United Nations A/HRC/63/32

General Assembly

Distr.: General
17 July 2026

Original: English

Human Rights Council

Sixty-third session
7 September–9 October 2026
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Participation in development: taking the right to development seriously

Report of the Special Rapporteur on the right to development, Surya Deva

Summary

In the present report, submitted pursuant to Human Rights Council resolutions 33/14 and 60/7, the Special Rapporteur on the right to development, Surya Deva, elaborates on the meaning of "active, free and meaningful participation" in economic development-related decision-making. The participation of people and communities in development governance at different levels – local, provincial, national, regional and international – adds value to both the process and the outcomes of decision-making. To assist various decision makers in facilitating participatory development, he elaborates on preconditions for participation and proposes guidance on achieving participation in development for key actors, namely, States, national human rights institutions, United Nations entities, multilateral development banks, companies and civil society organizations.

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I. Introduction

A. Context

1. The right to development is not a passive human right; the human person should be an active participant in the right to development. Nor does this right focus merely on outcomes. The process of development matters equally. The right to development envisages that all individuals and peoples not only enjoy but also “participate in” and “contribute to” economic, social, political and cultural development.[1] The 2003 Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming incorporates this participatory element of the right to development.[2]

2. The preamble to the Declaration on the Right to Development of 1986 underscores that development policies should make the human being the main participant in and beneficiary of development. Article 2 (3) provides that States have the duty to formulate national development policies based on the active, free and meaningful participation of all individuals. Article 8 (2) reinforces this obligation by stipulating that States should encourage popular participation in all spheres as an important factor in development.

3. Despite such a clear articulation of the significance of people’s participation in development, the Special Rapporteur on the right to development, Surya Deva, has frequently witnessed examples of top-down decision-making, with symbolic consultations about development-related policies, programmes and projects. The participation of people is often missing even in decision-making by States and other actors that express a commitment to pursuing “people-centred development”. This participation deficit has contributed to economic development that is neither inclusive nor sustainable.

B. Objectives

4. In the present report, the Special Rapporteur seeks to achieve three objectives. First, he unpacks what “participatory” means in the model of “planet-centred participatory development” that he has articulated for States, United Nations entities and other actors.[3] The relevance of participation at both the macro and the micro levels and at different levels of development governance – local, provincial, national, regional and international – is also explained.

5. Second, the Special Rapporteur explains why the participation of people in decision-making matters and how to achieve active, free and meaningful participation in development. He also addresses some potential concerns that decision makers might have about the participation of people in development.

6. Third, the Special Rapporteur proposes – in an annex to the present report – guidance on achieving participation in development for States, national human rights institutions, United Nations entities, multilateral development banks, companies and civil society organizations.

C. Methodology

7. In the present report, the Special Rapporteur builds on international human rights instruments, policy documents and relevant literature. He also draws on practices of States and other decision makers and builds on the lived experiences and testimonies of numerous community representatives.

[1] Declaration on the Right to Development, art. 1 (1).

[2] See https://unsdg.un.org/resources/human-rights-based-approach-development-cooperation-towards-common-understanding-among-un.

[3] A/HRC/54/27, paras 63–68. See also A/80/206.

8. In response to the Special Rapporteur's call for input, about 70 submissions were received from States and other stakeholders.[4] The Special Rapporteur organized three virtual consultations to engage representatives of various non-State actors from different regions. He also participated in four virtual consultations organized by civil society for specific groups of people. The Special Rapporteur is grateful to all stakeholders for providing input in various forms.

D. Scope and limitations

9. The participation of people in decision-making is closely connected to good governance and is relevant to all spheres of decision-making. However, the present report only focuses on the participation of individuals and peoples in relation to economic development governance at both the macro and the micro levels.

10. Consistent with the principle of fair distribution of the benefits, embodied in the right to development, people's right to participation also extends to outcomes and distributive processes of development. Due to word-limit constraints, the report focuses only on participation in decision-making. Moreover, the guidance for achieving participation in development is merely illustrative in its thematic focus and is addressed only to States, national human rights institutions, United Nations entities, multilateral development banks, companies and civil society organizations.

II. Understanding participation

A. Normative basis of participation in development

11. In addition to the Declaration on the Right to Development, participation in development is recognized in regional human rights instruments. The Association of Southeast Asian Nations (ASEAN) Declaration on Promoting the Right to Development and the Right to Peace Towards Realizing Inclusive and Sustainable Development of 2025 affirms that the right to development should advance people's "active, free and meaningful participation and contribution in the development process" (para. 4). The Parties to the Charter of the Organization of American States agree that "the full participation of their peoples in decisions relating to their own development" is a basic objective of integral development (art. 34). The African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights have also elaborated on the importance of participation in decision-making as a component of the right to development.[5]

12. Several international human rights instruments underscore the importance of the participation of people in decision-making.[6] Participation is inherent to the right to self-determination as recognized in the Charter of the United Nations, as well as in common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. By virtue of their right to self-determination, all peoples are entitled to freely pursue their economic, social and cultural development. In relation to Indigenous Peoples, this aspect is reinforced by article 3 of the United Nations Declaration on the Rights of Indigenous Peoples.

13. Participation in decision-making is also rooted in the right of citizens to "take part in the conduct of public affairs", as recognized in article 25 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination

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[4] See https://www.ohchr.org/en/calls-for-input/2026/call-input-2026-reports-special-rapporteur-right-development.

[5] See African Commission on Human and Peoples' Rights, *Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) v. Kenya*, communication No. 276/2003; and *African Commission on Human and Peoples' Rights v. Republic of Kenya*, Application No. 006/2012.

[6] See Nicholas McMurry, *Participation and Democratic Innovation under International Human Rights Law* (Abingdon, United Kingdom of Great Britain and Northern Ireland, Routledge, 2023).

against Women recognizes women's right to participate in decision-making (arts. 7, 8 and 14). The Convention on the Rights of the Child similarly affirms children's right to participation in decisions affecting them.[7] One can also find participatory rights provisions in human rights instruments concerning the rights of persons with disabilities, minorities and migrant workers.

14. International environmental justice instruments such as the Rio Declaration on Environment and Development of 1992 acknowledge the importance of participation in decision-making. Targets 22 and 23 of the Kunming-Montreal Global Biodiversity Framework specifically highlight the goal of ensuring participation in decision-making.[8] One of the objectives of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) (art. 1) and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) (art. 1) is to guarantee public participation in decision-making so as to protect the right of every person of present and future generations to live in a healthy environment.

15. Participation in development also features in prominent multilateral policy documents such as the 2030 Agenda for Sustainable Development (Goal 16.7 of the Sustainable Development Goals), the Pact for the Future (actions 8, 19, 20 and 36–38), the Sevilla Commitment (para. 13) and the Doha Political Declaration of the "World Social Summit" under the title "the Second World Summit for Social Development" (para. 31 (b)).

B. Participation must be active, free and meaningful

16. The realization of the right to development requires people's participation in all development policies, processes, programmes and projects to be active, free and meaningful. These three elements of participation are interconnected and interdependent. Participation will not be meaningful unless people are able to participate actively and freely. Active participation will require an ability to exercise free will without any external pressure or coercion.

