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**Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action****2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination****Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume\****Summary*

The present report, submitted pursuant to Human Rights Council resolution 43/36, contains a racial justice and equality analysis of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. In the report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, offers the following three findings:

(a) The 2030 Agenda is characterized by a shallow commitment to racial justice and equality and fails adequately to address the systemic racism and xenophobia that remain barriers to the attainment of the Sustainable Development Goals.

(b) Notwithstanding these shortcomings, the 2030 Agenda has an untapped potential to advance international human rights law and principles of racial equality and non-discrimination. In the light of the global influence of the 2030 Agenda, the Special Rapporteur provides actionable recommendations that could help unlock this potential.

(c) While recognizing the progress made in the adoption of the 2030 Agenda, the Special Rapporteur concludes that it is incapable of fundamentally disrupting the dynamic of racially discriminatory underdevelopment embedded in the international economic order.

The development framework, including the 2030 Agenda, 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.

\* The present report was submitted after the deadline so as to reflect the most recent information.



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## I. Introduction

1. In its resolution 43/36, the Human Rights Council requested the Special Rapporteur to undertake thematic research with a view to advise States and relevant State institutions on the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance in the implementation of the 2030 Agenda for Sustainable Development. The present thematic report, submitted in response to that request, provides a racial justice and equality analysis of the 2030 Agenda and the Sustainable Development Goals, with attention to the global economic and financial system within which they are embedded.

2. Sustainable development seeks the interlinked objectives of “eradicating poverty in all its forms and dimensions, combating inequality within and among countries, preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion”.<sup>1</sup>

3. In 2017, the Working Group of Experts on People of African Descent devoted its twentieth session to the Sustainable Development Goals.<sup>2</sup> The Working Group noted that poverty, inequality and inadequate social protection disproportionately affected people of African descent due to deeply entrenched structural barriers to racial equality. In the years since, the Working Group has continued to highlight that the eradication of structural discrimination is a key driver for attaining the Goals, requiring the dismantling of the structural and systemic barriers to sustainable development that exist for people of African descent in developing and developed countries.<sup>3</sup> In December 2020, the Working Group published its Operational Guidelines on the Inclusion of People of African Descent in the 2030 Agenda. The Special Rapporteur observes that no input she received from Member States or multilateral development institutions referenced the Operational Guidelines, raising the concern that stakeholders have not utilized this valuable resource.

4. The Special Rapporteur reiterates that racism, racial discrimination, xenophobia and related intolerance operate at two levels and that both must be addressed by human rights analysis within the broader field of development. The first level captures the treatment of and outcomes for individuals and groups on the grounds of their race, colour, descent and national or ethnic origin. The second level entails the treatment of and outcomes for countries and territories that were subject to prolonged exploitation and degradation during the colonial era on the basis of racist theories and beliefs.<sup>4</sup>

5. The present report offers three findings. Firstly, on balance, the 2030 Agenda is characterized by a shallow commitment to racial justice and equality and fails to adequately address the systemic racism and xenophobia that remain barriers to the attainment of the Sustainable Development Goals. Although the 2030 Agenda contains the powerful pledge to “leave no one behind”, its implementation framework fails adequately to prioritize racial justice, equality and non-discrimination. The 2030 Agenda fails even to mention the most comprehensive plan of action for combating racism, racial discrimination, xenophobia and related intolerance within the United Nations system – the Durban Declaration and Programme of Action.

6. Secondly, notwithstanding the failure of the 2030 Agenda to embed a meaningful commitment to racial justice and equality within the international development framework, it has an untapped potential to advance international human rights law and principles of racial equality and non-discrimination. In the light of the global influence of the 2030 Agenda, the Special Rapporteur provides actionable recommendations that could help unlock that potential.

7. Finally, the Special Rapporteur underscores the urgent need for a radical transformation of the overall international development paradigm within which the Sustainable Development Goals are embedded. The prevailing international development framework and its institutions have been the subject of wide-ranging and justified criticism.

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<sup>1</sup> General Assembly resolution 70/1, para. 13.

<sup>2</sup> [A/HRC/36/60](#).

<sup>3</sup> [A/76/302](#), para. 97.

<sup>4</sup> [A/HRC/41/54](#), paras. 22–28.

Special procedures mandate holders have explained how the international development framework and its key institutions have neglected and exacerbated global inequalities, systemic human rights abuses and violations of the sovereignty of “underdeveloped” nations.<sup>5</sup> In the present report, the Special Rapporteur specifically uses the term “underdeveloped” to highlight the historical and contemporary structures of exploitation, extraction and destruction that entrap formerly colonized regions in conditions of impoverishment. As explained by Walter Rodney in his seminal book *How Europe Underdeveloped Africa*, “underdevelopment” is not the absence of development. The development of “developed” nations is built directly on the underdevelopment of nations widely referred to as “developing” nations.

8. A number of Special Rapporteurs have described the deleterious effects of the modern development framework on indigenous peoples.<sup>6</sup> The Special Rapporteur on minority issues has reported on the exclusion of vulnerable minorities in national development activities, the role of the development framework in undermining human rights protections and the marginalization of minorities in the 2030 Agenda.<sup>7</sup> The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights and the Independent Expert on the promotion of a democratic and equitable international order have explained how international economic and financial institutions perpetuate inequality between nations. They have critiqued structural adjustment programmes promoted by the World Bank and the International Monetary Fund (IMF),<sup>8</sup> trade liberalization<sup>9</sup> and often opaque global governance forums.<sup>10</sup> A former Special Rapporteur on extreme poverty and human rights detailed the harms of neoliberalism and the failure of both the World Bank and IMF to operationalize international human rights principles.<sup>11</sup> In particular, he noted the role of IMF in immiserating the living conditions of the poor<sup>12</sup> and cautioned that references to gender, inequality and social protection would be meaningless without a genuine shift from the outmoded, modified neoliberal approach used by IMF.<sup>13</sup>

9. The Special Rapporteur builds upon prior analyses to highlight how the international development framework stands in fundamental tension with racial justice and equality both in relations among sovereign States and among individuals and groups within States. This tension is the product of global economic and political systems ridden with systemic racism, as evinced by the impact of the coronavirus disease (COVID-19) pandemic.

10. As highlighted by the Committee on the Elimination of Racial Discrimination, the disproportionate impact of COVID-19 between and within countries mirrors colonial hierarchies borne out of failures to redress the effects of racism rooted in slavery, colonialism and apartheid.<sup>14</sup> The monopolized authority of “developed” nations to select and dictate the terms of “who is worth saving” cannot be decoupled from its colonial origins. Researchers have noted, for example, that the “map of winners and losers in the COVID-19 vaccination race appears almost indistinguishable from the map of European colonialism ... Global health policy today remains rooted in colonial practices and epistemologies, and resource allocations continue to be determined by institutions located in the Global North.”<sup>15</sup>

11. The term “vaccine apartheid” aptly describes the regime that has been in place for much of the pandemic. Wealthy Governments have reaped the benefits of State-funded

<sup>5</sup> See [A/HRC/33/40](#), [A/68/542](#), [A/HRC/33/40](#), [A/HRC/17/25](#) and [A/76/162](#), para. 69.

<sup>6</sup> See [A/HRC/24/41](#), [A/HRC/33/42](#), [A/HRC/36/46](#), [A/69/267](#) and [A/70/301](#).

<sup>7</sup> [A/76/162](#).

<sup>8</sup> See [A/HRC/37/54](#) and [A/HRC/57](#).

<sup>9</sup> See [A/65/260](#) and [A/HRC/33/40](#).

<sup>10</sup> [A/HRC/42/48](#).

<sup>11</sup> See [A/70/274](#) and [A/HRC/34/57](#).

<sup>12</sup> [A/HRC/38/33](#), para. 4.

<sup>13</sup> *Ibid.*, para. 58.

<sup>14</sup> Committee on the Elimination of Racial Discrimination, Statement on the lack of equitable and non-discriminatory access to COVID-19 vaccines”, statement at the 106th session of the Committee (April 2022).

