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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Annual report of the Expert Mechanism on the Right to Development*

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* The annexes to the present report are reproduced in the language of submission only.



Contents

| | <i>Page</i> |
|---|-------------|
| I. Introduction | 3 |
| II. Organization of the sessions | 3 |
| III. Summary of proceedings | 4 |
| A. General statements | 4 |
| B. Interactive dialogue with the Chair-Rapporteur of the Working Group on the Right to Development and the Special Rapporteur on the right to development | 5 |
| C. Focused thematic discussions | 6 |
| IV. Expert Mechanism's contributions to the high-level political forum on sustainable development convened under the auspices of the General Assembly (Sustainable Development Goals Summit) and the Summit of the Future | 12 |
| A. Operationalizing the right to development in the new agenda for peace, including investing in conflict prevention and peacebuilding | 12 |
| B. Measuring progress beyond gross domestic product | 13 |
| C. Reform of the international financial architecture | 14 |
| D. Right to development and future generations | 16 |
| E. Meaningful youth engagement in policy and decision-making processes from the right-to-development perspective | 17 |
| V. Thematic studies | 18 |
| VI. Other activities | 20 |
| VII. Conclusions | 20 |
| Annexes | |
| I. List of participants for the sixth session of the Expert Mechanism on the Right to Development | 22 |
| II. Commentary on article 1 (1) of the Declaration on the Right to Development | 25 |

I. Introduction

1. In September 2019, the Human Rights Council established the Expert Mechanism on the Right to Development to provide the Council with thematic expertise on the right to development in searching for, identifying and sharing best practices with Member States and to promote the implementation of the right to development worldwide.¹
2. The Expert Mechanism is composed of five independent experts, one from each regional group.² It meets twice annually for three days each, in Geneva and New York. The Expert Mechanism prepares and submits an annual report to the Council and an oral report to the General Assembly in addition to thematic studies to the Human Rights Council, for which they collect contributions through calls for input and through country study visits. It engages with the Working Group on the Right to Development and the Special Rapporteur on the right to development and carries out other activities, as appropriate. The present report contains the summary of the sixth and seventh sessions and outlines additional activities and contributions.

II. Organization of the sessions

3. Mihir Kanade and Bonny Ibhawoh chaired the sixth and seventh session, respectively.³ The five members of the Expert Mechanism attended the two sessions in person. Both sessions were also attended by representatives of States, experts from inside and outside the United Nations and representatives of United Nations bodies, intergovernmental organizations, regional organizations, national human rights institutions and other relevant national bodies, academic institutions and non-governmental organizations in consultative status with the Economic and Social Council.
4. The Expert Mechanism held its sixth session in hybrid format in Geneva from 31 October to 2 November 2022. The session was divided into private and public segments; the United Nations Deputy High Commissioner for Human Rights and the Chair of the Expert Mechanism delivered opening remarks.⁴
5. The Expert Mechanism held its seventh session, its first session in New York held in person, from 3 to 5 April 2023. The session comprised six public segments and one private meeting. Opening remarks were delivered by the Assistant Secretary-General for Human Rights and the Chair of the Expert Mechanism.⁵
6. Following the opening remarks at both sessions, the Expert Mechanism adopted the respective agendas⁶ and programmes of work.

¹ Human Rights Council resolution 42/23.

² Information on members is available at <https://www.ohchr.org/en/hrc-subsidiaries/expert-mechanism-on-right-to-development/independent-experts>.

³ For the decision to rotate the office of the Chair, see [A/HRC/45/29](#), para. 9.

⁴ See <https://www.ohchr.org/sites/default/files/documents/issues/development/emd/session6/2022-10-31/2022-10-31-DHC-opening-statement-EMRTD-6thsession.pdf> and <https://www.ohchr.org/sites/default/files/documents/issues/development/emd/session6/2022-10-31/2022-10-31-EMRTD-6thsession-statement-by-the-chair.pdf>.

⁵ See <https://www.ohchr.org/sites/default/files/documents/issues/development/emd/session7/EMRTD7-ASG-opening-remarks.pdf> and <https://www.ohchr.org/sites/default/files/documents/issues/development/emd/session7/EMRTD7-Chair-Statement.pdf>.

⁶ [A/HRC/EMRTD/6/1](#) and [A/HRC/EMRTD/7/1](#).