17. "Active" participation means that the agency of people is recognized by decision makers and that people are given an opportunity, as well as an enabling environment, to influence decision-making at all stages. If an in-principle decision on a development project is already made by a State or company, the participation of people cannot be regarded as active. Similarly, participation will not be active if people's role is limited to providing feedback on proposals put forward by a State or company. Active participation entails people and communities advancing their own views and proposals about development governance.

18. "Free" participation means people's ability to act voluntarily in accordance with their own will. The exercise of free will requires both internal capacity and lack of external constraints. People should be able to exercise their conscious will. Doing so will require not only mental and physical ability, but also other conditions that make such participation possible, such as lack of destitution and structural discrimination. Absence of external constraints means that there is no harassment, intimidation, use of force, coercion, fear, pressure, deception, misrepresentation or manipulation. Factors vitiating freedom could be informational, cultural, emotional, financial, physical or legal.

19. "Meaningful" participation means people having the power to shape both the process and the outcome of decisions affecting them. It implies the availability of options, engagement prior to making decisions and recognition of people's right to say "no" to a particular proposal. Participation will not be meaningful if people did not have reasonable notice and timely access to adequate information. Nor will it be meaningful if the process lacked inclusivity, especially in relation to individuals and groups in marginalized or vulnerable situations. Meaningful participation also requires decision makers to have

[7] Committee on the Rights of the Child, general comment No. 12 (2009); and A/HRC/57/43, paras. 45–51.

[8] United Nations Environment Programme, document CBD/COP/DEC/15/4, annex.

anti-capture and conflict of interest measures in place[9] and be transparent about how the collected input shaped certain decisions.[10]

20. Active, free and meaningful participation is thus about States and other decision makers sharing power with people, giving individuals and communities the "right to choose" their development priorities and creating an enabling environment to facilitate the co-designing of development-related policies, programmes and projects to achieve the common good.[11] Without genuine participation, development becomes imposed rather than owned.[12]

21. Participation in development should also result in positive outcomes for people and the planet. Development does not equal cumulative economic growth quantified in terms of gross domestic product (GDP). Nor does it mean putting environmental concerns on the backburner for faster growth achieved through exploitative extractivism. Participatory development should result in inclusive and sustainable development.

22. Inclusive development requires a fair distribution of benefits within and between countries. Currently, value is not shared fairly among the various people contributing to end products and services. This explains why chocolate companies are getting richer, but cocoa farmers continue to live in situations of poverty.[13] The same could be said about companies selling ready-made garments vis-à-vis the condition of the workers manufacturing them.[14] At the country level, this unfairness can be seen in the fact that resource-rich countries remain trapped in poverty and public debt. Developing countries also continue to face unfair international rules in matters of finance, trade, investment and taxation.

23. Development will be sustainable only if it seeks to improve the well-being of human beings within planetary boundaries and safeguards the ability of future generations to realize their human rights and development aspirations. The participation of people, including representatives of future generations and of nature, in decision-making should contribute to achieving climate justice[15] and maintaining ecological integrity.

C. Participation is different from consultation

24. Consultations held as part of various impact assessment or human rights due diligence processes should not be confused with participation. Consultations often take place in a vertical power structure in which decision makers retain the power about whom to consult, when and where, for how long and on what issues. Decision makers also decide what input to consider and how. Moreover, consultations are mostly conducted after an in-principle decision has already been made, with little room for changes. The result is that consultations are generally symbolic or cosmetic, with consulted people having little influence on actual decisions. Consequently, many communities begin to disengage from consultations due to their futility.

25. The Special Rapporteur heard numerous testimonies from affected communities and civil society organizations about how consultations conducted by States and companies in all regions are often a tick-box exercise to provide legitimacy to decisions already made. Concerns relate to short notice, lack of reliable and accessible information, limited awareness, inequalities and power imbalances, lack of a voice in the design process, opaque decision-making, lack of trust, digital divides, funding constraints, bias in the selection of participants, impact assessments that fail to consider cumulative effects, relaxed impact

[9] Committee on Economic, Social and Cultural Rights, general comment No. 27 (2025), para. 13.

[10] Submission from Kao-Cheng Huang.

[11] The practice of Talanoa is a concrete co-design example that respects the Pacific way of sharing and consensus-building. Submission from Pacific Subregional Office of the United Nations Population Fund.

[12] Submission from Dean Bordode.

[13] See https://www.oxfam.org/en/press-releases/chocolate-giants-reap-huge-profits-promises-improve-farmers-incomes-ring-hollow.

[14] See https://www.business-humanrights.org/en/from-us/briefings/wage-theft-and-pandemic-profits-the-right-to-a-living-wage-for-garment-workers/.

[15] See A/79/168.

assessment regimes, surveillance of environmental human rights defenders and shrinking civic space. Even when there are laws requiring impact assessment or free, prior and informed consent, the efficacy of consultation processes is vitiated by corruption, elite and corporate capture of bureaucracy, lack of government oversight over external consultancies and absence of effective remedial mechanisms.

26. Participation addresses these consultation deficits by requiring a horizontal structure of decision-making in which decision makers recognize the agency of people from diverse backgrounds, share power with them and co-design decisions about development-related policies, processes and projects. Roger A. Hart's "ladder of participation" for children's participation has eight rungs: (a) manipulation; (b) decoration; (c) tokenism; (d) assigned but informed; (e) consulted and informed; (f) adult-initiated, shared decisions with children; (g) child-initiated and directed; and (h) child-initiated, shared decisions with adults.[16] In this model, the first three rungs are non-participatory, with the quality of participation increasing with each upward rung.

27. By applying the "ladder of participation" framework to the participation of individuals and communities in development governance, all decision makers should aim to practise participation in the top three rungs of the participation ladder. In participatory development, people are not passive recipients of development outcomes. Rather, they have a seat at the table to shape both the process and outcome of developments. Participation enables people and communities to submit their own proposals about development governance, instead of merely providing feedback on proposals put forward by States or companies. Unlike consultations, participation can be used in both reactive and proactive ways. In short, participation places rights holders at the centre of decision-making affecting their own economic, social, cultural and political development.[17]

D. Participation and free, prior and informed consent

28. Free, prior and informed consent operates as a form of active, free and meaningful participation of Indigenous Peoples in decision-making, including concerning decisions related to development governance. Free, prior and informed consent is about States and companies respecting the will of Indigenous Peoples to determine their development priorities and trajectories in line with the United Nations Declaration on the Rights of Indigenous Peoples and the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).