<sup>15</sup> Tammam Aloudat, Dena Arjan Kirpalani and Meg Davis, “Decolonisation and global health”, Geneva Graduate Institute, October 2021.

pharmaceutical companies, claiming patent rights, and have weaponized vaccines as a diplomatic means to assert influence.<sup>16</sup> Despite the proposal to waive the Agreement on Trade-Related Aspects of Intellectual Property for COVID-19 health-care technologies, considerations of cross-licensing have been dictated by funding conditions that bypass the benefits of vaccine distribution.<sup>17</sup> Resistance from high-income countries suggests that health inequities are not merely a result of weak international cooperation but a deliberate strategy to cement nationalist and capitalist interests at the expense of justice and equality.<sup>18</sup>

12. Racialized health inequities were also evidenced through vaccination rates and health-care spending. The financial burden of reaching the target vaccination rate of 70 per cent was as much as 71 times higher for low-income countries compared to high-income countries.<sup>19</sup> The uneven multilateral playing field has thus generated a “two-track pandemic”,<sup>20</sup> in which “underdeveloped” countries are “plunged into multiple interlinked emergencies – a debt crisis, a development crisis and a human rights crisis”.<sup>21</sup>

13. While recognizing the progress made in the adoption of the 2030 Agenda, the Special Rapporteur considers that it is incapable of fundamentally disrupting the dynamic of racially discriminatory underdevelopment embedded in the international economic order. The development framework, including the 2030 Agenda, 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. Member States must make it a global priority to transform the international economic system in order to promote racial justice and truly “leave no one behind”.

14. In the writing of the present report, the Special Rapporteur benefited from valuable input from two expert group meetings; responses to a questionnaire sent to multilateral development institutions; interviews with representatives of United Nations agencies; and submissions received from a range of stakeholders in response to a public call for submissions. The Special Rapporteur would like to thank all stakeholders for their submissions, including the World Bank Group and Inter-American Development Bank (IDB) for responding to her questionnaire. She would also like to thank representatives of the United Nations Development Programme (UNDP) for meeting with her. Non-confidential submissions will be available on the web page of the mandate.<sup>22</sup>

15. While preparing the report, the Special Rapporteur was struck by the greater institutional reflection on racial justice, equality and non-discrimination within a number of international bodies. It is evident that the racial justice uprisings that mobilized the world community in 2020 have significantly shifted the terms of debate at the United Nations and elsewhere. The Special Rapporteur expresses support for all those who are actively challenging systemic racism within their institutions. In many contexts, racially and ethnically marginalized employees, in particular, are voluntarily taking on institutional anti-racism work, providing leadership without compensation. The Special Rapporteur stresses the importance of institutional reforms, but notes that in order for anti-racism initiatives to be successful, institutional leadership must commit the necessary resources and political will to transformation, including by making their institutions more representative of the populations they serve, especially at decision-making levels.

<sup>16</sup> A/HRC/48/58, para. 28.

<sup>17</sup> United Nations, Inter-agency Task Force on Financing for Development, *Financing for Sustainable Development Report 2021* (United Nations, New York, 2021), p. 110.

<sup>18</sup> Mohammad-Mahmoud Ould, “The Western Flu: The coronavirus pandemic as a Eurocentric crisis”, *Global Challenges*, special issue No. 1 (2020).

<sup>19</sup> United Nations Development Programme (UNDP), Global Dashboard for Vaccine Equity. Available at <https://data.undp.org/vaccine-equity/> (accessed on 14 June 2022).

<sup>20</sup> Director-General of the World Health Organization (WHO), media briefing on COVID-19, Geneva, 7 June 2021.

<sup>21</sup> United Nations High Commissioner for Human Rights, statement to the forty-ninth session of the Human Rights Council, Geneva, 11 March 2022.

<sup>22</sup> See <https://www.ohchr.org/en/special-procedures/sr-racism>.

## II. Racial justice, development and the 2030 Agenda for Sustainable Development

16. The 2030 Agenda and the Sustainable Development Goals form part of a much broader international development framework and a global economic and financial system that have shaped the 2030 Agenda and constrain its outcomes.

17. Development interventions take myriad forms and involve a complex set of actors. Among the most influential are the so-called Bretton Woods institutions – the World Bank Group and IMF. The World Bank’s stated goals are to “end extreme poverty” and “promote shared prosperity”,<sup>23</sup> while the IMF goals are “furthering international monetary cooperation, encouraging the expansion of trade and economic growth and discouraging policies that would harm prosperity”.<sup>24</sup> As observed by the former Special Rapporteur on extreme poverty and human rights, the “IMF is the single most influential international actor not only in relation to fiscal policy but also to social protection”.<sup>25</sup>

18. Within the United Nations system, the United Nations Conference on Trade and Development and other agencies comprise the United Nations Sustainable Development Group, for which UNDP serves as the United Nations global development network, operating in over 170 countries.<sup>26</sup>

19. Many other multilateral institutions influence the international development framework. For example, the World Trade Organization has extensive influence over economic sovereignty, development outcomes and human rights<sup>27</sup> and several regional development institutions are also active in this field. Various global governance forums coordinate economic policy and multilateral activities among Member States. These include the Organization for Economic Cooperation and Development (OECD), the Group of 7, the Group of 20 and the Group of 77.<sup>28</sup> The World Economic Forum, while not an intergovernmental organization, is an increasingly important platform for public-private partnerships, a development model with significant implications for development and human rights.<sup>29</sup>

### A. Brief history of the international development framework

20. For centuries, colonial powers and their elites relied upon brutal regimes of slavery, indentured servitude, dispossession and extraction to maximize their wealth. They offered racist and exploitative justifications for their domination over colonized peoples, including the belief that non-white peoples were biologically inferior and culturally backward, and thus in need of “civilizing”. This “civilizing” project included the imposition of Eurocentric economic and political systems in colonial territories administered by European elites for their colonial benefit.<sup>30</sup> This racist colonial imperative did not disappear with the gradual process of decolonization. Shortly after the First World War, the League of Nations mandate system was created to administer former Ottoman territories and German-held colonies, which were deemed by colonial powers as “not yet able to stand by themselves under the strenuous conditions of the modern world”.<sup>31</sup> According to the League, these mandates would entrust “tutelage of such peoples ... to advanced nations who by reason of their resources, their experience or their geographical position [could] best undertake this responsibility ...”.<sup>32</sup>

<sup>23</sup> See <https://www.worldbank.org/en/who-we-are>.

<sup>24</sup> See <https://www.imf.org/en/About/Factsheets/IMF-at-a-Glance>.

<sup>25</sup> A/HRC/38/33, para. 55.

<sup>26</sup> See <https://www.undp.org/faqs>.

<sup>27</sup> A/HRC/33/40 and A/65/260, para. 28.

<sup>28</sup> A/HRC/42/48, paras. 10–17.

<sup>29</sup> Ibid., para. 18, A/HRC/29/28, para. 61, and A/73/396.

<sup>30</sup> Ntina Tzouvala, *Capitalism As Civilization: A History of International Law* (Cambridge, United Kingdom of Great Britain and Northern Ireland, Cambridge University Press, 2020), pp. 50–53.

<sup>31</sup> Covenant of the League of Nations, art. 22.

<sup>32</sup> Ibid.

21. The mandate system reproduced colonial hierarchies and presented economic and cultural development as equating to a linear process that had been followed by European States, which non-European societies were required to reproduce in order to achieve development.<sup>33</sup> When economic development and human welfare conflicted in the mandate territories, Eurocentric development goals were usually prioritized.<sup>34</sup> So-called development of the mandate territories advanced European models of progress at the expense of indigenous cultural, political and economic systems.

22. Both the mandate system and the United Nations system for Non-Self-Governing Territories laid the groundwork for the contemporary international development framework. Whereas explicitly racist discourses have largely been abandoned, notions of the economic, political, social and cultural “backwardness” of formerly colonized peoples in the “developing” world have persisted. Indeed, the 1949 speech of Harry Truman, then President of the United States of America, considered to be the inaugural address of the age of development, contrasted the poverty and “backwardness” of the former colonial territories against the wealth and technological advancement of the “developed” world and promised that the “developed” world’s wealth would be generously shared through the framework of development. Entirely absent from that speech and the development apparatus it launched was any meaningful recognition of the centuries of colonial exploitation that were central to the immiseration of formerly colonized peoples, or how that exploitation had enabled the prosperity of imperial nations.

