

NAZIONI UNITE E COOPERAZIONE ALLO SVILUPPO

FERRARA, 10 FEBBRAIO 2016



COS'E' L'ONU?

CARTA DI SAN FRANCISCO, 1945

COMPOSIZIONE E STRUTTURA

- 193 stati membri
- organi principali (art. 7):
 - Assemblea generale
 - Consiglio di Sicurezza
 - Consiglio economico e sociale
 - *Consiglio di amministrazione fiduciaria*
 - Corte internazionale di giustizia
 - Segretariato

Fondi, programmi, istituti specializzati

ATTI DEGLI ORGANI POLITICI

- Raccomandazioni
- Risoluzioni vincolanti
 - Consiglio di Sicurezza
Mantenimento della pace e della sicurezza internazionale (art. 24)
 - Assemblea generale

Dichiarazioni di Principi

Adozione di convenzioni di cui si raccomanda la ratifica da parte degli Stati membri

FONDI, PROGRAMMI E ISTITUTI SPECIALIZZATI

- UNDP (responsabile dei MDG)
- UNCTAD (Centro delle NU per il commercio e lo sviluppo)
- UNFPA (Fondo delle NU per la popolazione)
- UNCITRAL (Conferenza NU per il diritto del commercio internazionale)
- UNIDO (Organizzazione delle NU per lo sviluppo industriale)
- IFAD (Fondo internazionale per lo sviluppo agricolo)
- ...
- *Istituzioni finanziarie internazionali (gruppo della Banca mondiale, Fondo monetario internazionale)*
- WTO

GRUPPO DELLA BANCA MONDIALE

- IBRD – Banca internazionale per la ricostruzione e lo sviluppo
- ICSID – Centro internazionale per la soluzione delle controversie in materia di investimenti
- IDA – Associazione internazionale per lo sviluppo
- IFC – International Finance Corporation
- MIGA – Agenzia multilaterale per la garanzia degli investimenti

ONU E DIRITTO ALLO SVILUPPO

FINI DELL'ORGANIZZAZIONE (ARTICOLO 1)

The Purposes of the United Nations are:

- To maintain international peace and security, ...
- To develop friendly relations among nations ...and to take other appropriate measures to strengthen universal peace;
- To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- To be a centre for harmonizing the actions of nations in the attainment of these common ends.

CHAPTER IX: INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION – ART. 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle **of equal rights and self-determination of peoples**, the United Nations shall promote:

- a. higher standards of living, full employment, and **conditions of economic and social progress and development**;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, **human rights and fundamental freedoms for all** without distinction as to race, sex, language, or religion.

ARTICLE 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Consiglio economico e sociale

ATTIVITA' DELL'ONU NEL CAMPO DELLO SVILUPPO

- Individuazione di standard normativi e obiettivi politici
 - Attività operative
- Legame con il perseguimento della pace e con i diritti umani

A/RES/41/128. DICHIARAZIONE SUL DIRITTO ALLO SVILUPPO

development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom

4 dicembre 1986

ART. 1

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.
2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

DICHIARAZIONE UNIVERSALE DEI DIRITTI UMANI (1948)

Art. 25 (1)

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family

Art. 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

PATTI DELLE NAZIONI UNITE

SUI DIRITTI CIVILI E POLITICI E SUI DIRITTI ECONOMICI SOCIALI E CULTURALI (1966), ART. 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

DICHIARAZIONE SULLE RELAZIONI AMICHEVOLI FRA GLI STATI

The duty of States to co-operate with one another in accordance with the Charter

States **have the duty** to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences ... (ris. 2625(XXV), 1970)

...States **should** co-operate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international cultural and educational progress. States **should** co-operate in the promotion of economic growth throughout the world, especially that of the developing countries.

cfr. res. 2626(XXV), International Development strategy for the second UN Development Decade

3281 (XXIX). CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES

It is a fundamental purpose of the present Charter to promote the establishment of the **new international economic order**, based on equality, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems

Nazionalizzazioni, sfruttamento risorse naturali, gestione delle materie prime...

