

## HUMAN RIGHTS COUNCIL – 51st SESSION

### Biennial panel discussion on the right to development Theme: 35 years on: policy pathways to operationalizing the right to development

15 September 2022

In her opening statement, the **UN Acting High Commissioner for Human Rights, Ms. Nada Al-Nashif** considered the panel discussion an important opportunity to reflect on the centrality of human rights to development in the context of multifaceted global challenges. She referred to the COVID-19 pandemic that exposes and exacerbates pre-existing inequalities, as well as the war in Ukraine that causes major human suffering and triggered additional pressures on already disrupted global supply chains, contributing to increased inflation and skyrocketing fuel and food prices. These global challenges undermine progress towards the realization of the 2030 Agenda and affect societies disproportionately. Ms. Al-Nashif further reported how the OHCHR contributes to mainstreaming and operationalizing the right to development at national, regional and international levels. At the field level, the Office strengthened the capacity building of countries affected by this crisis through dialogues, trainings and projects on human rights, climate change and migration. At the international level, the Office has worked to integrate human rights into international policy agendas. It has also supported the Intergovernmental Working Group and other human rights mechanisms, including the Special Rapporteur and the Expert Mechanism on the Right to Development. As stated by the Secretary-General in his *Call to Action for Human Rights* and in the report *on Our Common Agenda*, Ms. Al-Nashif called for a renewed social contract, based on equal rights and opportunities for all. Establishing a new global deal underpinned by solidarity and cooperation will help rebuild trust between people and governments and will give priority to combating inequalities and creating an enabling environment for realizing the right to development and all human rights for all.

**Mr. Martin Chungong, IPU Secretary General** shared the parliamentary perspective on the role of parliaments in helping bring about the full implementation of the right to development. He stressed the importance of revitalizing efforts to make the right to development a reality in all parts of the world. This is done by implementing economic, social, cultural and other rights relevant to sustainable development. In order to succeed, he said that two things are critical: first, the need to ensure that all development efforts are in line with human rights principles, and second, to make use of the countless synergies that exist between human rights and the SDGs. Parliaments can and should play a crucial role in that regard, ensuring equity in access and engaging with human rights mechanisms.

**Mr. Saad Alfarargi, Special Rapporteur on the right to development**, in his opening statement affirmed that the global climate crisis, the increasing number of natural disasters, armed conflicts, the COVID-19 pandemic and related consequences had the potential to undo decades of development and hamper the enjoyment of human rights. He stressed the importance of the biennial panel discussion to make a stock taking exercise of the progress in the promotion and protection of the right to development in the context of the implementation of the 2030 Agenda, the Sendai Framework for Disaster Risk Reduction, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the Paris Agreement.

**Ms. Sakiko Fukuda-Parr, Vice-Chair of the Committee for Development Policy and Professor of International Affairs at The New School** stated that addressing extreme inequality and the state obligation for cooperative action are two top priorities for implementing the Right to Development. Ms. Fukuda-Parr affirmed that the COVID-19 pandemic has exacerbated inequality and exposed already existing social divides and their root causes, with racial and ethnic minorities, indigenous people, migrants, women, disabled people, and people in low-income groups were the most impacted

and marginalized. These patterns exposed the underlying structural issues of unequal access to healthcare and to social-economic resources. Ms. Fukuda-Parr asserted the importance of implementing the Right to Development at this critical juncture for sustainable development. The Right to Development is important in the international human rights framework because it spells out the obligations of international cooperation to take collective action to address problems that cannot be solved by national action alone. Principles of the Right to Development are essential to develop new approaches and arrangements for pandemic preparedness and response.

**Mr. Mihir Kanade, Chair of the Expert Mechanism on the Right to Development, Head of the Department of International Law and Director of the Human Rights Centre, University for Peace**, refuted five myths that impede the realization of the Right to Development at the international and national levels; 1) the right to development is too vague or tolerates violations of other human rights under the guise of “development”; 2) the obligations for realizing the right to development are solely to be discharged by States internally, as there are no extraterritorial or collective obligations for States; 3) the duty of international cooperation enshrined in the 1986 Declaration is at best soft law and that no such binding obligation exists for States; 4) the right to development is not really a human right since it is often claimed by States, and 5) the duty to cooperate enshrined in the right to development makes the commitment of many developed countries to contribute 0.7% of their GNI as development aid a legally binding obligation. Mr. Kanade concluded affirming that the appropriate practice to operationalize the right to development is to adopt and implement the legally binding instrument that is currently being deliberated upon at the Working Group. Policies at the national and international levels need a legally binding foundation which determines their legitimacy based on compliance with the normative principles of the right to development.