III. Summary of proceedings

A. General statements

7. At the sixth session, general statements were delivered by the European Union, China, the Bolivarian Republic of Venezuela, Cuba, the Islamic Republic of Iran, Pakistan, the Russian Federation, India, the United Kingdom of Great Britain and Northern Ireland, Colombia, the Plurinational State of Bolivia, Associazione Comunità Papa Giovanni XXIII, Maat for Peace, Development and Human Rights Association, the Organization for Defending Victims of Violence, the International Human Rights Association of American Minorities and the **Women's Federation for World Peace International**.

8. Most State representatives supported the work of the Expert Mechanism and many welcomed its commentary on article 1 (1) of the Declaration on the Right to Development and the thematic studies. Various delegations referred to the junction of the post-pandemic period with regional conflicts and the simultaneous crisis of food, energy and debt, which disproportionately affected developing countries. Many stressed the importance of solidarity, international cooperation and shared responsibility and the need to restructure the international financial architecture. Some delegations highlighted the negative impact of unilateral coercive measures and stressed the importance of respecting the right of States to choose their own path for development. Many delegations referred to their national efforts to promote development internally and internationally. Two delegations, despite not supporting the creation of the Expert Mechanism, continued to engage constructively and highlighted that discussions relating to the right to development should strengthen the human rights architecture. One delegation referred to the key role of social protection systems and another expressed the opinion that human rights obligations were not contingent upon development and that, arguably, individuals, not groups, societies or States, were the holders of rights. Many expressed support for the elaboration of a legally binding instrument on the right to development, while one indicated not being in favour thereof.

9. Representatives of civil society organizations welcomed the work of the Expert Mechanism, the commentary on article 1 (1) and the thematic studies. A participant considered the Expert Mechanism's engagement with other human rights experts to be ideal for mainstreaming the right to development in the work of the United Nations. Another stressed the needs of minorities as crucial and one participant highlighted that ensuring security and stability, notably in conflict situations, was essential for realizing the right to development. A participant referred to unilateral coercive measures as obstacles that created systemic discrimination based on nationality for people living in targeted countries and another referred to the importance of continuing to address the legacy of colonialism. One stressed the crucial role of participation, the duty of the international community to restructure development cooperation models and the role of civil society in representing those often left unheard. A participant suggested that the Expert Mechanism develop a study on the role of the right to development in protecting the rights of women and girls.

10. At the seventh session, general statements were delivered by the representatives of the European Union, the Bolivarian Republic of Venezuela, India, Belarus, China, the Syrian Arab Republic, Algeria, Indonesia, Saint Kitts and Nevis, Cuba, Morocco, Egypt, the Luz Maria Foundation and the **Women's Federation for World Peace International**.

11. Most State representatives expressed support for the Expert Mechanism and its work. One, despite not supporting the Expert Mechanism's creation, continued to engage in the discussions involving the strengthening the human rights architecture, noting the importance of social protection, coordination under the new agenda for peace, youth participation and leadership, particularly of young women and girls, and the rights of future generations. Many highlighted the urgent need to realize the right to development, especially against the backdrop of the current crises of climate, geopolitics, economics and health, which deepened poverty and inequality and raised obstacles for achieving sustainable development, especially for developing countries. Some called for the recognition of the right to development as an inalienable right, with individual and collective dimensions. Others criticized unilateral coercive measures and called for their nullification. Many urged international cooperation,

constructive engagement and consensus-building among States. Some emphasized the need for inclusive participation and partnership with youth and Indigenous Peoples, among others. Several delegations recommended strengthening cooperation between the Expert Mechanism and other human rights mechanisms and mainstreaming the right to development within the United Nations system.

12. Civil society representatives emphasized the critical need for engagement and partnership with children and youth. One recommended mobilizing the right to development as the guiding principle for time-bound global development agendas, including the 2030 Agenda for Sustainable Development and beyond. The right to development should not be regarded as an issue for developing countries only and international cooperation should not be guided by altruism but rather by the duty to implement obligations.

13. The members of the Expert Mechanism welcomed the support and engagement of States and stakeholders at the two sessions. They noted the reiterated calls for solidarity and international cooperation to overcome the multiple ongoing global crises. They discussed the theoretical and legal normative dimensions of the right to development and spotlighted the three levels of obligations⁷ that States had assumed in 1986 in the Declaration on the Right to Development. The members of the Expert Mechanism took note of the recommendations for adopting a legally binding instrument on the right to development.