29. Free, prior and informed consent, which safeguards the collective rights of Indigenous Peoples,[18] is the key tool to operationalize Indigenous Peoples' right to participate in decision-making concerning any development project affecting their lands, territories and other resources. Article 32 (2) of the United Nations Declaration on the Rights of Indigenous Peoples lays down parameters for how to secure free, prior and informed consent. The Human Rights Committee has pointed out that participation in the decision-making process must be effective, which requires not mere consultation but the free, prior and informed consent of the members of the community.[19]

30. Free, prior and informed consent encompasses both the process and the outcome.[20] The decision of Indigenous Peoples to give or withhold consent is a result of their assessment of their best interests and that of future generations with regard to a proposal.[21] They may also withdraw consent in view of new information or changed circumstances. The consent provided by Indigenous Peoples must be "free, prior and informed". These qualifications are comparable to the "active, free and meaningful" participation required under the Declaration

[16] Roger A. Hart, "Children's participation: from tokenism to citizenship", Innocenti Essays No. 4 (United Nations Children's Fund, 1992), p. 8.
[17] A/HRC/48/56, para. 103.
[18] A/HRC/39/62, para. 13.
[19] *Poma Poma v. Peru* (CCPR/C/95/D/1457/2006), para. 7.6.
[20] Food and Agriculture Organization of the United Nations, *Free, Prior and Informed Consent: An Indigenous Peoples' Right and a Good Practice for Local Communities* (2016), p. 13.
[21] A/HRC/39/62, para. 26.

on the Right to Development because prior and informed engagement is necessary for participation to be active and meaningful. The table below compares consultation, free, prior and informed consent and participation in terms of key variables.

Comparing consultation and free, prior and informed consent with participation in development

	Consultation	*Free, prior and informed consent*	*Participation*
Nature of right	Both individual and collective	Only collective	Both individual and collective
Scope	All (development) governance issues	Issues affecting the rights of Indigenous Peoples	All (development) governance issues
Locus of agency	Decision makers	Indigenous Peoples	People and communities
Control over process design	Decision makers	Indigenous Peoples and their representatives	Decision makers and people/communities
Ability to influence outcomes	Limited	Absolute (consent required)	Substantial
Engagement structure	Vertical	Horizontal and Indigenous Peoples-led	Horizontal (may or may not be community-led)
Engagement timing	Mostly after an in-principle decision is made and sporadic	Prior to making any decision and throughout	Prior to making any decision and throughout the life cycle
Goal	Secure legitimacy	Protect the collective rights of Indigenous Peoples	Co-create solutions

31. There are a few differences between free, prior and informed consent and participation. First, participation is a right with both individual and collective dimensions, whereas free, prior and informed consent is only a collective right. Second, in terms of scope, participation is broader than free, prior and informed consent, as the former relates to all governance decisions. Third, although arguments have been made to apply free, prior and informed consent to all communities, under international human rights law, it is a right limited to Indigenous Peoples. Fourth, while free, prior and informed consent requires the consent of Indigenous Peoples, this is not necessary under participation, as long as people and communities have the ability to shape both the process and outcomes. Fifth, free, prior and informed consent is mostly a reactive right, whereas participation encompasses both reactive and proactive aspects.

III. Why participation matters

32. Taking the right to development seriously requires States and other actors to ensure the active, free and meaningful participation of individuals and peoples in development governance. This is also central to the model of “planet-centred participatory development” proposed and promoted by the Special Rapporteur.

A. Added value

33. The participation of people in decision-making adds value to both the process and the outcome of development. Six illustrative examples of such added value are noted in the present section. First, participation facilitates the pooling of expertise for informed decisions. Decision makers cannot possibly know everything about a given developmental challenge or issue. Nor can they legitimately claim to know what is best for the whole of society. Communities possess tremendous expertise that should be leveraged by decision makers. Indigenous Peoples' traditional knowledge about land management, biodiversity conservation and climate adaption is a case in point. A genuinely participatory process of decision-making enables collective brainstorming and co-creation of solutions to complex development dilemmas.

34. Second, participation allows people to share their diverse lived experiences with decision makers. Listening to such experiences and integrating these into policymaking is critical to achieving inclusive development and in turn leaving no one behind. While inequalities are a barrier to people's participation,[22] effective and empowered participation can also counter inequalities.[23] If diverse rights holders have a seat at the decision-making table on an equal footing, this is likely to ensure that the benefits and costs of development projects are shared fairly across various sections of society. For example, the participation of women in decision-making will contribute to achieving substantive gender equality.[24]

35. Third, the participation of people will also ensure that development is sustainable. It is clear from the current model of development that many decision makers are not giving adequate weight and priority to the sustainability of development. The participation of individuals, communities and organizations with expertise and commitment to ecological sustainability will ensure that development is pursued within planetary boundaries.

36. Fourth, participation nurtures a sense of ownership and collective solidarity, as people tend to support what they help to create. When people are given genuine opportunities to come together to co-create solutions, they understand better the trade-offs involved in development projects. Participation builds mutual trust and social cohesion. It also creates conditions under which people are more likely to show empathy for the competing positions or priorities of different stakeholders and in turn accept the role of States in mediating between different community views.

37. Fifth, people's participation in decision-making plays a preventive role. It allows States and companies to identify potential harm to human rights or the environment – which they may overlook otherwise – and co-develop preventive measures at the early stages of project conceptualization and design.

38. Sixth, participation operates as a form of insurance against opposition to development projects and consequent delays. Both States and companies should therefore see participation as an effective risk management strategy to identify and address legitimate concerns during the project design stage.[25] Research indicates that community opposition resulting in project delays, blockade or suspension may cost millions of dollars in large extractive or renewable energy projects.[26] There are also reputational risks for companies, as well as for States, when force is used to quell community opposition to development projects.

[22] Thomas Piketty and Michael Sandel, *Equality: What It Means and Why It Matters* (Cambridge, United Kingdom, Polity, 2025), p. 4.

[23] A/HRC/39/51, para. 66.

[24] See A/HRC/60/25.

[25] Roundtable on Sustainable Palm Oil, *Free, Prior and Informed Consent (FPIC) Guide (2022)* (2022), pp. 12 and 13.

[26] See Institute for Human Rights and Business, *The Hidden Bill of Green Conflict: Derisking Renewable Energy by Strengthening Community Trust* (2026); and Rachel Davis and Daniel Franks, *Costs of Company-Community Conflict in the Extractive Sector* (2014).

B. Overcoming concerns

39. Implementing active, free and meaningful participation may raise some legitimate concerns for decision makers. Participation may be seen as increasing cost, slowing down decision-making, raising unreasonable expectations or making the process of decision-making more complex. However, most of these concerns can be addressed by designing a suitable participation process. Moreover, any inefficiency losses would be compensated by the benefits gained through the genuine participation of people in development governance.

40. Participatory governance would require an initial investment to develop suitable processes, institutions and infrastructure to facilitate the inclusive participation of people. This financial cost could be reduced by pooling the resources of various parties,[27] designing participation processes efficiently,[28] leveraging the use of safe technologies and including participation costs in project budgets. Concerns about longer decision times can be addressed by stipulating clear time frames in advance. Differential time frames could be adopted for macro- versus micro-level decisions. Decision makers should also bear in mind that symbolic consultation processes may appear to be faster and/or cost-effective only in the first instance. Subsequent community opposition to policies or projects may result in delays and rollbacks, triggering additional, unexpected costs or delays.