23. Following the Second World War, the modern development framework was set in motion, including the creation of the Bretton Woods institutions. Over the course of the twentieth century, the Bretton Woods institutions advanced neoclassical and neoliberal economic prescriptions, eventually congealing in the so-called “Washington Consensus”, an approach to economic development that demanded “outward orientation and free-market capitalism”,<sup>35</sup> which often conditioned aid on “developing” countries meeting those demands.<sup>36</sup>

24. Although the dominant international rhetoric promised a new, universalized equality between all States and peoples, the postcolonial international economic order preserved colonial and racial inequality. “Underdeveloped” nations – overwhelmingly States in Africa, Asia and Latin America – challenged what they identified as a racialized, neocolonial economic system through forums at the United Nations. In 1960, the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which Member States affirmed that “the continued existence of colonialism prevents the development of international economic co-operation [and] impedes the social, cultural and economic development of dependent peoples”.<sup>37</sup> The Declaration on Permanent Sovereignty over Natural Resources followed in 1962.<sup>38</sup> Less than three years later, in the International Convention on the Elimination of All Forms of Racial Discrimination, Member States explicitly recognized the relationship between colonialism and racial discrimination.<sup>39</sup>

25. In 1966, the then Minister for Foreign Affairs of Senegal, Doudou Thiam, proposed the establishment of the “right to development”,<sup>40</sup> which he defined as “right of formerly colonial countries to recover the losses suffered from the depredations of colonial conquest

<sup>33</sup> Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge, United Kingdom, Cambridge University Press, 2005), p. 145.

<sup>34</sup> *Ibid.*, pp. 156–175.

<sup>35</sup> A/HRC/38/33, para. 4, quoting J. Williamson (ed.), “What Washington means by policy reform”, in *Latin American Adjustment: How Much has Happened?* (1990).

<sup>36</sup> A/65/260, paras. 9–11.

<sup>37</sup> General Assembly resolution 1514 (XV), preamble.

<sup>38</sup> General Assembly resolution 1803 (XVII).

<sup>39</sup> See General Assembly resolutions 18/1904, preamble, and 2106 (XX), preamble.

<sup>40</sup> Daniel J. Whelan, “‘Under the aegis of man’: The right to development and the origins of the New International Economic Order”, *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, vol. 6, No. 1 (Spring 2015), pp. 93–94.

and plunder”.<sup>41</sup> After its introduction, the “right to development” was widely used to advocate for economic justice and human rights in both collective and individual terms.<sup>42</sup>

26. The Declaration on Social Progress and Development, adopted by the General Assembly in 1969, mandated the elimination of all forms of inequality, exploitation of peoples and individuals, colonialism and racism, including Nazism and apartheid, and all other policies and ideologies opposed to the purposes and principles of the United Nations.<sup>43</sup> The Charter of Economic Rights and Duties of States, affirming State sovereignty over economic, political, social and cultural systems, was adopted by the General Assembly in 1974.<sup>44</sup>

27. These demands for economic justice culminated in the adoption of the Declaration on the Establishment of a New International Economic Order by the General Assembly in 1974,<sup>45</sup> in which it was recognized that political independence through decolonization had not translated to economic independence because the post-war economic order had continued the exploitation of the global South.<sup>46</sup> In 2016, the Assembly once again “reaffirmed that national development efforts need to be supported by an enabling international economic environment, including coherent and mutually supporting world trade, monetary and financial systems and strengthened and enhanced global economic governance, as well as by respect for each country’s policy space”.<sup>47</sup>

28. Despite the new vision of development and economic equality offered by newly decolonized nations, “none of the major new international economic order initiatives were realized”.<sup>48</sup> The eventual adoption of the Declaration on the Right to Development in 1986,<sup>49</sup> which resuscitated several of the decolonial and anti-racist commitments of the Declaration on the Establishment of the New International Economic Order, did little to abate the failure of the movement. The ultimate result, as noted by one expert, was that the Bretton Woods institutions essentially universalized the mandate system,<sup>50</sup> at least insofar as they institutionalized a system wherein “developed” countries, the successors of colonial States, sit at the top of the economic hierarchy and intervene on their own terms in the economic, political and social systems of “underdeveloped” nations and indigenous peoples.<sup>51</sup>

## B. Role of the development framework in underdevelopment

29. In the Durban Declaration, the international community reiterated that persisting colonial legacies of racial and ethnic inequality are manifested in economic and social conditions.<sup>52</sup> The Durban Declaration also recognized that racism, racial discrimination, xenophobia and related intolerance remain causes of underdevelopment.<sup>53</sup> The Special Rapporteur has identified, for example, how the global extractivism economy perpetuates the inequalities of the colonial era and relies upon models of extraction that produce systemic human rights abuses.<sup>54</sup> This economy reproduces conditions of underdevelopment, while at

<sup>41</sup> James Thuo Gathii, “Africa and the radical origins of the Right to Development”, *Third World Approaches to International Law Review*, vol. 1 (2020), p. 29.

<sup>42</sup> *Ibid.*

<sup>43</sup> General Assembly resolution 2542(XXIV), article 2 (a).

<sup>44</sup> General Assembly resolution 3281(XXIX).

<sup>45</sup> General Assembly resolution 3201(S-VI).

<sup>46</sup> Mohammed Bedjaoui, *Towards a New International Economic Order* (New York, Holmes & Meier Publishers Inc, 1979), p. 12.

<sup>47</sup> General Assembly resolution 71/236, para. 5.

<sup>48</sup> Antony Anghie, “Legal aspects of the New International Economic Order”, *Humanity: An International Journal of Human Rights*, vol. 6, Issue No. 1 (March 2015), p. 433.

<sup>49</sup> General Assembly resolution 41/128.

<sup>50</sup> Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge, United Kingdom, Cambridge University Press, 2005), p. 192.

<sup>51</sup> Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (Cambridge, United Kingdom, Cambridge University Press, 2011), p. 3.

<sup>52</sup> See Durban Declaration (A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I), para. 14.

<sup>53</sup> *Ibid.*, para. 19.

<sup>54</sup> A/HRC/41/54, para. 5.



the same time accruing staggering profits to “developed” countries, their transnational corporations and a small group of elites in “underdeveloped” countries.

30. Convincing evidence shows that the development framework is ill-equipped to disrupt racial inequality within and among States. Instead, global economic and financial systems remain engines of racially discriminatory underdevelopment and the mainstream international development framework remains ill-suited to challenging this status quo.<sup>55</sup> If anything, the development framework has contributed significantly to entrenching and advancing racialized underdevelopment. For example, in 1999, the Independent Expert on the effects of foreign debt characterized the preceding 50 years of economic development programmes as a disaster for human rights in the Third World. He noted that the economic and social crisis in indebted countries at that time could not be understood “in isolation from export-led growth development strategies consistently encouraged by the Bretton Woods institutions, bilateral donors and commercial institutions since the early 1950s”.<sup>56</sup> A vast body of research has demonstrated that the international economic and financial order and the economic programmes implemented by the Bretton Woods institutions and their backers have perpetuated economic harm, inequality and the dismantling of social safety nets in the global South<sup>57</sup> and the dependency of formerly colonized peoples.<sup>58</sup>

31. That said, it would be incorrect to insist that the development framework has not progressed in some ways from its colonial antecedents. For decades, development narrowly referred to large-scale political, economic and financial intervention in “underdeveloped” nations with limited consideration of social and human costs.<sup>59</sup> Since then, Member States, at least in principle, have adopted newer, “human-centred” approaches to development, such as “human-rights based development” and “sustainable development” and these approaches define development in part as the expansion of human rights, freedoms and “capabilities”.<sup>60</sup>

32. Another shift is the rise of “emerging economies” – namely, the “BRICS” group of States (Brazil, the Russian Federation, India, China and South Africa) – as prominent actors in the international development framework. China, in particular, is a notably powerful player in international development aid. China has recently committed to a reframing of its foreign aid programme toward “helping other developing countries to pursue the 2030 Agenda for Sustainable Development”, with emphasis placed on South-South development cooperation.<sup>61</sup>

33. There is extensive controversy over whether the development activities and newfound influence of the emerging economies represent a fundamentally different and more equitable approach to the traditional international development framework. While recognizing the powerful potential of development programmes led by the global South, the Special Rapporteur on the right to development has warned that “there is a danger that South-South

<sup>55</sup> See Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality*, and Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*.