B. Interactive dialogue with the Chair-Rapporteur of the Working Group on the Right to Development and the Special Rapporteur on the right to development

14. During his remote participation at the sixth session, the Chair-Rapporteur of the Working Group on the Right to Development stated that, while several States were supportive of a legally binding instrument on the right to development, a group of States were not. Every effort should be made during the drafting process to ensure transparency and participation. For the Working Group's twenty-fourth session, he would prepare and submit a second revised version of the draft convention to be followed by the submission of the final text to the Human Rights Council for its consideration and action. The Working Group should not engage in an endless negotiation process and it was important to bring deliberations to a close.

15. The Special Rapporteur on the right to development participated in person. He referred to his most recent reports on the compliance of coronavirus disease (COVID-19) pandemic recovery plans with the right to development at the international and national levels, which had been presented to the General Assembly⁸ and the Human Rights Council.⁹ He recommended that international cooperation consider extraterritorial obligations as a human rights principle for cross-border solutions; that States continue to support a well-coordinated global approach to the development and non-discriminatory distribution of vaccines; that the members of the World Trade Organization expand the waiver for the Agreement on Trade-Related Aspects of Intellectual Property Rights to also cover restrictions relating to health products and technologies; and that high-income countries invest additional efforts in assisting countries from the global South.

16. The Chair, the Working Group and the Special Rapporteur discussed¹⁰ the current gaps in operationalizing the right to development. Such gaps could be addressed by exploring the possibility of coordinating the Expert Mechanism's sessions and the Working Group's future work and by going beyond the current political impasse, framing the right to development in a way that directly intersected with the global challenges that affected the global South and the global North alike.

⁷ A/HRC/15/WG.2/TF/2/Add.2, annex.

⁸ A/77/174.

⁹ A/HRC/51/30.

¹⁰ See <https://media.un.org/en/asset/k1g/k1gx8pbms5>.

C. Focused thematic discussions

17. At its sixth session, the members of the Expert Mechanism engaged in a dialogue with members of the Expert Mechanism on the Rights of Indigenous Peoples to learn from the latter's country engagement mandate, to exchange good practices and to discuss interlinkages between the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Right to Development. Dialogues were also held with representatives of civil society and of the least developed countries. At its seventh session, the Expert Mechanism held five focused thematic discussions with a view to contributing to the processes in the lead-up to the high-level political forum on sustainable development convened under the auspices of the General Assembly (Sustainable Development Goals Summit), to be held in September 2023, and the Summit of the Future, to be held in September 2024. Dialogues centred on the right-to-development approach to relevant themes.

1. Interactive dialogue with the Expert Mechanism on the Rights of Indigenous Peoples

18. Five out of the seven members of the Expert Mechanism on the Rights of Indigenous Peoples participated in the dialogue.¹¹ They considered their country engagement mandate as an opportunity to build dialogue between States and Indigenous Peoples on the implementation of the Declaration on the Rights of Indigenous Peoples. The mandate involved a series of steps to respond to requests, agree on terms of reference with relevant parties and carry out country visits, with specific deliverables, a technical advisory note and follow-up. The members of the Expert Mechanism on the Rights of Indigenous Peoples discussed their various activities, reports and studies and the ways in which they touched on the right to development and the right to economic self-determination, including through control over natural resources. Its previous studies had articulated the right to develop a particular way of life and traditional economic activities connected to the land as key in ensuring the survival and continued development of the cultural identity of Indigenous Peoples.¹²

19. Regarding interlinkages between the two declarations, members of the Expert Mechanism on the Rights of Indigenous Peoples stressed the fundamental role of the right to development in realizing other rights, such as self-determination, and shared their concern about the lack of specific references to Indigenous Peoples in the Declaration on the Right to Development. This led Indigenous Peoples to rely on creatively applying their voices to the generic rights included thereof. Connecting the two declarations required the constant and active awareness of the context in which Indigenous rights should be promoted and protected and this could be done by the joint work of the two expert mechanisms.