41. People and communities may have divergent views about given development policies, programmes and projects, or it might be impossible to meet some of their expectations. Decision makers can respond to such situations by playing the role of a mediator who is striking an objective balance between competing positions expressed by communities. They can also communicate transparently what is feasible and what is not, the trade-offs involved, the limitations at play and the reasons for choosing a particular position vis-à-vis other options on the table.

IV. How to achieve active, free and meaningful participation

42. Several conditions should be met to achieve the active, free and meaningful participation of people and communities in development governance.[29] Such participation requires capacities, opportunities and freedom.[30] The present section outlines some of these preconditions.

A. Start engaging early

43. Decision makers should involve people from the early stages of decision-making and continue to engage them throughout the life cycle of development projects.[31] The Inter-American Court of Human Rights highlighted the importance of participation at the early stages of a development or investment plan – and not merely when the need arises to obtain approval from the community – in *Saramaka People v. Suriname*, because early notice provides time for internal discussion within communities and for proper feedback to the State.[32] Another advantage of the early engagement of people is that it helps in building trust between different parties.

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[27] Civil society organizations, for example, could assist States in the collection of disaggregated data.

[28] See Liliana Lizarazo-Rodriguez and Philippe De Lombaerde, "Free, prior, and informed consent", in *Encyclopedia of Law and Economics*, 2nd ed., Alain Marciano and Giovanni Battista Ramello, eds. (Cham, Switzerland, Springer, 2025).

[29] United Nations Development Programme, *The Human Rights-based Approach to Development Programming: HRBA Toolkit* (2025), pp. 45 and 46.

[30] See the conference room paper of the Expert Mechanism on the Right to Development entitled "Women's active, free and meaningful participation in development, with emphasis on decision-making", para 15, available at https://www.ohchr.org/sites/default/files/documents/issues/women/publications/a-hrc-emrtd-12-crp-1-thematic-study-women.pdf.

[31] A/80/206, para. 43.

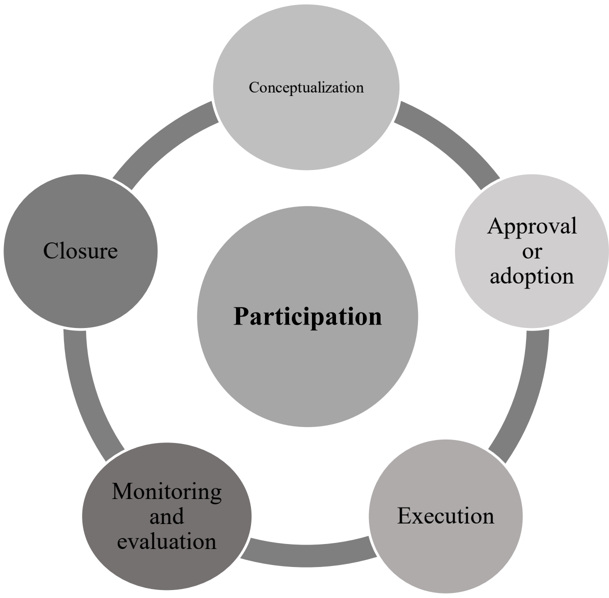
[32] Judgment, 28 November 2007, para. 133.

44. Development-related decisions also impact future generations and nature. Therefore, engagement should not be limited to present generations or be anthropocentric in orientation. This would require decision makers to engage, in addition, with representatives or trustees of both future generations[33] and nature.

B. Embrace a "life cycle approach" to participation

45. Decision makers should embrace a "life cycle approach" to participation in which engagement with people and communities is an ongoing process, rather than a one-off exercise. Development-related policies, programmes and projects can be broadly divided into five phases: conceptualization, approval or adoption, execution, monitoring and review, and closure. As shown in figure I, participation of individuals and communities should be embedded in all phases.

Figure I
Life cycle approach to participation in development



C. Share accessible information in advance

46. Participation requires access to information. States and other decision makers should share the relevant information in an accessible format prior to engagement with people. For instance, if impact assessment information is shared with communities in long and overly technical documents in a language that is not their native language or if the information is shared at short notice, this may discourage people from participating in decision-making. The level of education of the target audience and the communication channels used also have a bearing on the accessibility of information. Decision makers should avoid technical jargon and employ visual communication tools to reach communities.[34]

47. The information shared should be accurate, objective and accessible. It should clearly identify both the advantages and the risks of a particular development policy or project to people and the planet. The potential advantages and risks should not be merely aggregated and cumulative for the whole country or society; rather, the matrix should disaggregate advantages and risks by gender and highlight differentiated positive as well as negative impacts on local communities.

[33] A/HRC/57/43, paras. 82–84 and 86.
[34] Submission from Apoorva Patel.

D. Ensure participation in design

48. People should have a genuine say in designing a plan for participation. Otherwise, some critical details about the process may already be determined to the detriment of communities and/or the environment. Engagement in the design stage would allow States and companies to identify barriers to participation and consequently to design a process that could reduce those barriers. Moreover, community leaders can advise decision makers about a suitable time, location and form of engagement with people.

E. Adopt a rights-based and intersectional approach to identification

49. Since “who is participating” matters, a rights-based approach to the identification of relevant people and communities should be adopted.[35] The rule of thumb is simple: no development governance decision should be made by States and other actors without the participation of rights holders affected by those decisions.

50. Moreover, considering the multilayered and overlapping forms of discrimination and exclusion in society, all decision makers need to integrate an intersectional approach. For instance, girls and women face additional barriers to participation due to patriarchal norms and gender-based discrimination and violence.[36] Structural racism similarly creates barriers to participation in all world regions. Because of multilayered and overlapping forms of discrimination, such barriers are also experienced by individuals and communities experiencing discrimination based on work and descent, people of African descent, minorities, rural populations, peasants, people trapped in poverty, homeless or stateless people, internally displaced persons, migrants, refugees, persons with disabilities, older people, Indigenous Peoples and LGBTIQ+ persons. Moreover, children are often not given a seat at the decision-making table.

51. Adopting an intersectional approach would entail decision makers collecting and relying on disaggregated data to identify an inclusive set of community representatives for engagement in development-related decision-making. They should also take proactive and/or affirmative measures to enable the participation of people placed in marginalized or vulnerable situations such as informal and platform economy workers, Dalits, people trapped in poverty, internally displaced persons or refugees.

F. Create enabling conditions

52. States and other actors should create enabling conditions for the participation of people and communities in development governance by removing the multiple structural and practical barriers that they face.[37] Ensuring the basic socioeconomic conditions for a dignified life and addressing systemic discrimination are critical for people to exercise their freedom to participate in economic decision-making.[38] Similarly, no genuine participation is feasible in situations of insecurity, violence, conflicts and attacks against minorities.[39] Peace is essential for participation.

53. Access to accurate, objective and reliable information about development-related policies, programmes and projects is also a precondition for genuine participation. States should avoid imposing prolonged or frequent Internet shutdowns because doing so undermines people’s ability to access information in a timely fashion. Decision makers should also harness the power of technologies to disseminate information and collect input. At the same time, they should ensure that technologies are not used to spread misinformation and disinformation or perpetuate existing societal discrimination through algorithmic biases.

