to COVID-19 is an immediate priority, but so too should be means of limiting the negative side effects of the necessary measures taken to stem the pandemic.