<sup>56</sup> E/CN.4/1999/50, para. 14.

<sup>57</sup> See A/72/187; Joseph Stiglitz, *Globalization and Its Discontents* (New York, W. Norton & Company, 2003); Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (London, Penguin, 2008); Joseph Stiglitz, “Is there a post-Washington Consensus Consensus?”, in Narcias Serra and Joseph Stiglitz, eds., *The Washington Consensus Reconsidered: Towards a New Global Governance* (Oxford, Oxford University Press, 2008); Richard Peet, *Unholy Trinity: The IMF, World Bank and WTO*, 2nd ed. (London, Zed Books, 2009); Bessma Momani and Mark R. Hibben, *What’s Wrong with the IMF and How to Fix It* (Cambridge, United Kingdom, Polity, 2017); Andrea Shalal, “Global finance system partly to blame for inequality – World Bank’s Malpass”, Reuters, 6 December 2021; and Jason Hickel and others, “Imperialist appropriation in the world economy: Drain from the global South through unequal exchange, 1990–2015”, in *Global Environmental Change*, vol. 73 (March 2022).

<sup>58</sup> See Patrick Bond, “The political economy of Africa and dependency theory”, in Ushehweu Kufakurinani and others, eds., *Dialogues on Development Volume I: Dependency*, (New York, Institute for New Economic Thinking, 2017).

<sup>59</sup> A/HRC/17/25, para. 3.

<sup>60</sup> *Ibid.*, paras. 3–8, and A/HRC/10/5, para. 27.

<sup>61</sup> United Nations Development Programme (UNDP), *Brief on White Paper on China’s International Development Cooperation in the New Era* (2021), p. 2.

cooperation could be dominated by certain countries, becoming more prescriptive, conditional and based on self-interest. This tendency has already been observed in South-South cooperation involving large infrastructure and energy projects driven by emerging economies in countries that are of strategic and economic importance to them”.<sup>62</sup>

34. One expert attending the consultations held by the Special Rapporteur highlighted how China has used a programme of sustainable development, namely “ecological migration”, which involves the Government-mandated resettlement of traditional pastoral peoples of the Tibetan plateau, disrupting their cultural connections to land. The social cost of resettlement primarily affects ethnic Tibetans and includes poor housing, unemployment and poor access to sanitation infrastructure.<sup>63</sup>

35. Disrupting racially discriminatory underdevelopment requires more than emerging economy-driven development. It would require new players to adopt approaches that do not reinforce racial injustice and inequality and actively promote human rights and economic and racial justice.

36. Ultimately, notwithstanding reform of the goals and some of the means of development, these changes have largely preserved processes and conditions of underdevelopment. Dominant economic paradigms continue to contribute to systemic violations of human rights,<sup>64</sup> with devastating consequences for “underdeveloped” nations and for racially and ethnically marginalized groups and individuals.

## C. Marginalization of racial justice and equality in the 2030 Agenda for Sustainable Development

### 1. Combating racism, racial discrimination, xenophobia and related intolerance through the Sustainable Development Goals

37. The 2030 Agenda itself, and the Sustainable Development Goals, are in many ways marked improvements over the Millennium Development Goals.<sup>65</sup> The 2030 Agenda, which is ostensibly a rejection of the limited approach set out in the Millennium Development Declaration,<sup>66</sup> was shaped by the active participation of civil society actors committed to grounding a vision of development in peoples’ lived experiences and human rights.<sup>67</sup> As a result, the approach to development pushes beyond economic growth strategies to include human rights protections, equality and non-discrimination, environmental conservation, shared prosperity, international cooperation and global peace. The 2030 Agenda envisages “a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity ...”,<sup>68</sup> pledging that “no one must be left behind”.<sup>69</sup>

38. The 2030 Agenda calls for no distinctions on the basis of race, colour, national origin, ethnicity, birth, migration status, indigeneity or “other status” in promoting human rights and fundamental freedoms.<sup>70</sup> It also demands humane treatment of migrants regardless of their migration status,<sup>71</sup> the removal obstacles to self-determination for peoples under colonial or

<sup>62</sup> A/73/271, para. 29.

<sup>63</sup> Emily Yeh, expert statement, 15 March 2022.

<sup>64</sup> See E/CN.4/1999/50; A/HRC/36/40, para. 3; A/HRC/38/33, para. 6 and footnote 10; A/70/301, paras. 62–64; and A/72/187, paras. 9–11, 79–80 and 85.

<sup>65</sup> A/65/1, annex.

<sup>66</sup> General Assembly resolution 55/2.

<sup>67</sup> See Sakiko Fukuda-Parr and Desmond McNeill, eds., “Special issue: Knowledge and politics in setting and measuring the SDGs”, in *Global Policy*, vol. 10, supplement No. 1 (January 2019); Macharia Kamau, Pamela Chasek and David O’Connor, *Transforming multilateral diplomacy: the inside story of the Sustainable Development Goals* (Oxfordshire, United Kingdom, Routledge, 2018); and Kate Donald (Centre for Economic and Social Rights), expert statement, 15 March 2022.

<sup>68</sup> General Assembly resolution 70/1, para. 8.

<sup>69</sup> *Ibid.*, para. 26.

<sup>70</sup> *Ibid.*, paras. 19 and 25.

<sup>71</sup> *Ibid.*, para. 29.

foreign occupation<sup>72</sup> and the participation of all people, including indigenous peoples, in the 2030 Agenda.<sup>73</sup> The 2030 Agenda does not reference the International Convention on the Elimination of All Forms of Racial Discrimination but incorporates it and other human rights instruments by stating that it is grounded in “international human rights treaties”.<sup>74</sup> Finally, the 2030 Agenda applies to all countries<sup>75</sup> but acknowledges country-specific challenges<sup>76</sup> and nationally-appropriate visions of development.<sup>77</sup> It calls for strengthening statistical capabilities<sup>78</sup> and the use of disaggregated data to identify those “left behind”.<sup>79</sup>

39. In response to her call for submissions, the Special Rapporteur received inputs highlighting positive efforts to counter racism, racial discrimination, xenophobia and related intolerance through the 2030 Agenda.

40. Montenegro, which reported the collection of disaggregated data on public employees to encourage adequate representation for minority groups, will begin collecting disaggregated data on Roma and Egyptians in the country in collaboration with its regional coordination council. In 2021, the Government allocated almost 250,000 euros for development projects led by non-governmental organizations (NGOs) to benefit minority peoples, with additional funds allocated for 21 NGO projects targeting the Roma and Egyptian communities. The national Ministry of Justice, Human and Minority Rights created strategic documents to challenge inequalities in education, health and social protection, employment, housing, personal documentation and persistent ideologies of racial discrimination.<sup>80</sup>

41. The Maat Foundation for Peace, Development and Human Rights reported that the “Each One Teach One” charitable organization in Germany leads an initiative called “Afrozensus”, which aims to collect, analyse and use data on people of African descent living in Germany to support non-discrimination and equality outcomes. This work remains difficult, however, due to resource constraints.<sup>81</sup>

42. Iraq reported on efforts to promote inclusive development in line with the 2030 Agenda and highlighted the importance of cooperation and support from other States and UNDP in achieving its development and reconstruction. It also reported efforts to recognize and include racial and ethnic minorities in line with its inclusive development objectives.<sup>82</sup>

43. Switzerland laid out plans to protect against discrimination, including a measure to create a national competence centre for counselling victims of racism. Switzerland reported that it does not collect disaggregated data on race or ethnicity although it does compare social integration indicators between first and second generation migrants and the rest of the Swiss population.<sup>83</sup>

44. Cuba reported that addressing inequalities is a key pillar of its development strategy, and that its programme against racism and racial discrimination is strategically linked to the State’s development programming. The national development plan emphasizes social protection schemes which prioritize “human development, equity and social justice”. Cuba affirmed its commitment to consult with civil society organizations, in particular those representing persons in vulnerable situations to identify their needs and development priorities.<sup>84</sup>

<sup>72</sup> Ibid., para. 35.