1974: speranza di sovvertire la stessa struttura del diritto e delle relazioni internazionali

LO SVILUPPO SOSTENIBILE

DICHIARAZIONE DI RIO SU AMBIENTE E SVILUPPO

(1992)

Principle 1 – Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

Principle 3 – The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations

MILLENNIUM DEVELOPMENT GOALS (MDG) (2000)

- Sradicare la povertà estrema e la fame
- Assicurare l'educazione primaria per tutti
- Promuovere la parità di genere e l'*empowerment* delle donne
- Ridurre la mortalità infantile
- Migliorare la salute materna
- Combattere l'HIV/AIDS, la malaria e altre malattie
- Assicurare la sostenibilità ambientale
- Partnership globale per lo sviluppo

*United Nations Millennium Declaration, UNGA
Risoluzione 55/2, 8 settembre 2000*

MDG 8

Target 8.A: Develop further an open, rule-based, predictable, non-discriminatory trading and financial system

Official development assistance from developed countries increased by 66 per cent in real terms between 2000 and 2014, reaching \$135.2 billion.

Target 8.B: Address the special needs of least developed countries In 2014, bilateral aid to least developed countries (LDCs) fell 16 per cent in real terms, reaching \$25 billion. 79 per cent of imports from developing countries enter developed countries duty-free.

Target 8.C: Address the special needs of landlocked developing countries and small island developing States

Projections indicate that a 2.5 per cent increase in country programmable aid in 2015, mainly through disbursements by multilateral agencies, will most benefit least developed and other low-income countries.

MDG (2000)

Target 8.D: Deal comprehensively with the debt problems of developing countries – In 2013, the debt burden of developing countries was 3.1 per cent, a major improvement over the 2000 figure of 12.0 per cent.

Target 8.E: In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries – From 2007 to 2014, on average, generic medicines were available in 58 per cent of public health facilities in low-income and lower-middle-income countries.

Target 8.F: In cooperation with the private sector, make available benefits of new technologies, especially information and communications – Globally, the proportion of the population covered by a 2G mobile-cellular network grew from 58 per cent in 2001 to 95 per cent in 2015.

Internet use penetration has grown from just over 6 per cent of the world's population in 2000 to 43 per cent in 2015. 3.2 billion people are linked to a global network of content and applications

AGENDA PER LO SVILUPPO SOSTENIBILE

A/RES/70/1 , 25.09.2015, PAR. 2

We recognize that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development. We are committed to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner. We will also build upon the achievements of the Millennium Development Goals and seek to address their unfinished business.

PAR. 3

We resolve, between now and 2030, to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources. We resolve also to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities.

QUALE RUOLO PER IL DIRITTO?

ESISTE DAVVERO UN “DIRITTO UMANO ALLO SVILUPPO”?
QUALI RIMEDI?

PATTO ONU PER I DIRITTI ECONOMICI, SOCIALI E CULTURALI (1966)

Art. 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

COMITATO PER I DIRITTI ECONOMICI, SOCIALI E CULTURALI COMMENTO GENERALE N. 14

33. The right to health, like all human rights, imposes three types or levels of obligations on States parties: the obligations *to respect, protect* and *fulfil*.

INDIVIDUAZIONE DI STANDARD MINIMI attraverso il ricorso a strumenti di soft law (es: accesso ai farmaci essenziali in condizioni non discriminatorie)

- **Richiedere il rispetto di questi standard è giuridicamente ragionevole**
- **Il rispetto degli standard giuridici in materia di diritti economici, sociali e culturali è uno dei cardini dello sviluppo sostenibile**

MECCANISMI INTERNAZIONALI DI CONTROLLO NEL CAMPO DEI DIRITTI UMANI E DELL'AMBIENTE

- Meccanismi “confrontational” inchieste, esame da parte di comitati di esperti a seguito di comunicazioni interstatali e individuali, procedimenti giudiziari
- Meccanismi “non confrontational”: procedimenti di “peer review”, scambio di informazioni, assistenza tecnica e capacity building → canali per il trasferimento di competenze, politicamente più accettabili per gli Stati sotto esame