Considering the link between fiscal spaces and human rights, **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, Ms. Attiya Waris** outlined a few key points in relation to the issue of resources, a global pressure point. In particular, she first affirmed that because human rights and development are interwoven in a myriad of ways, human rights could be applied as a development policy. Ms. Waris said that she continues to work on strengthening countries’ financial systems in order to address the cumulative dangers of high-debt related distress, illicit financial flows, severe socio-economic impacts of the pandemic, increased climate-based emergency and wars. She emphasized that the reform of the global financing, fiscal and development systems should advance the Sustainable Development Goals and should be anchored in positive practices of international cooperation and assistance, as well as international human rights standards and norms, which oblige States to allocate maximum amounts of available resources for the progressive achievement of human rights.

**Mr. Ordukhan Gahramanzade, Designated Chairperson of the Non-Aligned Movement Youth Organization** said that the right to development encompasses all other human rights, and it incorporates the principles of equality, non-discrimination, participation, transparency, accountability, as well as international cooperation in an integrated manner, and it is the right of every human being to the constant improvement of well-being. From the perspective of the Non-Aligned Movement (NAM) member states, he pointed out that inequalities in the global political, economic and social system impede the realization of the right to development of people living in developing nations, underling the existing gaps, challenges, and unfair distribution of opportunities and resources between the North and the South. Speaking on behalf of youth of NAM, he stressed that the implementation of the right to development is a continuous cycle of participating, contributing, and enjoying the fulfillment of this right with the young people at the center of it. In societies the youth are the ones with the ability to learn and adapt to new environments, and they are eager to learn and act on it in order to reach their goals. Youth can bring about social reforms and improvements in society. The world needs the meaningful participation of young people to lead the country to progress by achieving targets in this context the targets for realization of the right to development. Furthermore, he



emphasized the importance of investing in the future of youth through education, trainings, summits and conferences.

### Interactive dialogue

22 country delegations took the floor during the interactive dialogue. The majority of the countries reiterated their commitment to protecting and promoting the right to development, conveying that the right to development is a universal and fundamental human right and that States have the primary responsibility to ensure the development of their peoples. **EU, Malaysia, and Saudi Arabia** affirmed that the right to development is essential for realizing other economic, social, civil and political rights and should be regarded as such. **Cuba, Venezuela** and **Iran** affirmed that addressing unilateral coercive measures was an important step to promoting the right to development. **Côte d'Ivoire (on behalf of the African Group)** stated that any conversation about the ways of realizing the right to development should involve a recognition of the consequences of colonialism and the slave trade and the need for compensation and reparations for the victims. To secure the right to development, it is also needed to tackle extreme poverty, the COVID-19 crisis, the climate crisis, terrorism, and other crises that are disproportionately affecting developing countries.

**NGOs** underscored the need for a gender and youth perspective and approach to address global inequalities, power imbalances, and to ensure the realization of the right to development and of all human rights and fundamental freedoms for all. As a result of this approach, States and international community members have a duty to work together to lead multilateral efforts to remove obstacles to development. These obstacles largely result from an unbalanced global financial and economic system. Indeed, an essential factor for building an enabling environment for a more sustainable and equitable development is to reorient financing for development towards people-centered and human rights-based transformational processes and reforms. The large-scale privatization of public resources and services has always failed and brought tragedy to the vulnerable around the world.

#### Delegations that took the floor during the Interactive Dialogue (22 country delegations):

*Bahrain, Côte d'Ivoire (on behalf of Group of African States), Cuba, EU, Iran, Kazakhstan (on behalf of Central Asian countries), Malaysia, Maldives (on behalf of Informal Group of Small Island Developing States) Mauritania, Morocco, Pakistan (on behalf of OIC), Qatar, Saudi Arabia (on behalf of GCC group), South Africa, Thailand, Venezuela, Azerbaijan (on behalf of the Non-aligned Movement), Bahamas (on behalf of a group of countries), Ethiopia, Bangladesh, Lao People's Democratic Republic, Tanzania.*

#### NHRIs and NGOs that took the floor (5):

*Association for women's rights in development, Associazione Comunita Papa Giovanni XXIII, International Youth and Student Movement for the United Nations, iuventum e.V., Rencontre Africaine pour la defense des droits de l'homme.*

**International organizations (2):** United Nations Development Programme, United Nations Economic Commission for Africa

To watch full meeting refer to [UN Web TV](#).