20. In the ensuing discussion, representatives from Brazil, Mexico, the International Human Rights Association of American Minorities, the Women's Federation for World Peace International and Associazione Comunità Papa Giovanni XXIII took the floor. State representatives welcomed the synergy between the two expert mechanisms. One made an appeal to the participants not to lose sight of the particular connection of Indigenous Peoples to the land and natural resources. It was important not to overshadow discussions on Indigenous Peoples' rights, including their right to freely pursue their development, within the more general discussions on the right to development. A participant referred to the right to self-determination outside of domestic jurisdiction under international law and another regretted that the right to development had not been mobilized as much as the rights of Indigenous Peoples. She advocated for country engagement of the Expert Mechanism on the Right to Development that promoted knowledge of that right, was adequately resourced and included the participation of civil society as a priority.

2. Engagement with civil society

21. The members of the Expert Mechanism and civil society representatives discussed avenues for promoting, protecting and operationalizing the right to development, identifying

¹¹ See <https://media.un.org/en/asset/k1e/k1eb3cvkry>.

¹² [A/HRC/45/38](#) and [A/HRC/EMRIP/2019/3/Rev.1](#).

good practices and obstacles.¹³ The panellist from the International Association of Democratic Lawyers argued that discussions on the right to development should not be limited to the 2030 Agenda and should connect with the rights of peasants in relation to the activities of transnational corporations. The full realization of the right to development lay in the hands of peoples, and international law could only accelerate or delay achievements. The panellist from Rosa-Luxemburg-Stiftung referred to the importance of solidarity, accountability and active, free and meaningful participation for progressive social development. Trade unions and civil society were crucial to mobilizing the right to development and they should be provided with tools to enable them to employ right-to-development language and concepts in their work, including regarding the many issues in the international arena that affected the rights of peoples at the domestic level.

22. For the panellist representing Centre Europe-tiers monde, the main obstacle for community-based participation in decision-making was the shrinking of civic space, which had been heightened by the pandemic, the global recession and growing inequalities. It was important to redefine, encourage and realize real synergy among grass-roots organizations and social movements to create common ground. This would be possible if such synergy was based on the principle of self-determined development. The panellist representing FIAN International referred to other challenges, such as the misunderstanding of development as mere economic growth, seen by grass-roots communities as an instrument for exploitation often linked to the work of the private sector to the detriment of human rights. The panellist from Fundación de la Solidaridad y el Voluntariado de la Comunidad Valenciana highlighted the failure of the dominant development paradigm and the need to look for alternatives. Human beings needed to live in harmony with nature and Indigenous Peoples should practise their right to self-determination. Both FIAN International and Fundación de la Solidaridad y el Voluntariado de la Comunidad Valenciana expressed concern about the distrust and suspicion of the term “development” itself.

23. During the ensuing dialogue, representatives of the following States and organizations took the floor: the Russian Federation, Brazil, Association Ma'onah for Human Rights and Immigration jointly with the Geneva International Centre for Justice, Centre Europe-tiers monde jointly with Via Campesina, Maat for Peace, Development and Human Rights Association, the Women's Federation for World Peace International jointly with the NGO Committee on the Status of Women, Associazione Comunità Papa Giovanni XXIII, the Organization for Defending Victims of Violence, Oxfam International and the University of Lille.

24. One State representative stressed that “sustainable” was an adjective modifying “development” and that the legally binding instrument would provide clarity on the definition of development and on the obligations and commitments of States and the international community. Another indicated that civil society participation was itself a sign of development and helpful for reducing inefficiencies and identifying corruption. Civil society participants highlighted their need for funding, capacity-building and enabling legal and development frameworks for their effective participation. One referred to the crises of climate change, food and hunger, compounded by the pandemic, which had caused conflict over the use and control of resources for peasants. It was important to link the right to development with the rights of peasants. Others stressed that links were also needed with the issues of peace and security and unilateral coercive measures. One referred to the crisis of multilateralism and the rise of populism, which suggested the need for reform of the United Nations system. One participant recommended the organization of discussions with entities and activists outside of Geneva and another referred to the role of academia and the importance of multi-stakeholder engagement and the smart empowerment of people.