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35 Submission from Muhammad Asif Khan and Markus Krajewski.
36 A/HRC/53/39 and A/HRC/60/25.
37 Submission from Asia Pacific Forum on Women, Law and Development.
38 Submission from South Centre.
39 Submission from Just Access.

54. People and their representative organizations – such as civil society organizations, trade unions, community groups and advisory councils – need "freedom from fear" to enable their participation in development governance. Civic space is thus fundamental to securing inclusive, sustainable and peaceful development.[40] If there is any fear of retribution for asking critical questions about proposed development policies or projects, the conditions will not be conducive to active, free and meaningful participation. Strategic litigation against public participation is also a major obstacle to participation in development.[41] States should enact effective anti-strategic litigation against public participation laws, and all development governance actors should work together to preserve civic space and protect human rights defenders. They should also refrain from labelling communities and civil society organizations raising legitimate human rights or environmental concerns as anti-development or anti-national.

G. Embed accountability mechanisms

55. Economic development-related policies, programmes and projects at all levels should have in-built mechanisms to address the grievances of people and communities about non-participation or lack of genuine participation. Such mechanisms should also be able to provide access to effective remedy for adverse impacts on human rights or the environment. The remedial mechanisms should be designed in a participatory way and meet the effectiveness criteria of principle 31 of the Guiding Principles on Business and Human Rights.

56. In terms of substantive remedies, effective remedies for breaching participation standards may include injunctions, project suspension pending a new participatory process, public apology, guarantees of non-repetition, orders for information disclosure, damages, rehabilitation and restoration.[42]

H. Learn from and share good practices

57. Active, free and meaningful participation is not merely a normative aspiration. It can be achieved, and there are good practices to enable the participation, for example, of children[43] and women[44] in development governance. The early warning system of the International Accountability Project collects and provides communities with verified information about proposed development projects likely to have an adverse impact on human rights or the environment.[45] Ghana reported that its National Development Planning Commission had supported selected communities in preparing community action plans, which had subsequently been integrated into district medium-term development plans.[46] Mexico reported that its "social witnesses" and "social oversight" mechanisms allowed for the monitoring of public procurement procedures and federal social programmes, respectively.[47] Grupo Energía Bogotá shared its experience of going beyond legal requirements and using accessible communication strategies to conduct free, prior and informed consent.[48]

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[40] See United Nations, "Protection and promotion of civic space", United Nations Guidance Note, September 2020.

[41] Submission from Global Alliance for Incinerator Alternatives.

[42] See A/72/162; submission from Muhammad Asif Khan and Markus Krajewski; and submission from the global working group on the right to participate for persons with experience of forced displacement and statelessness.

[43] See A/HRC/57/43.

[44] See A/HRC/60/25; and the conference room paper of the Expert Mechanism on the Right to Development entitled "Women's active, free and meaningful participation in development, with emphasis on decision-making".

[45] Submission from the International Accountability Project.

[46] Submission from the National Development Planning Commission of Ghana.

[47] Submissions from Mexico.

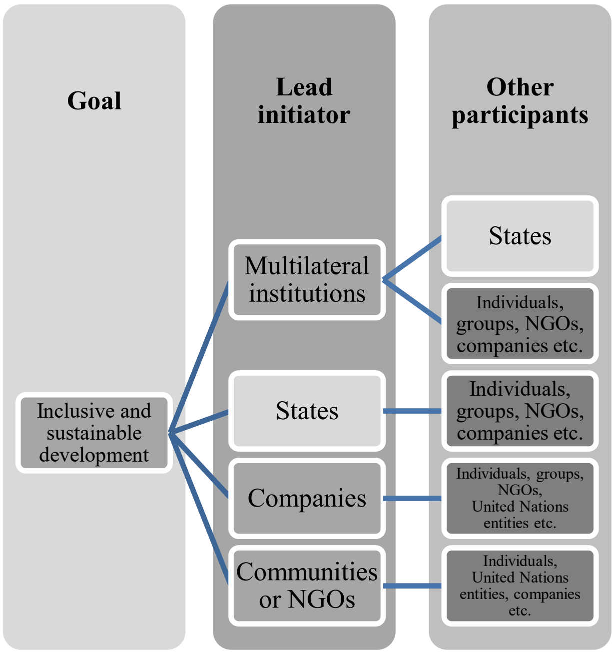
[48] Submission from Grupo Energía Bogotá.

58. Several States and civil society organizations have shared with the Special Rapporteur concrete examples of the participation of individuals and communities in development projects. Such examples should be documented and widely shared to show how to achieve genuine participation in development. Therefore, the Special Rapporteur proposes the creation of an online, open-access "participation hub" that features good practices related to participation in development governance.

V. Participation at different levels

59. Participation is relevant at all levels of development governance. It is also relevant to decisions at both the macro and the micro levels involving not only States but also multilateral institutions and non-State actors such as companies and civil society organizations. As figure II illustrates, participation will look different in practice at each of these different levels. For example, how the World Bank facilitates the participation of people in identifying its priorities will be different from how a State develops its national plan to implement the Sustainable Development Goals or a provincial authority decides whether to issue a mining licence.

Figure II
Participatory development governance



60. Although States, United Nations entities and multilateral institutions are more likely to take the lead in designing macro-level development policies, it is also possible for communities, civil society organizations and think tanks to develop macro-level development policies. For example, the Bretton Woods Project monitors the work of the International Monetary Fund and the World Bank and seeks to build an alternative multilateral system that is more democratic and inclusive.[49] Similarly, Progressive International convenes activists, thinkers and practitioners to develop the principles and policies of a progressive international order,[50] whereas the Tax Justice Network conducts advocacy to reform tax systems to work for everyone.[51] The Alternative ASEAN Network on Burma coordinated the Inclusive Federal Economic Policy project that sought to operationalize a community-led initiative in shaping economic policy for Myanmar.[52]

[49] See https://www.brettonwoodsproject.org/.
[50] See https://progressive.international/.
[51] See https://taxjustice.net/.
[52] Submission from Alternative ASEAN Network on Burma.

A. Local and provincial levels

61. Communities in villages, cities and municipalities should be at the forefront in conceiving and designing development projects, including those related to just transitions concerning mining, energy, food systems and agriculture. These communities should also be leading impact assessment processes in relation to development projects and sharing information on climate change-related adverse impacts on human rights and the environment.