<sup>73</sup> Ibid., para. 52.

<sup>74</sup> Ibid., para. 10.

<sup>75</sup> Ibid., para. 5.

<sup>76</sup> Ibid., para. 22.

<sup>77</sup> Ibid., para. 59.

<sup>78</sup> Ibid., para. 48.

<sup>79</sup> Inga T. Winkler and Margaret L. Satterthwaite, “Leaving no one behind? Persistent inequalities in the SDGs”, in *International Journal of Human Rights*, vol. 21, No. 8 (2017), p. 1074.

<sup>80</sup> Submission by Montenegro.

<sup>81</sup> Submission by MAAT for Peace, Development and Human Rights.

<sup>82</sup> Submission by Iraq.

<sup>83</sup> Submission by Switzerland.

<sup>84</sup> Submission by Cuba.

45. Armenia reported its efforts to guarantee quality education without discrimination pursuant to Sustainable Development Goal 4, in particular building educational facilities to benefit members of its national minorities and increasing their access to education. Armenia highlighted educational projects in collaboration with NGOs or international agencies. It reported that its general education curriculum also includes provisions for human rights education and courses in the languages spoken by national minorities.<sup>85</sup>

46. Mexico reported that it uses regional planning exercises to encourage the participation of local communities and indigenous peoples in addressing social challenges. Since 2019, more than 21 regional planning exercises have been developed. These regional consultations involve almost all of the relevant commitments under the Sustainable Development Goals. The Government reported that its comprehensive development plan for the Xhidza and Xhon Zapotec communities of the Sierra Juárez and its justice plan for the Yaqui people have utilized such participatory processes.<sup>86</sup>

47. According to one submission, Costa Rica has made extensive efforts to include racially marginalized groups in the planning of implementation policies for the Sustainable Development Goals and is currently developing a national indigenous policy and a national policy on people of African descent through participatory processes.<sup>87</sup>

48. The World Bank Group detailed its plan to counter racial discrimination at institutional, systemic and structural levels, highlighting its use of environmental and social frameworks for partnering with State borrowers, which reportedly include meaningful consultations with affected groups. The World Bank Group also highlighted the addition of the word “race” to its directive on addressing risks and impacts on disadvantaged and vulnerable groups and individuals, the publication of a technical note on addressing racial discrimination through environmental and social frameworks, as well as development programmes initiated in consultation with racially marginalized peoples and indigenous peoples. The World Bank Group has recently promulgated its first Anti-Racism Charter, laying out its commitments to advancing institutional racial equality, and in 2022 it appointed a Senior Race Equity Officer at the urging of the World Bank Anti-Racism Task Force. These institutional reforms are important first steps and the Special Rapporteur commends the work of the individuals who have brought these policy changes to fruition. The measure of these reforms, however, will be in their implementation. The Special Rapporteur observes with concern that there is no indication that the World Bank has developed a comprehensive racial equality strategy akin to its Gender Equality Strategy. The Special Rapporteur also reiterates that the requisite transformative change for racial justice and equality will require a fundamental overhaul of the economic and financial theories that undergird the work of the World Bank and the international development framework.<sup>88</sup> Without such change, the World Bank will remain a leading driver of racially discriminatory underdevelopment.

49. The Special Rapporteur wishes to thank UNDP staff for their engagement with her mandate. UNDP reported that the racial justice uprising in 2020 was a catalyst for greater attention to systemic racism and its effects within UNDP, including its operations. It is working towards operating as an anti-racist organization and taking a whole-of-organization approach to focus on discrimination, equality and inclusion. Its internal initiatives have included a survey to assess the starting points for combatting racism and racial discrimination; an internal Anti-Racism and Decoloniality Network; and a diversity and inclusion strategy. With respect to its operations and programming, UNDP does not have a racial equality strategy; the Special Rapporteur strongly urges its creation. The UNDP Strategic Plan 2022–2025,<sup>89</sup> which anchors its programmatic planning and results framework, includes the following output: “Civic space and access to justice expanded, racism and discrimination addressed, and rule of law, human rights and equity strengthened”. While these actions open the possibility for greater operational attention to racial inequality and injustice, they are insufficient to the task at hand. UNDP must complement its strong

<sup>85</sup> Submission by Armenia.

<sup>86</sup> Submission by Mexico.

<sup>87</sup> Submission by the Society for the Psychological Study of Social Issues.

<sup>88</sup> Response to the Special Rapporteur’s questionnaire by the World Bank Group.

<sup>89</sup> See UNDP, Strategic Plan 2022–2025 (2021).

institutional and financial commitments to gender equality as evinced in its Gender Equality Strategy, with a similarly robust approach to racial equality. The Special Rapporteur urges the community of UNDP donors and its executive leadership to commit the intellectual and material resources necessary to fundamentally reorient UNDP away from racially discriminatory underdevelopment.

50. The Inter-American Development Bank (IDB) reported that its environmental and social framework policy explicitly identifies the elimination of racism as an institutional objective. It reported that it considered racial equality in the context of its programming through its diversity action plan 2019–2021. Its gender and diversity action plan continues this progress. Since 2006, IDB has had an indigenous peoples policy, with two separate units on indigenous peoples and gender and diversity. According to IDB, people of African descent persons with disabilities and the LGBTQ+ population are seen as priority areas for inclusion and development in its programming. Between 2019 and 2021, 16 operations and projects financed by the Bank, representing 6 per cent of its portfolio, went to support people of African descent, including projects addressing underdevelopment. The Bank reported that “between 2020 and 2021, approximately 18 per cent of its operations incorporated African descendants and indigenous peoples”. It also published technical guidance on “diversity data” for interested entities.<sup>90</sup>

51. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) reported that challenging systemic racism must include both institutional diversity and inclusion efforts, including structural changes to its programming. UN-Women has created a Senior Racial Justice lead position to undertake collaboration and programming work and has developed, through its Caribbean Multi-Country Office, a pilot programme on South-South and triangular solutions to end gender and race-based discrimination in the context of the United Nations Decade for People of African Descent as an important cooperative initiative to advance the intersectional and structural equality envisioned in the Sustainable Development Goals.<sup>91</sup>

52. The World Health Organization (WHO) reported on its efforts to promote global recovery from the COVID-19 pandemic by addressing structural racism and ethnicity-based discrimination. WHO reported that it will continue to support cooperative efforts and initiatives to address racial and ethnic discrimination, inequities and health disparities to achieve “Health for All”. WHO also reported that its regional office for the Americas has prioritized ethnicity as a cross-cutting theme for its work.<sup>92</sup>

## **2. The 2030 Agenda and marginalization of racial justice, equality and non-discrimination**

53. On one hand, the existing racial equality commitments in the 2030 Agenda are a positive development. However, as noted by several participants in the expert consultations held by Special Rapporteur, the implementation of the Sustainable Development Goals remains weak, suggesting a merely performative commitment to addressing entrenched racial and ethnic inequalities. They also noted that the implementation of the Goals remains largely untethered from the human rights system.

54. With respect to racial justice, equality and non-discrimination, the positive elements described above are undercut by ambiguities and an overall implementation framework that effectively marginalizes these principles.<sup>93</sup> Whereas the Sustainable Development Goals function as top-level commitments, the targets establish the specific outcomes that are used to determine attainment of the individual Goals. Each target, in turn, has at least one indicator used to track its progress. Indicators thus play a crucial role in resource allocation and project prioritization.

55. The Inter-Agency and Expert Group on Sustainable Development Goal Indicators, which governs the indicator framework, stipulates that the indicators “should be

<sup>90</sup> Response to the Special Rapporteur’s questionnaire by the Inter-American Development Bank.

<sup>91</sup> Submission by UN-Women.

<sup>92</sup> Submission by the World Health Organization (WHO).