25. The members of the Expert Mechanism stressed that it was a collective job to ensure that the right to development meant that rights holders had the right to determine what development meant to them and to dispel all doubts and uncertainties around the word “development”. That right offered a common normative framework that could help to overcome the fragmentation of the different mandates within the United Nations and other international organizations. The members of the Expert Mechanism welcomed future

¹³ See <https://media.un.org/en/asset/k17/k172h86bu7>.

collaboration with civil society, including grass-roots organizations, trade unions and non-governmental organizations.

3. Discussion on least developed countries

26. At its sixth session, the members of the Expert Mechanism exchanged views with representatives from least developed countries on the ways in which to operationalize the right to development, especially in view of the implementation of the Doha Programme of Action for the Least Developed Countries with regard to graduation criteria.¹⁴ A panellist from the Office of the United Nations High Commissioner for Human Rights explained the least developed country category, the three graduation criteria and the international community's acknowledgement of the special support such countries needed.¹⁵ The Permanent Representative of Qatar highlighted the obstacles and challenges faced by the least developed countries, not only those resulting from the recent multifaceted crises, including the pandemic, but also the structural impediments to sustainable development, such as the lack of national resources and capacities, climate vulnerability, indebtedness, limited access to export markets, a lack of food, health care and energy and the need for an enabling international environment.

27. The Chargé d'affaires a.i. of Bangladesh referred to the most important issues in the interface between the right to development and the least developed countries, including that the Expert Mechanism should constantly remind the international community of the right to development's three levels of obligations. The panellist representing Nepal discussed the challenges, needs and opportunities faced by the least developed countries in the context of the right to development and the Doha Programme of Action. The least developed countries had faced multiple setbacks in their efforts to realize the 2030 Agenda and the Sustainable Development Goal commitments.

28. In the ensuing discussion, representatives of the Organization of Islamic Cooperation, the Democratic Republic of the Congo, Associazione Comunità Papa Giovanni XXIII and the International Human Rights Association of American Minorities took the floor. They highlighted the obstacles and challenges faced by the least developed countries and the importance of international cooperation for achieving development through the duty of international cooperation. The Doha Programme of Action was important but it was only the first step to ensuring that the least developed countries were not left behind. The implementation of the Doha Programme of Action should be based on operationalizing the right to development, especially the duty to cooperate. The Expert Mechanism could play an important role in establishing the linkages between the right to development and the Doha Programme of Action.

29. The members of the Expert Mechanism noted the repeated references of participants to the importance of international cooperation for achieving development through the duty of international cooperation. They took note of the suggestions to elaborate studies to develop an accountability framework on partnership for the Doha Programme of Action and on graduation criteria for the least developed countries.

4. New agenda for peace

30. The focused thematic discussion on the new agenda for peace,¹⁶ held during the seventh session, was opened by Mr. Kanade. He referred to the mutually dependent relationship between development, understood as a human right, and peace and security. The Chargé d'affaires a.i. of Costa Rica commented that the design and development of the new agenda for peace should transcend the fragmentation between the three pillars of the United Nations and be integrated into a continuum. The new agenda for peace should support national capacities to address violence and systemic discrimination against certain groups, be inclusive of the different entities and areas that contributed to peacebuilding and peace sustainability and tackle the culture of militarism and excessive military expenditure.

¹⁴ See <https://media.un.org/en/asset/k1n/k1nsvmytec>.

¹⁵ See General Assembly resolution 2768 (XXVI).

¹⁶ See <https://media.un.org/en/asset/k1x/k1x3a1if9x>.

31. The Permanent Representative of Sri Lanka regretted that the promise of the right to development had not been realized. States and all societal actors, including the private sector and civil society, had a responsibility to strengthen the realization of human rights by providing an enabling environment for equitable development, both internally and globally. The Military Adviser from the Department of Peace Operations noted that global challenges were triggering conflict and instability, hindering progress and development. The new agenda for peace should be an inclusive political process, including key segments of the military, and should be strengthened with the resources necessary for prevention and development assistance to address the root causes of conflict and uphold human rights. The Secretary General of Religions for Peace highlighted the role that religious institutions and people of faith played in development and called for the right to development and civil society to be inclusive of both secular and religious partners and to hold those actors accountable by insisting that they invest in one another and work together.

