

HUMAN RIGHTS COUNCIL – 54th SESSION

Interactive Dialogue with the with the Expert Mechanism on the Right to Development

20 September 2023

Ms. Liliana Valiña, Chair of the Expert Mechanism on the right to development, presented their annual report ([A/HRC/54/41](#)) and three thematic studies. "Duty to cooperate and non-State actors" ([A/HRC/54/84](#)) focuses on foreign private non state actors operating in a host state and draws on the result of a visit to Lesotho. It breaks the duty to cooperate down into four components: the duty to give notice, the duty to consult and agree, the duty to assist, and the duty to repair harm. The study "Inequality, social protection and the right to development" ([A/HRC/54/83](#)) assesses inequality reduction policies and social protection systems, it places social protection systems within the context of state obligations, international cooperation and global partnerships, as outlined in the Declaration on the Rights of Development and the new social contract. Finally, the study entitled "Right to development in international investment law" ([A/HRC/54/82](#)) examines the impact of two significant recent legal documents and considers the role of amicus curiae. It addresses the question of whether arbitrators should have a proven record of human rights expertise as a prerequisite. It also provides recommendations to states for the negotiation and renegotiation of existing ones. The Expert Mechanism held 2 sessions in Geneva in October 2022 and 1 session in New York. In Geneva, the EM engaged with the Special Rapporteur on the Right to Development and the Expert Mechanism on the Rights of Indigenous Peoples. They also held a thematic discussion with civil society and LDC representatives on advancing the right to development in least developed countries. In new York, the EM held thematic reports on future generations and youth participation, the new agenda for peace beyond GDP, and the reform of the international financial architecture. During the interactive dialogue, Ms. Valiña observed a general consensus among States that inequalities, poverty, the pandemic and its effect of the lack of resources, the limited national capacities, of climate change natural disasters are some of the main challenges. The EM will continue to make proposals in line with the Summit of the Future to ensure it includes a focus on the right to development.

Interactive dialogue

The **European Union** noted that has provided, along with its Member States, 92.8 billion Euros in 2022 which represents **43% of global ODA**. The delegation also emphasized that the implementation of the right to development cannot be seen purely through an economic lens and that the SDGs and the 2030 agenda are grounded in international human rights law and the obligation of all countries to realize these rights.

The **Organization of Islamic Cooperation** expressed concerns about the great financial gap that reduces the capacities of developing countries to invest and realize the SDGs. They also expressed concerns about step backs in ODA and the problems related to the international fiscal and financial systems. They stated developed countries should share innovations and technologies with developing countries.

Most delegations called for strengthened international cooperation, and synergies coherence among development actors and called for a **reform of the international financial architecture**. **Malawi**, asserted that conditionalities put forward by lending institutions contribute to obstacles in the realization of the right to development. Similarly, **Pakistan** pointed at high interest rates and decreasing investment in health and education. **Bangladesh**, stated that international financial frameworks need to relegate traditional cost-benefit analysis and come up with new solutions for quickly addressing the challenges

Many developing countries and LDCs highlighted the structural obstacles undermining the right to

sustainable development such as a lack of resources and national capacity.

Iraq and **Madagascar** stressed the importance of this right for developing states, least developed countries and small island developing states.

China, Zimbabwe, and **Iran** criticized the use of **unilateral coercive measures** and their adverse effect on the fulfillment of the right to development and urged the EM to intensify studies on this matter.

Malawi, Pakistan, and **Tunisia** specifically identified **continuous debt burdens** as a major challenge to the realization of the right to development.

Armenia and **Oman** emphasized that development is not only related to economic growth but also to **peace**. **South Africa**, made similar remarks, asserting that development goes beyond economic growth and seeks to ensure the well-being of all persons.

The **Russian Federation** commented that the EG's studies on cooperation with non-state actors and on investment actors falls within the scope of discussions on **Business and Human Rights** and that there is no legal category such as duty to cooperate, both between states and with non-state actors, in international law.

Many countries including South Africa, the Russian Federation, Namibia, Pakistan, Cuba, Tunisia, and Honduras underlined the challenge of **increasing inequalities**. **Honduras** also identified corruption in its region as an important challenge.

Pakistan recalled the principle of common but differentiated responsibilities in regard to technical and financial assistance and requested the EM share its views on this matter.

Tunisia, Egypt and **Namibia** explicitly expressed their support for the adoption of a legally binding international instrument.

Algeria recalled its proposition to hold an **International Conference on Development in the Sahel**, with the aim of resolving the root causes of the crisis in Niger.

The NGO **Sikh Human Rights Group** applauded the positive international reception regarding the African Union's proposal for a UN Tax Convention. In their **joint statement, the Associazione Comunita Papa Giovanni XXIII** welcomed the recognition by the EM of the alignment between the right to development and the right to peace, and emphasized that the responsibility of states to provide an enabling environment for equitable development, including the **duty to cooperate** to eliminate obstacles to development, and recognize the urgent calls for reform of the international financial architecture. They welcomed the forwarding of the draft treaty of the right to development to the General Assembly.

Delegations that took the floor during the Interactive dialogue (29 country delegations):

Ecuador, Iraq, China, Malawi, Malaysia, Armenia, Zimbabwe, Russian Federation, South Africa, Bangladesh, Namibia, Pakistan, United Republic of Tanzania, Tunisia, Algeria, Cuba, Venezuela, Nigeria, India, Iran, , Oman, Madagascar, Syrian Arab Republic, , Azerbaijan, Honduras, Egypt, European Union, Organisation of Islamic Cooperation, Centre Sud

NHRIs and NGOs that took the floor during the Interactive dialogue (8):

Sikh Human Rights Group, Jameh Ehyagaran Teb Sonnati Va Salamat Iranian, International Muslim Women's Union, International Lawyers.Org, Associazione Comunita Papa Giovanni Xxiii, Asian Pacific Resource And Research Centre For Women, International Council Of Russian Compartiots, Beijing Association For International Exchanges, Coc Netherlands, World Barua Organization