<sup>93</sup> Submission by the Society for the Psychological Study of Social Issues.

disaggregated, where relevant, by income, sex, age, race, ethnicity, migratory status, disability and geographic location, or other characteristics, in accordance with the Fundamental Principles of Official Statistics”.<sup>94</sup> However, this instruction has been poorly heeded. One of the most prominent equality and non-discrimination gaps noted in the civil society submissions is the failure of States to collect disaggregated data on race, ethnicity, indigeneity and migration status in the context of the Sustainable Development Goals.<sup>95</sup> Another submission reported that the 2021 voluntary national reviews synthesis report on the Goals prepared by the Department of Economic and Social Affairs does not mention disaggregation by race and ethnicity, except for references by a few countries to indigenous peoples.

56. Although the Sustainable Development Goal targets direct stakeholders to account for discrimination and inequality, Goal indicators make little or no explicit reference to race, ethnicity or national origin. A few indicators specifically call for data to be disaggregated by indigenous status,<sup>96</sup> migrant status<sup>97</sup> or country of origin.<sup>98</sup> Indicators 16.7.1 and 16.7.2, which relate to “responsive, inclusive, participatory and representative decision-making”, call for data disaggregated by “sex, age, disability and population group(s)”.

57. Sustainable Development Goal 10 aims to reduce inequality within and among nations. A target for achieving this Goal is, by 2030, to empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status. The specific data indicator provided for evaluating this target is the proportion of people living below 50 per cent of median income, disaggregated by age, sex and persons with disabilities. Race and ethnicity are not mentioned in that indicator nor in any indicator tied to Goal 10, implying a lower priority or disregard for inequality on these bases, and rendering this inequality invisible. As noted in literature on this topic: “The reasons for this exclusion are likely to lie in the power of data: measurement of racial and ethnic inequalities may call attention to historic and ongoing injustices that those in power would prefer not to see highlighted in embarrassing data at the international level”.<sup>99</sup>

58. Within the Sustainable Development Goals framework, explicit references to population groups or identities largely refer to age, in Goal 3, and to gender, in Goal 5. Goal 5, in particular, rightfully elevates gender equality as an institutionalized priority across the United Nations system and in States. For instance, the latest UNDP Gender Equality Strategy for 2018–2021, which is in its third phase,<sup>100</sup> is an action plan that applies throughout UNDP and to all of its operations. It has an accountability framework that is tied to the performance evaluation of personnel. The World Bank has also put gender at the centre stage by instituting its Gender Strategy 2016–2023, which captures the institutional knowledge and lessons learned from a previous strategy established in 2001.<sup>101</sup> The World Bank reported on a number of reforms although they did not include the creation of an analogous racial equality strategy.

59. Racial equality and non-discrimination are deprioritized in the implementation framework for the Sustainable Development Goals. Accordingly, it is no surprise that adequate resources have not been directed to combatting racism, racial discrimination, xenophobia and related intolerance. Surveys of voluntary national reviews on progress on the 2030 Agenda by the Committee on Development Policy have shown that State reporting on the “leave no one behind” principle is generally shallow and pro forma, and when inequality is acknowledged, States focus on age, gender and sometimes migration status in their

<sup>94</sup> General Assembly resolution 71/313, annex, and [A/76/162](#).

<sup>95</sup> Submissions by Maat Foundation for Peace, Development and Human Rights and the Society for the Psychological Study of Social Issues and the statement by the expert, Audrey Kitagawa (15 March 2022).

<sup>96</sup> General Assembly resolution 71/313, indicators 2.3.2 and 4.5.1.

<sup>97</sup> *Ibid.*, indicators 8.8.1 and 8.8.2.

<sup>98</sup> [E/CN.3/2020/2](#), indicator 10.7.4.

<sup>99</sup> Winkler and Satterthwaite, “Leaving no one behind?”, p. 1080.

<sup>100</sup> UNDP, Gender Equality Strategy 2018–2021 (2018).

<sup>101</sup> World Bank Group, Gender Strategy 2016–2023 (2015).

reporting, while racial and ethnic inequality is rarely mentioned.<sup>102</sup> The Special Rapporteur has heard that many States have reported on migration status, which she welcomes as an important step to challenging discrimination on the grounds of national origin.

60. The 2030 Agenda completely ignores caste and descent-based discrimination. As the Committee on the Elimination of Racial Discrimination states in its general comment No. 29 (2002), “discrimination based on ‘descent’ includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights”. Such discrimination is prohibited under the International Convention on the Elimination of All Forms of Racial Discrimination. As noted in one submission, the absence of descent and work discrimination from the Sustainable Development Goals and targets, as well as the global indicators, are clear evidence that there is less to no recognition of descent and work discrimination in the global agenda of development.<sup>103</sup> This exclusion represents a major barrier to the eradication of poverty and also has significant gender equality implications.<sup>104</sup>

61. The Special Rapporteur received other submissions highlighting racial and ethnic inequality in the implementation of the Sustainable Development Goals.

62. In 2021, the Sustainable Development Solutions Network, based in the United States of America, released “In the Red”, a publication detailing inequalities in levels of attainment between racial groups in the United States. The report found that delivery on the Goals is highly unequal in the United States in that, on average, “white communities receive resources and services at a rate approximately three times higher than the racial community [in a given State]”.<sup>105</sup> The results indicate that without significant progress to eliminate racial inequality, the Goals will not be achieved in the country.<sup>106</sup> This innovative study suggests that, even with all its wealth, the United States has failed to take adequate action to guarantee racial and ethnic minorities equal access to basic human rights and ensure the achievement of the Goals.

63. Oxfam Germany and its coalition reported xenophobia and racism against migrant workers in the global food value-chains, along with economic exploitation enabled by unequal development and international inequality, showing failures to tackle inequality in the global economy through the Sustainable Development Goals.<sup>107</sup>

64. In its submission, Provivienda noted that Spain has experienced three major housing crises within the last two decades, with pronounced impacts on migrant communities and the general population. This is due, in large part, to extensive housing discrimination, which Provivienda identifies as a failure to fulfil international human rights prohibitions against direct and indirect discrimination and the country’s commitments under Sustainable Development Goals 10 and 11.<sup>108</sup>

65. The Special Rapporteur observes that sustainable development is incompatible with armed conflict, foreign domination, annexation and occupation<sup>109</sup> and that humanitarian crises perpetuate gross violations of human rights and exacerbate racial inequality. She recalls that institutionalized discrimination against Palestinians in the Occupied Palestinian Territories entails systemic violation of the rights of Palestinians to self-determination, and that, as a result, Palestinians in the Occupied Territories are denied avenues of sustainable development under the 2030 Agenda.<sup>110</sup>

66. In its submission, the Action on Smoking and Health coalition reported that the targeted marketing of especially addictive and toxic brands of tobacco cigarettes to racially

<sup>102</sup> Sakiko Fukuda-Parr, expert statement, 15 March 2022, ST/ESA/2021/CDP/52 and ST/ESA/2019/CDP/49.

<sup>103</sup> Submission by the Asia Dalit Rights Forum.

<sup>104</sup> Submission by International Dalit Solidarity Network.

<sup>105</sup> A. Lynch, H. Bond and J. Sachs, *In the Red: The US Failure to Deliver on a Promise of Racial Equality* (New York, Sustainable Development Solutions Network, 2021), p. 9.

<sup>106</sup> *Ibid.*, p. 17.

<sup>107</sup> Submission by Oxfam Germany.

<sup>108</sup> Submission by Provivienda.

<sup>109</sup> Submission by Association of Reintegration of Crimea.

<sup>110</sup> A/HRC/41/54, para. 37.

marginalized communities and low-income countries leads to unequal health outcomes. It urged States to meet Sustainable Development Goal target 3.A, which calls on the international community to implement the WHO Framework Convention on Tobacco Control.<sup>111</sup>

67. The Refugee Law Lab reported that the continuing development of new surveillance and border-enforcement tools has implications for the implementation of nearly all of the Sustainable Development Goals due to the violent, abusive and opaque application of new technologies to migrants, refugees and asylum seekers.<sup>112</sup>

68. In sum, notwithstanding the rallying cry of the 2030 Agenda to “leave no one behind”, closer examination of its implementation reveals a failure to elevate concerns of racial justice, equality and non-discrimination to the requisite level of priority.