32. In the ensuing discussion, representatives from Egypt and the **Women's Federation for World Peace International** took the floor. The first stressed the importance of not conflating ideas regarding development, peace and security with those regarding human rights, despite their interconnectedness. The second **raised the dilemma of coercive economic measures in peacebuilding under the responsibility to protect individuals already burdened by conflict**. Another raised the importance of further considering regional contexts and how non-declared conflicts, such as violence in Latin America, played a role in limiting the right to development. The panellists agreed with the participants and highlighted the interdependence of all human rights and the need for mechanisms to operationalize such interdependence and for peacekeeping mandates to be adequate for the realities on the ground. Practical gaps emerged when development priorities were determined by donors and not by rights holders.

33. The members of the Expert Mechanism expressed appreciation for the input that had highlighted the need to invest in peace to prevent and address the root causes of conflict and the role of religious actors and faith institutions. They acknowledged the challenges of building and sustaining peace, not only in conflict zones but also in other contexts with high levels of violence.

5. Measuring progress beyond gross domestic product

34. Koen De Feyter opened the discussion on measuring progress beyond gross domestic product (GDP),¹⁷ noting that GDP inadequately addressed modern challenges, such as environmental degradation and biodiversity loss. Concerns from a right-to-development perspective included whether a new global system of measurement could better accommodate the plurality of human rights, allow for the availability of disaggregated data and measure cooperative efforts at the international level. The Permanent Representative of Malawi referred to the shortcomings of GDP and discussed new types of accountability frameworks, including the multidimensional vulnerability index for vulnerable countries and category measurements for least developed countries, and strategic foresight. The measures needed to account for all the dynamics affecting economic progress to make development equitable and leave no one behind.

35. The Acting Director of Statistics of the United Nations Conference on Trade and Development discussed the Our Common Agenda policy brief on valuing what counts: framework to progress beyond gross domestic product, issued by the Secretary-General. The policy brief set out a two-step process premised on the international human rights framework, with a focus on well-being and agency: a political process to agree upon development frameworks as to what counted and a technical and scientific process to identify and develop high-quality metrics to measure what counted. It included a dashboard of 10 to 20 key indicators that were as clear and appealing as GDP but were inclusive of the environmental and social aspects of development. The Chair of the Committee for Development Policy commented that the value added of the human rights perspective was to look at the ways in which GDP was used to realize economic, social, cultural, political and civil rights. The right-to-development perspective recognized differentiated resources that countries had at their

¹⁷ See <https://media.un.org/en/asset/k1x/k1x3a1if9x>.

disposal and it was necessary to contextualize development outcomes against the availability of resources.

36. During the ensuing discussion, representatives of Egypt, Mali, China, Uruguay, Cameroon and Peru took the floor along with a representative of the Women's Federation for World Peace International and the Resident Coordinator for the Cook Islands, Niue, Samoa and Tokelau. The participants commented repeatedly on the difficulty faced by middle-income countries, land-locked developing countries and small island developing countries in accessing concessional financing, technology transfer and development financing. The criteria for allocating resources should be multidimensional and focus on development as a comprehensive, gradual and uninterrupted process. The participants expressed support for a multidimensional vulnerability index and highlighted the need to engage institutions and decision-makers in utilizing new systems of measurement for development.

37. The members of the Expert Mechanism noted the serious limitations of the overreliance on GDP as a measure of progress and cooperation and the need to contextualize achievement outcomes and States' differentiated responsibilities on the basis of the level of resources available. They noted the call for the further engagement of the Expert Mechanism with relevant entities, such as the High-level Panel on the Development of a Multidimensional Vulnerability Index for Small Island Developing States. The members of the Expert Mechanism recalled the continued relevance of the Declaration on the Right to Development in this debate and in effecting change in norms and policies.

6. Reform of the international financial architecture

38. At the seventh session, Klentiana Mahmutaj opened the discussion¹⁸ on the reform of the international financial architecture by noting that the size and conditions of sovereign debt affected the ability of States, especially the developing and least developed, to fulfil the right to development vis-à-vis individuals and peoples. The Permanent Representative of Pakistan proposed seven reforms to address structural inequalities, namely: policy changes in the international financial institutions; recapitalizing multilateral development banks; supporting export-led growth in developing countries; properly structuring debt relief to countries in debt distress; taking a new approach to development cooperation aimed at more than just GDP growth; developing an intergovernmental agreement for universal arrangements on minimum corporate tax rates; and establishing private sector incentives for advancing the Sustainable Development Goals.