62. States should have a regulatory framework in place to support the bottom-up participation of people in development governance and take proactive measures to facilitate their active, free and meaningful participation. For example, the Federal Constitution of Mexico, as amended in 2024, recognized a right to direct budgeting for Indigenous Peoples.[53] Kenya has enacted several laws to operationalize the constitutional goal of public participation in governance and development.[54] Uzbekistan reports that the *mahalla* institution, a self-governing community organization, and electronic platforms ensure direct communication with the population and allow for feedback about needs on the ground.[55] The Village Fono Act of Samoa empowers traditional assemblies to lead on local economic development.[56]

63. A 1993 constitutional amendment offers citizens of India in both rural and urban parts of the country an opportunity for direct participation in development governance.[57] Several Latin American countries, such as Bolivia (Plurinational State of), Brazil, Colombia, Ecuador, Mexico and Panama, have constitutional or legal provisions to enable participation of citizens in governance.[58] States inviting local bodies and communities to contribute to the implementation of the Sustainable Development Goals, as well as to the preparation of the voluntary national review, is another example of bottom-up participation in practice. The Syrian Arab Republic reports that it adopts a community-based approach for the rehabilitation of schools and the restoration of educational services,[59] while the Bolivarian Republic of Venezuela reports the key role of communal councils and communes in identifying priorities and formulating and monitoring community development projects.[60]

64. While provinces have constitutional or legal powers over development governance issues in a federal system of government, it is often possible for provincial authorities to exercise some delegated powers even in a unitary system.[61] Because of diversities, provincial authorities – or subnational governments – might in fact be better placed to make informed and grounded decisions about development projects concerning education, health, housing, water and sanitation, public planning, agribusiness, infrastructure and the extraction of critical minerals.

65. We can take a concrete example to understand the importance of participation at the provincial level. For Indigenous Peoples, preserving their land and territories from extractive development is essential. However, since more than half of global critical mineral reserves are on or near the lands or territories of Indigenous Peoples and peasant peoples,[62] they disproportionately bear the brunt of green or renewable energy projects pushed through

[53] Submissions from Mexico.
[54] Submission from Kenya.
[55] Submission from Uzbekistan.
[56] Submission from Pacific Subregional Office of the United Nations Population Fund.
[57] See https://www.orfonline.org/english/expert-speak/local-self-governments-in-india-drivers-of-decentralised-governance.
[58] Submission from Angel Gabriel Cabrera Silva.
[59] Submission from the Syrian Arab Republic.
[60] Submission from the Bolivarian Republic of Venezuela.
[61] See the conference room paper of the Committee of Experts on Public Administration entitled "Distribution of powers between central Governments and subnational governments", available at https://publicadministration.desa.un.org/sites/default/files/cepa-sessions/CEPA11th_CRP_paper%20by%20Bin%20Hao.pdf.
[62] See John R. Owen and others, "Energy transition minerals and their intersection with land-connected peoples", *Nature Sustainability*, vol. 6 (2023); and https://egps.worldbank.org/blog/protecting-indigenous-peoples-rights-amid-growing-demand-land-and-critical-minerals.

without free, prior and informed consent.[63] If provincial authorities place Indigenous Peoples at the centre of renewable energy projects, that should lead to sustainable outcomes. Ensuring the participation of individuals and communities at the provincial level would also assist in building resilience for disaster risk reduction.[64]

B. National level

66. Ensuring participation at the national level would require government authorities to change their mindset from one of being in charge of deciding the development destinies of people to one of facilitating bottom-up decision-making. For example, States as part of the Sevilla Commitment agreed to "increase investment in the care economy and recognize, value and equitably redistribute the disproportionate share of unpaid care and domestic work done by women". States should support girls, women and women's organizations to build national road maps for the care economy,[65] rather than adopting top-down plans with symbolic consultations. They should also institutionalize participation of marginalized communities in legislatures.[66]

67. The empowered participation of people can deliver effective governance responses. The National Council for Food Security and Nutrition of Brazil, for instance, has enabled the effective participation of Indigenous Peoples, Quilombolas, family farmers, artisanal fishermen, homeless populations and rural women in the formulation, monitoring and evaluation of public policies related to food security.[67] Kuwait has established the Youth Public Authority and is utilizing digital platforms to offer young people a direct pathway to contribute to the country's development governance.[68] Saudi Arabia reports that it has institutionalized participation in decision-making concerning family issues through the Family Affairs Council.[69] Ecuador highlighted that it had developed its National Agricultural Strategy for Rural Women through the direct participation of rural women from different backgrounds.[70] El Salvador reports that its National Citizen Participation Policy for 2024–2029 sets out guidelines for compulsory community involvement at the design and evaluation stages.[71]

68. Bilateral trade and investment agreements, which often seek to achieve sustainable development, represent another area where States should engage the ultimate intended beneficiaries of such agreements, namely, people and communities, and not merely investors.[72] Similarly, migrants (including migrant workers) are often the blind spot for government authorities when it comes to participation. They are rarely consulted meaningfully – even about decisions directly affecting them – in the country of origin or destination.[73]

69. States can take a variety of measures to achieve participation in development at the national level, for example, institutionalizing participation across development governance, including public planning and budgeting; eradicating patriarchal values and structural discrimination; removing additional participation barriers experienced by groups in disadvantaged, vulnerable or marginalized situations; leveraging youth and women as agents of change; establishing mechanisms to provide easy access to information; empowering communities to build bottom-up development policies and projects; harnessing the potential

[63] Submissions from Public Defender's Office of the State of São Paulo; and Lawyers' Association for Human Rights of Nepalese Indigenous Peoples.
[64] A/74/163, paras. 49 and 50.
[65] Submission from Association for Women's Rights in Development.
[66] Submission from Iraq.
[67] Submission from the Federal Public Defenders' Office of Brazil.
[68] Submission from Kuwait.
[69] Submission from Saudi Arabia.
[70] Submission from Ecuador.
[71] Submission from El Salvador.
[72] Submission from the Global Justice and Rights Centre of the University of Portsmouth.
[73] Submission from Migrant Forum in Asia.

of technologies to facilitate participation; ensuring that companies involved in development projects respect human rights; and strengthening accountability mechanisms.[74]

70. Considering the important role of development agencies and national development banks, States should also develop regulatory frameworks to embed the participation of people and communities throughout the life cycle of development projects within or beyond territories. Multilateral development banks should also improve their internal standards related to impact assessment and stakeholder engagement and strengthen their implementation, because there is a gap between what these standards promise and what they deliver on the ground.[75]

71. Despite best efforts, development projects are likely to trigger human rights or environmental concerns on the part of affected communities. It is therefore critical for States to have in place robust judicial and non-judicial remedial mechanisms that can deal with such concerns in line with international human rights standards.[76]

C. Regional level

72. Cross-border development, energy and infrastructure projects and disaster risk reduction are prime examples of frameworks that require the participation of communities across borders. Negotiation of regional trade, investment and human rights agreements would also benefit from the participation of people from relevant countries. States should adopt a participatory approach in negotiating, adopting and implementing regional agreements concerning development governance. They should also facilitate the participation of people and communities in designing and implementing programmes related to official development assistance, climate finance, renewable energy and the sourcing of critical minerals. Saudi Arabia, for instance, reports that it adopts a community-based approach in designing and implementing its development assistance and reconstruction programme for Yemen.[77]

73. States should also ensure that a mechanism is in place to address the grievances of communities affected by cross-border development projects or regional development governance agreements. Communities should be involved in the design of such a mechanism. Regional human rights institutions can also play their part in facilitating access to remedy to rights holders affected by cross-border development projects.