### **III. International human rights law applicable to the development framework and the 2030 Agenda for Sustainable Development**

69. Both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights enshrine the right to self-determination of peoples and codify the principle of non-discrimination, guaranteeing equality in the exercise of civil, political, economic, social and cultural rights.<sup>113</sup>

70. The most comprehensive prohibition of racial discrimination is found in the International Convention on the Elimination of All Forms of Racial Discrimination. In article 1 (1) of the Convention, racial discrimination is defined as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

71. The racial equality guaranteed by the international human rights framework is substantive. States must combat intentional or direct racial discrimination as well as de facto or indirect racial discrimination.<sup>114</sup>

72. Accordingly, discrimination and inequality in any of the Sustainable Development Goal indicators on the grounds of race, colour, descent, or national or ethnic origin may rise to the threshold of prohibited racial discrimination under the International Convention on the Elimination of All Forms of Racial Discrimination and violate the provisions of international human rights law.

73. The right to development is a reconceptualization of development in terms of human rights obligations, guaranteeing both a right to social and economic progress and the realization of all other human rights through self-determination and equal sovereignty. The Declaration on the Right to Development states that the right of peoples to self-determination includes the exercise of their inalienable right to full sovereignty over all their natural wealth and resources. It further articulates the following duties in the context of the international development framework: “States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights.” The right to development “implies the full realization of the right of peoples to self-determination”,<sup>115</sup>

<sup>111</sup> Submission by Action on Smoking and Health.

<sup>112</sup> Submission by Refugee Law Lab.

<sup>113</sup> International Covenant on Economic, Social and Cultural Rights, art. 2 (2), and the International Covenant on Civil and Political Rights, art. 2 (1).

<sup>114</sup> Committee on the Elimination of Racial Discrimination, general recommendation No. 32 (2009), paras. 6–7.

<sup>115</sup> Declaration on the Right to Development, art. 1(2).



which includes “the right freely to determine their political status and to pursue their economic, social and cultural development”.<sup>116</sup>

74. Article 5 of the Declaration on the Right to Development articulates the State duty to “take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as [...] racism and racial discrimination ...”; article 8 calls for the fair distribution of income in the context of “economic and social reforms” and holds that States “shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income”.

75. With respect to the right to development and international human rights obligations to combat racism, the Special Rapporteur calls special attention to the forthcoming thematic study on this topic by the Expert Mechanism on the Right to Development.

76. The International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) lays out vital groundwork for protecting the self-determination rights of indigenous peoples, with significant relevance for development projects. The Convention establishes, in article 6, the principle of free, informed and prior consent. The United Nations Declaration on the Rights of Indigenous Peoples also recognizes this principle, holding that “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representatives”.<sup>117</sup>

77. The Durban Programme of Action lays out several international commitments towards the eradication of poverty and underdevelopment linked to racism, including to the development of racially marginalized groups, for example “programmes for the social and economic development of [developing countries] and the [African] Diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect”.

78. In addition to the above analysis, the Special Rapporteur incorporates, by way of reference, the legal analysis in her reports on the global extractivism economy, reparations and the Durban Declaration and Programme of Action.<sup>118</sup>

#### **IV. Decolonization and development: towards a more just future**

79. The Special Rapporteur concludes that the 2030 Agenda fails to fundamentally disrupt the overall dynamic of racially discriminatory underdevelopment that is embedded within the global economic system and the international development framework. Racial justice, equality and non-discrimination are not compatible with economic structures that continue to privilege and benefit so-called “developed” countries, their corporations and elites in “underdeveloped” nations at the expense of “underdeveloped” nations and the vast majority of their populations.

80. The 2030 Agenda is premised on economic and financial approaches that are facing warranted backlash because of the inequalities they perpetuate and the cataclysmic environmental consequences they inflict. As noted by the Special Rapporteur in a previous report, the existing global economy for natural resource extraction is, according to scientific consensus, environmentally unsustainable<sup>119</sup> and the environmental protections proposed in the 2030 Agenda cannot meaningfully transform the extractivism economy. As highlighted by one expert, in some instances, the advancement of Sustainable Development Goal 13 (combat climate change and its impacts) has meant that “many so-called climate adaptation policies around the world are simply reproducing marginalization (and discrimination) against those who are already suffering the worst effects of climate change”.<sup>120</sup>

81. On one hand, the Washington Consensus has been the subject even of mainstream criticisms for its devastating impacts on “underdeveloped” countries. However, at the same

<sup>116</sup> Ibid., preamble.

<sup>117</sup> General Assembly resolution 61/295, annex, arts. 10, 19, 28, 29 and 32.

<sup>118</sup> [A/HRC/41/54](#), [A/74/321](#) and [A/76/434](#).

<sup>119</sup> [A/HRC/41/54](#), para. 20.

<sup>120</sup> Emily Yeh, expert statement, 15 March 2022.

time, this criticism has not produced notable alternatives that actually disrupt underdevelopment and inequality. For example, experts have identified the rise of a “Wall Street Consensus”, which “reframes the (post-) Washington Consensus ... in the language of the Sustainable Development Goals, and identifies global finance as a critical development partner”.<sup>121</sup> The Wall Street Consensus emphasizes the unlocking of financial flows to achieve the Goals and to carry out large development projects.<sup>122</sup> Among the relevant critiques of the Consensus is that it marshals State power to protect private financial interests from transformative climate justice demands and “Green New Deal” movements.<sup>123</sup> More generally, credible concerns exist that the Wall Street Consensus will reinforce subordination of the “underdeveloped” nations and maintain the current inequality of the global financial system.<sup>124</sup>

82. Other challenges persist. Experts have cautioned of the expanding, dangerous overreliance on randomized control trials in the field of development, without regard for the real-world limitations and ethical concerns.<sup>125</sup> Additionally, overwhelming sovereign debt has perennially afflicted former colonial nations since Haiti was forced to pay \$150 million in 1825 (\$21 billion in 2022) for gaining its independence from colonial domination.<sup>126</sup> Currently, a new sovereign debt crisis is affecting the world’s poorest countries. At present, some highly-indebted countries are devoting more than 50 per cent of their national budgets to sovereign debt servicing.<sup>127</sup> For example, Zambia defaulted on a \$42.5 million Eurobond interest payment during the COVID-19 pandemic and has subsequently been pressured to undertake a strict IMF fiscal consolidation programme in exchange for an additional loan. The Jubilee Debt Campaign has warned that this arrangement would risk prioritizing payments to creditors while subjecting Zambians to fiscal austerity.<sup>128</sup>

83. Racial justice, equality and non-discrimination require far greater transformation than is possible within the 2030 Agenda and within the current international economic order. The Special Rapporteur proposes examples of alternative approaches and development pathways that may lead to systemic disruption of the inequitable status quo.

84. First, greater recognition and engagement with alternative visions of full and equal self-determination is an essential starting point. The apocalyptic future that is all but guaranteed by the current global economic system and its effects on the environment are perhaps the most explicit signals of the urgency of radical transformation of the international order. That urgency applies equally to transforming the international economic order generally, including the international development framework.

85. South American social advocates and social movements have articulated the concept of *Buen Vivir*, a translation of an indigenous term that fundamentally rejects the Eurocentric orthodoxy of dominant development paradigms: “Based on indigenous ontology and cosmovision, [*Buen Vivir*] promises an alternative to mainstream development derived not from an anthropocentric conception but from a relationship of complementarity and reciprocity between humans and nonhumans”.<sup>129</sup> *Buen Vivir* offers a different approach to organizing our lives and relationships, including with the material world, that has the potential to result in more just and equitable arrangements. The point is not that *Buen Vivir*

<sup>121</sup> Daniela Gabor, “The Wall Street Consensus”, in *Development and Change*, vol. 52, No. 3 (May 2021), pp. 430–431.

<sup>122</sup> *Ibid.*, p. 430.

<sup>123</sup> *Ibid.*, p. 431.

<sup>124</sup> See Frauke Banse, Anil Shah and Ilias Alami, “The geopolitics of financialisation and development: Interview with Ilias Alami”, in *Developing Economics*, 19 October 2021.