39. The Permanent Representative of Ecuador advocated for international financial institutions and multilateral development banks to stop using per capita income as the only criterion for assigning financial resources. Processes such as debt swaps linked to environmental protection should be encouraged. The former 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, discussed the harm and ineffectiveness of the surcharges imposed by the International Monetary Fund (IMF), arguing that such surcharges had a procyclical behaviour and did not serve as a mechanism to accelerate payment but rather to punish countries for needing debt.

40. During the discussion, representatives of Nicaragua, China, Malawi and the Women's Federation for World Peace International took the floor. Participants raised questions about political will, good governance and State responsibility and the role of the private sector. They questioned whether lending conditionalities contributed towards obstacles in the realization of the right to development and requested an explanation of the IMF justification for surcharges. Panellists affirmed that the role of the private sector was key and explained that surcharges were justified to discourage excessive borrowing and incentivize quicker repayment. One State representative regretted the lack of flexibility of IMF on conditions, which had delayed an agreement with his country, and advocated for developing countries to collectively push for reforms. Another mentioned that IMF reflected the interest of States and suggested collective bargaining by debtor Governments.

¹⁸ See <https://media.un.org/en/asset/k1e/k1eu3qu2v1>.

41. The members of the Expert Mechanism noted the multiple concerns of the participants regarding weak and unequal governance structures in the international financial architecture, short-sighted lending policies and practices, including surcharges that compounded vulnerability, and their inadequacy for providing relief to countries confronted with multiple crisis. They acknowledged the input that highlighted the importance of political will, the collective dimensions of solutions and the potential of collective bargaining for countries in debt.

7. Future generations

42. Mr. Ibhawoh opened the discussion¹⁹ on future generations by noting that they would bear the consequences of the decisions made today, particularly on climate change, technology and peace and security. Drastic action was needed to protect them. The Permanent Representative of Jamaica referred to the ongoing inclusive consultations and dialogues regarding the declaration for future generations to establish and embed a mindset that would enable the risks and challenges for future generations to be minimized.

43. The Director of the Our Common Agenda team in the Executive Office of the Secretary-General discussed the need to take more seriously the problems that lay in the future and to make more sustainable and fairer decisions. Three mechanisms were proposed for achieving this in the Our Common Agenda policy brief entitled “To think and act for future generations”: (a) an envoy for future generations; (b) a declaration for future generations; and (c) a dedicated forum for future generations as a subsidiary body of the General Assembly. The Chief Executive Officer of Center for International Environmental Law discussed the legal foundations regarding future generations found in national constitutions, major faith traditions and traditional knowledge and practices of Indigenous Peoples. Human rights had no temporal limitations, the line between present and future generations was inherently vague and the role of young people was paramount, given their proximity to future generations.

44. During the ensuing dialogue, representatives of Nicaragua, Malawi and Indonesia took the floor along with representatives of the Women’s Federation for World Peace International and the International Development Law Organization. They highlighted the need to include children and youth in decision-making and identified the family unit as a major stakeholder. The best gift to future generations would be to achieve the Sustainable Development Goals and the 2030 Agenda. A member of the Expert Mechanism noted that the proposed three-mechanism model resembled that of the right to development and expressed concern that the rights of future generations could face issues in adopting a declaration. Another member questioned the impact of artificial intelligence, considering the lack of regulatory frameworks to prevent future harm, and a third member expressed the view that the world was still better off with a declaration for future generations than without. In any case, the right to development did not have a temporal limitation and allowed for a progressive interpretation extending to future generations.

45. The members of the Expert Mechanism acknowledged the importance of embedding long-term intergenerational thinking and investing into current generations and noted that there was no inherent contradiction between short-term and long-term actions. It was not the existing multilateral agreements that needed to be changed, but the arrangements that enabled their delivery and implementation. Addressing existing deep-seated intragenerational inequalities, including racism, poverty and environmental and climate injustice, would also address intergenerational justice and equality. It was important to set principles and integrate them into existing processes and regimes that could enforce the fulfilment of the greater duties and responsibilities of current generations.

8. Youth participation

46. At the seventh session, Liliana Valiña opened the dialogue²⁰ on youth participation by noting that the contributions of youth could help to achieve the Sustainable Development

¹⁹ See <https://media.un.org/en/asset/k1e/k1eu3qu2v1>.