D. International level

74. Economic development-related decisions at the micro level are largely shaped by macro-level policy decisions made by international institutions. The realization of the right to development is linked to decisions concerning trade, investment, finance, public debt, austerity, illicit financial flows and taxation made at the international level. Decisions about peace, security and conflicts – such as unilateral sanctions, ceasefire agreements, humanitarian assistance projects and reconstruction packages – have a direct bearing on leaving no one behind.

75. However, the Special Rapporteur believes that most existing international governance institutions reproduce structural inequalities rooted in the colonial past. The current decision-making processes of the Security Council, the World Bank, the International Monetary Fund and the World Trade Organization privilege certain States and in turn undermine the representative participation of individuals and communities on an equal basis.[78] The investor-State dispute settlement mechanism is another example of the institutionalization of asymmetrical power, which protects the interests of foreign investors rather than the rights of local communities.

74 A/HRC/42/38, paras. 18–39.
75 A/75/167, para. 19.
76 A/HRC/48/56, paras. 108–113.
77 Submission from Saudi Arabia.
78 Submission from South Centre.

76. In line with commitments made to transform global governance as part of the Pact for the Future (actions 38–56), there is an urgent need for international governance institutions to move away from discriminatory and unjust power structures, including with regard to voting rights and shareholding. Reform of these institutions is required to ensure the fair representation of developing countries and in turn enable the participation of people from these countries in the global financial institutions controlling the fate of their development journeys. Such participation should counter existing exploitative global economic models in which natural resource-rich or human resources-rich countries are often serving the economic interest of developed countries.

77. Multilateral development banks are another category of international institutions that should ensure the active, free and meaningful participation of people in relation to development finance. All international State-based institutions should directly engage rights holders, community groups and civil society organizations, because their decisions ultimately affect human beings and their human rights, including the right to development.

VI. Conclusions and recommendations

A. Conclusions

78. **The active, free and meaningful participation of individuals and communities in development governance is an essential element of the right to development. Participation in decision-making is also a precondition for good governance and inclusive and sustainable development. In fact, without people's participation, there can be no people-centred development. The same holds true for the model of planet-centred development – proposed by the Special Rapporteur – which centres both people and nature and requires their participation.**[79]

79. **Participation as a human right adds value to both the process and the outcomes of development. All actors involved in economic development governance should therefore move from a model of consultation to one of participation of people and communities, because the latter recognizes the agency of rights holders and their power to make informed choices about the nature of development. The present report has explored preconditions for achieving active, free and meaningful participation and illustrates how this can be achieved at different levels of development governance and at both the macro and the micro levels.**

B. Recommendations

80. **The Special Rapporteur recommends that States, national human rights institutions, United Nations entities, multilateral development banks, companies and civil society organizations implement the guidance on achieving participation in development contained in the annex to the present report.**

81. **The Special Rapporteur recommends that other decision makers draw inspiration from the guidance, especially the general principles, and integrate the relevant aspects into their decision-making processes.**

[79] A/80/206, paras 26–39.

Annex

Guidance on achieving participation in development

1. The present guidance on achieving participation in development contains some general principles that are relevant for all decision makers and specific guidance for selected decision makers. It also contains some “dos and don’ts” for two key categories of actors in development governance: States and companies. To avoid repetition, any reference to participation is used to mean “active, free and meaningful participation” as articulated in the present report.

I. General principles

2. Decision makers should recognize the agency of people and communities and respect their right to choose their development pathways. No economic development governance decision should be taken without the participation of people and communities, as well as representatives of future generations and nature.

3. People and communities should be able to shape both the design of participation processes and substantive decisions. Moreover, decision makers should be able to adapt participation processes to respond to feedback received or changed circumstances.

4. Decision makers should use age-suitable, gender-responsive and culturally appropriate engagement methods to ensure inclusive participation. They should take proactive measures to enable the participation of individuals or groups in situations of disadvantage, marginalization, systemic discrimination, exclusion or vulnerability.

5. Accessibility of information should be judged in relation to the level of education, language, socioeconomic circumstances and physical and mental condition of the target participants.

6. Decision makers should employ a range of communication channels to share accurate and user-friendly information with target participants from diverse backgrounds and in diverse circumstances.

7. Decision makers should create enabling conditions for the participation of people and communities, including by raising awareness about rights, strengthening transparency, preserving civic space and preventing conflicts of interest.

8. Decision makers should engage representatives of future generations and nature to ensure that development-related decisions are truly sustainable from the perspective of both people – comprising present and future generations – and the planet.

9. All actors involved in post-conflict peacebuilding and transitional justice should adopt a human rights-based approach and ensure the participation of people, especially children, youth, women, minorities, migrants, internally displaced persons and refugees.

II. Specific guidance

A. States

10. States should enact laws to require public and private actors to ensure the participation of relevant people and communities in all macro- and micro-level decisions related to development governance. They should also strengthen the implementation of existing constitutional or legal provisions mandating the participation of people in governance.

11. States should ensure the participation of youth, women's organizations, community representatives and civil society organizations in the entire life cycle of their development projects (including those proposed to donors) and official development assistance programmes. They should also require their development agencies to integrate participation into all their projects.

12. States should ensure the participation of people, especially climate-vulnerable communities, in the development and implementation of all their climate finance and loss and damage programmes.

13. States should ensure the participation of people in relation to issues such as:

(a) Preparation of annual budgets;

(b) Drafting and implementation of national action plans to realize human rights and achieve the Sustainable Development Goals;

(c) Negotiation of trade and investment agreements and reform of the investor-States dispute settlement process;

(d) Revision of the regulatory framework concerning labour rights, land acquisition, the environment, plastic pollution and climate change;

(e) Creation of special economic zones and export processing zones;

(f) Granting of mining exploration and extraction licences;

(g) E-governance and digitalization;

(h) Establishment of data centres;

(i) Regulation of artificial intelligence, the Internet and social media platforms;

(j) Policies and plans for just transitions to a green economy, including approval of carbon credit and other nature-based finance projects on or near Indigenous Peoples' lands and territories;

(k) Approval of green energy projects.

14. States should, as part of their duty to protect against human rights abuses by other actors, take proactive measures to address power imbalances between companies and communities concerning information, expertise and resources, including by investing in education and providing the necessary financial and technical resources to communities to support their participation.

15. States should establish youth advisory bodies to provide institutionalized pathways for adolescents and young people to shape development governance decisions. They should also consider creating trusteeship councils to represent the rights and interests of future generations and nature.

16. States should take measures for the fair representation of various sections of society in the legislature, the executive and the judiciary.

17. States should include community representatives, including women and youth, in their official delegations participating in multilateral conferences and negotiations or negotiating bilateral and international agreements.

18. States should ensure that decision-making processes are not captured by companies or business lobbyists. They should adopt or strengthen laws related to disclosure, transparency, the right to information, conflicts of interest and corporate donations.

19. States should regulate consultants and firms providing impact assessment and human rights due diligence services to companies to ensure transparency and the human rights compatibility of their advice.

20. States should ensure that renewable energy projects are also responsible energy projects by not relaxing or fast-tracking environmental impact assessment and human rights due diligence processes.