<sup>125</sup> See Florent Bédécarrats, Isabelle Guérin and François Roubaud, eds., *Randomized Control Trials in the Field of Development: A Critical Perspective* (Oxford, Oxford University Press, 2020).

<sup>126</sup> James Thuo Gathii, “Sovereign debt as a mode of colonial governance: Past, present and future possibilities”, in *Just Money*, 13 May 2022.

<sup>127</sup> *Ibid.*

<sup>128</sup> *Ibid.*, see “African Development Bank Group, *African Economic Outlook 2021 From Debt Resolution to Growth: The Road Ahead for Africa*”, p.78 .

<sup>129</sup> Graciela Vidiella and Facundo García Valverde, “*Buen Vivir*: A Latin American contribution to intra- and intergenerational justice”, in *The Oxford Handbook of Intergenerational Ethics*, Stephen M. Gardiner, ed. (Oxford, Oxford University Press, 2021), p. 2.

should simply replace the 2030 Agenda but rather that Member States and the entire international development apparatus must open themselves to meaningful encounters with alternative epistemologies.

86. Secondly, more complete decolonization of the international order could be achieved by seriously revisiting the anti-imperial, redistributive and reparative project embodied in the new international economic order framework described above. Reconsideration, reanimation and refinement of those proposals could serve as a powerful counter to persistent institutionalized regimes of underdevelopment.

87. Decolonial initiatives are not confined to the more distant past. Contemporary State-led and social movements also offer concrete measures that in the short- and medium-term would disrupt systems of underdevelopment. For example, several nations in the global South have carried out audits to repudiate illegitimate international debt.<sup>130</sup> Stop the Bleeding,<sup>131</sup> a collective of African institutions that focuses on illicit financial flows, offers a brilliant critique of the approach set out in the Sustainable Development Goals to illicit financial flows, highlighting the fact that the annual loss for African economies due to illicit financial flows, including through tax evasion by multinational companies, exceeds what these economies receive in aid annually. Stop the Bleeding offers concrete proposals for structural change that would counter, rather than reinforce, racialized underdevelopment.

88. The right to development has the potential to enable claims for the transfer of resources and self-determination as urgent precursors of all human rights obligations. Unlike the commitments contained in the international development framework, which remain largely voluntary for States, or the infrastructure of the international trade and development institutions, which remain dominated by rich countries, the right to development advances a claim for redistributive justice that reflects the vision and needs of “underdeveloped” nations. The sustained resistance to the legal codification of the right to development, alongside resistance to any alternative legally mandated regimes of economic and technological redistribution, is indicative of an implicit commitment to an unjust and discriminatory status quo.

89. There is an urgent need to decolonize the study and operationalization of international economic theory. An approach to economics that puts the free market at the centre of the process for determining questions of production and distribution has come to dominate the field of economics and the major international institutions that comprise the international development framework. This approach has enabled the deprivation of human rights and racial discriminatory outcomes by the international economic system and has increasingly replaced the study and consideration of alternative economic theories. The call for decolonization necessarily implies transformations of academic disciplines that undergird global policy outcomes.

90. The Special Rapporteur is mindful of the importance of development programmes that explicitly redress historical injustices against indigenous communities and racially marginalized peoples and their contemporary manifestations. She highlights the urgency of reparative developmental approaches, which are envisioned in the Durban Declaration and Programme of Action. The Special Rapporteur recalls her previous report on the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism, which provides guidance on reparations and development programmes.<sup>132</sup>

## V. Recommendations

91. **All development actors should mobilize their resources and their political will to unlock the unmet potential of the 2030 Agenda towards racial equality and racial justice. The Sustainable Development Goals should not be misused to dilute**

<sup>130</sup> A/64/289, paras. 42–48.

<sup>131</sup> See <https://stopthebleedingafrica.org/about/>.

<sup>132</sup> A/74/321, para. 54.

international human rights obligations. The Special Rapporteur therefore recommends:

(a) Multilateral development institutions should continue their institutional and programmatic reforms to advance racial equality, ensuring that their commitment to racial justice goes beyond surface level to tackle structural and systemic racial discrimination; in cases where they have not done so, those institutions should adopt comprehensive and human rights-based racial equality strategies;

(b) United Nations agencies and multilateral development institutions should recognize and materially support their employees who are internal advocates for racial equality and should ensure that people of African descent, indigenous peoples, people of Asian descent and other racially marginalized peoples of diverse backgrounds are placed in leadership positions and guaranteed equitable and supportive work environments;

(c) The Inter-Agency and Expert Group on Sustainable Development Goal Indicators should refine its global Sustainable Development Goal Indicator Framework to call for specific, racially disaggregated indicators and lead discussions with custodian agencies on developing concrete plans to incorporate race and ethnicity data;

(d) Member States and multilateral development institutions should consult, utilize and institutionalize the operational guidelines on the inclusion of people of African descent adopted by the Working Group of Experts on People of African Descent in the 2030 Agenda: the Special Rapporteur considers the guidelines to be a vital document for all development actors;

(e) Member States, United Nations agencies and multilateral development institutions should review the reports analysing international development programmes and the 2030 Agenda produced by the Special Rapporteur on minority issues, the Special Rapporteur on the rights of indigenous peoples and the Working Group of Experts on People of African Descent;

(f) All actors should recognize caste and descent-based discrimination as a form of racial discrimination and implement the principle of “leave no one behind” in order to challenge caste-based discrimination and all forms of caste- or descent-based racism through the Sustainable Development Goals;

(g) Member States should:

(i) Collect, compile, analyse and publish reliable statistical data disaggregated by race or ethnicity for each relevant Sustainable Development Goal, target and indicator in the 2030 Agenda: States should consult OHCHR guidance on taking a human rights-based approach to data and the report of the Working Group of Experts on People of African Descent on “data for racial justice”;<sup>133</sup>

(ii) Identify racism and racial discrimination as key barriers to development and provide racially or ethnically disaggregated data as a basic expectation of their voluntary national reviews: Member States should expedite the creation of national action plans against racism and ensure that these plans are not isolated from development commitments under the 2030 Agenda;

(iii) Ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and implement its provisions, particularly the free, prior and informed consent principle and the right of self-determination;

(iv) Respect the right to self-determination of all racially marginalized peoples who are affected by major development projects and ensure that racial and ethnic minorities and indigenous peoples are granted adequate consultation, participation and control in relation to development projects;

<sup>133</sup> [A/HRC/42/59](#).

(v) Collaborate with the secretariat of the International Decade for People of African Descent and the Permanent Forum for People of African Descent on development initiatives;

(vi) Ensure that their economic, cultural, political, humanitarian and development practices conform with the Durban Declaration and Programme of Action.

92. All development actors should prioritize a decolonial approach to transforming the existing framework of racially discriminatory underdevelopment:

(a) In reference to section IV of the present report, which introduces potential pathways to more just approaches to securing thriving livelihoods for all, the Special Rapporteur recommends that all stakeholders take seriously the exploration of decolonial pathways;

(b) All actors should review the reports and recommendations of the Special Rapporteur on human rights and extreme poverty, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights and the Independent Expert on the promotion of a democratic and equitable international order, among others, which address the human rights consequences of the global economic architecture;

(c) The Special Rapporteur welcomes the efforts to create a convention on the right to development and urges the negotiating parties to centre the principles of racial equality, non-discrimination and racial justice in the negotiating process: she recommends that the Convention include or maintain provisions that provide protections for indigenous peoples, affirm self-determination and prevent coercive development of indigenous peoples and racial or ethnic minorities;

(d) All actors should fully implement the recommendations of the Special Rapporteur contained in her reports on global extractivism and racial equality,<sup>134</sup> on reparations for racial discrimination rooted in slavery and colonialism<sup>135</sup> and contemporary forms of racism, racial discrimination, xenophobia and related intolerance,<sup>136</sup> as well as the Durban Declaration and Programme of Action.

93. All development actors should prioritize the meaningful participation, representation and leadership of racially marginalized peoples, including indigenous peoples, in the creation of alternative approaches to development and human well-being.

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<sup>134</sup> A/HRC/41/54.

<sup>135</sup> A/74/321.

<sup>136</sup> A/76/434.