21. States importing critical minerals should coordinate with exporting States and companies to ensure the participation of communities in decisions concerning exploration for and the extraction of such minerals in compliance with local laws and international standards.

22. States should protect the rights to freedom of association and collective bargaining of workers – including migrant workers, platform workers and informal economy workers – to enable their participation in decision-making affecting them.

23. States should involve migrant workers and their representative organizations while negotiating bilateral migrant mobility agreements to ensure that decent jobs are created.

24. States should preserve civic space, including by safeguarding the rights to freedom of peaceful assembly and association and the freedom of the press.

25. States should work together to transform – on the basis of the principles of sovereign equality, fairness and justice – global governance institutions such as the Security Council, the World Bank, the International Monetary Fund and the World Trade Organization.

Table 1
Dos and don’ts for States

States should	*States should not*
Institutionalize participation for all macro- and micro-level development governance decisions	Ignore ecological integrity while pursuing development governance
Adopt an intersectional approach in identifying target groups for participation	Engage only people or organizations supportive of government decisions
Strengthen the right to information, transparency and conflict of interest laws	Treat participation as consultation by any other name
Take proactive steps to enable the participation of groups in vulnerable or marginalized situations	Consult people and communities after taking an in-principle decision
Exercise regulatory oversight over impact assessments and human rights due diligence conducted by companies or other third parties	Exempt renewable energy projects from regular impact assessments
Improve access to remedy and preserve civic space	Suppress or criminalize peaceful protests against specific development policies or projects
Enact anti-strategic litigation against public participation laws	Target human rights defenders

B. National human rights institutions

26. National human rights institutions should uphold the standards set out in the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including with regard to their independence, pluralism, broad mandate, freedom and institutional integrity.

27. National human rights institutions should ensure the participation of people and communities in all aspects of their work, including programmatic priorities and action plans.

28. National human rights institutions should:

(a) Raise awareness about international human rights standards requiring States and companies to ensure the participation of individuals and peoples in development governance;

(b) Conduct national inquiries and propose legislative reforms to institutionalize participation in development governance at different levels;

(c) Organize capacity-building workshops to facilitate participation, especially of groups in situations of vulnerability or marginalization;

(d) Protect communities, civil society organizations and human rights defenders against threats of intimidation, harassment and strategic litigation against public participation cases.

29. National human rights institutions should counter the false narrative of community opposition to unsustainable development projects being anti-development or anti-national.

C. United Nations entities

30. United Nations entities should provide meaningful space to representatives of children, youth, women and affected communities for their events, meetings and forums. They should work with States to ensure the participation of community representatives and civil society organizations in multilateral negotiations.

31. United Nations entities should enable the participation of youth, women's organizations, community representatives and civil society organizations in all stages – from design to implementation, monitoring, review and closure – of their development projects, including those proposed to donors. United Nations entities should also involve these stakeholders in identifying their thematic and programmatic priorities.

32. United Nations entities should facilitate the participation of people and communities, especially those in disadvantaged, vulnerable or marginalized situations, in development projects involving States, multilateral development banks and companies.

33. United Nations entities should build open, transparent, verifiable and holistic information platforms for development projects to provide communities with an objective reference point to engage States, multilateral banks and companies.

34. United Nations entities should step up efforts to overcome patriarchal, cultural, religious and other discriminatory barriers to the participation of girls and women in development governance.

35. United Nations entities should continue raising awareness about the value of participation in achieving good governance, as well as inclusive and sustainable development.

36. United Nations entities should foster multi-stakeholder partnerships and engage States, multilateral development banks, national human rights institutions and companies to preserve civic space.

D. Multilateral development banks

37. Multilateral development banks should strengthen their internal human rights and environmental standards to ensure the participation of relevant communities prior to funding any projects and throughout the life cycle of development projects – including responsible exit and rehabilitation – and be responsive to the inputs received.

38. Multilateral development banks should:

(a) Take proactive and culturally appropriate measures to enable the participation of groups in vulnerable or marginalized situations;

(b) Require project partners to conduct, in meaningful consultation with relevant stakeholders, holistic assessments to identify risks to people and the planet;

(c) Establish robust grievance mechanisms to provide effective access to remedy to communities affected by any of their development projects;

(d) Raise concerns about shrinking space with States and companies.

39. Multilateral development banks should offer more grants and concessional long-term loans to developing countries to achieve the Sustainable Development Goals and just transitions to a green economy.

E. Companies

40. Companies should recognize communities' right to choose their development pathways and respect their informed decisions instead of offering incentives that divide communities.

41. Companies should provide timely access to accurate, objective and digestible information about development projects in relevant languages to enable the participation of local communities.

42. Companies should proactively engage children, youth and other "blind spot" communities as part of their impact assessment or human rights due diligence processes.

43. Companies should take steps to overcome the unique barriers to participation faced by migrant workers, such as low awareness about rights, lack of familiarity with local languages, discrimination, restrictive visa conditions, rigid and long working hours, limited or lack of freedom of association and fear of retaliation.

44. Companies should exercise oversight over external consultants and work with them closely to ensure that the participation of relevant rights holders and communities during environmental impact assessment or human rights due diligence processes does not become a tick-box exercise.

45. Companies should ensure that communities are not displaced from their land without their agreement and that any rehabilitation or resettlement plan is co-created with the affected communities.

46. Companies should establish sector-wide independent oversight mechanisms to monitor compliance with relevant national laws and international standards.

47. Companies should take time-bound measures to achieve the equal representation of women on their boards and in other senior executive and managerial positions.

48. Technology companies should enable the participation of people from diverse backgrounds in the design, development and deployment of artificial intelligence and other new technologies.

Table 2
Dos and don'ts for companies

Companies should	*Companies should not*
Move away from tick-box consultations to genuine participation	Engage communities after taking a decision or organize meetings far from communities
Provide accurate and accessible information beforehand	Divide or bribe communities to seek support for development projects
Take proactive steps to overcome barriers to participation	Outsource participation processes to external consultants with no ownership or oversight
Adopt an intersectional approach to ensure inclusive representation	Indulge in land-grabbing
Engage people before conceiving a development project and throughout its cycle	Employ digital data as a proxy for human beings
Respect the agency of people and communities and their right to say no	Request States to use police or paramilitaries to suppress community protests

Companies should	*Companies should not*
Treat Indigenous Peoples as decision makers and support Indigenous Peoples-led initiatives	Resort to intimidation or strategic litigation against public participation cases

F. Civil society organizations

49. Civil society organizations should make an evidence-based case for why participation in development is key to leaving no one behind and protecting the planet.

50. Civil society organizations should continue to constructively engage States, United Nations entities, multilateral development banks and companies to build an enabling environment for participation in development.

51. Civil society organizations should scale up their work concerning the participation of people in development governance, including by raising awareness, bridging power imbalances between companies and communities and empowering communities in marginalized or vulnerable situations.

52. Civil society organizations should conduct, wherever feasible, alternative impact assessments or human rights due diligence of development projects.

53. Civil society organizations should build regional and global networks or alliances to share good practices about community participation in development.