²⁰ See <https://media.un.org/en/asset/k1f/k1fajmsll0>.

Goals. Identifying experiences and specific programmes was crucial to exploring pathways for more systematic and meaningful participation of youth in global decision-making processes. The Permanent Representative of Egypt discussed the ways in which the United Nations should elevate the youth agenda and highlighted the pressing issues of job creation and employability. He described developments in the youth agenda in Egypt.

47. The Officer in Charge and Special Adviser to the Office of the Secretary-General's Envoy on Youth mentioned that youth were disproportionately affected by multifaceted crises, yet they were playing a critical role in advancing the 2030 Agenda and taking the lead to realize the Sustainable Development Goals. She noted the ongoing efforts to listen to youth. Two youth activists stressed the need to build capacity for youth to participate in mainstream processes and highlighted the need to tackle donor-driven development cooperation. The inclusion of youth and children was a necessary investment and resources needed to be mobilized to create spaces for participation.

48. During the discussion, representatives of the Dominican Republic, China, Morocco and Cuba took the floor along with a representative of the Women's Federation for World Peace International. Participants mentioned the need to address obstacles to human rights, build more egalitarian societies and consider the global South perspective. Youth needed more training and capacity-building and opportunities to participate in United Nations affairs through internships. In connecting youth with the right to development, it was important to acknowledge that youth were diverse and the type of representation mattered. The participants stressed the importance of education and awareness-raising.

49. The members of the Expert Mechanism acknowledged the calls to invest in youth and their expertise and capacity, including through financing and the mobilization of resources, to enable their participation in mainstream decision-making processes rather than parallel ones. They acknowledged the distinct needs of children and youth and noted the recommendation to better connect youth with the right-to-development agenda, including through its operationalization.

IV. Expert Mechanism's contributions to the high-level political forum on sustainable development convened under the auspices of the General Assembly (Sustainable Development Goals Summit) and the Summit of the Future

A. Operationalizing the right to development in the new agenda for peace, including investing in conflict prevention and peacebuilding

50. In his report on Our Common Agenda,²¹ the Secretary-General highlighted the need for a new agenda for peace that addressed the multidimensional challenges that the international community faced today and for a peace continuum based on a better understanding of the underlying drivers and systems of influence that were sustaining conflict. A renewed effort to agree on more effective collective security responses and a meaningful set of steps to manage emerging risks were also needed. Among the six potential core areas for action set out in the report was investing in prevention and peacebuilding.

51. In his report, the Secretary-General proposed that a new agenda for peace could renew calls for Member States to allocate a dedicated amount of assessed contributions to the Peacebuilding Fund. This complementary investment would increase the sustainability of peacekeeping outcomes and support the development agenda.

52. Operationalizing the right to development through these efforts can ensure better and more sustainable results. The Declaration on the Right to Development recognizes the mutually dependent relationship between development, understood as a human right, and peace and security. Violations of human rights, which are often the root cause of conflict and violence, are key obstacles to the realization of the right to development. The Declaration

²¹ A/75/982.

also recognizes the importance of peace and security, including disarmament, in the realization of the right to development. At the same time, the 2030 Agenda recognizes the mutually dependent relationship between sustainable development and peace. Neither can be realized without the other.

53. Conflict prevention and peacebuilding require the establishment of enabling national and international environments. National efforts to invest in these can include reducing excessive military budgets and channelling the savings to enhance social spending and ensuring the effective rule of law and good governance. International efforts to invest in such efforts can include an increase in targeted development assistance, eliminating obstacles to the realization of the right to development and other human rights resulting from lopsided investment or trade agreements and adopting international development policies that foster peace and sustainable development. Investing in conflict prevention and peacebuilding must be based on the duty of international cooperation inherent in the right to development. To this end, article 4 (1) of the Declaration recognizes that States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

54. The call to reduce excessive military budgets and ensure adequate social spending should not be seen as a soft moral appeal but rather a reflection of the normative framework of duties incumbent upon States. Indeed, article 7 of the Declaration stipulates that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

55. Development assistance under a new agenda for peace should be anchored in the normative principles of the right to development to better ensure that the root causes of conflicts are addressed and the rights of individuals and peoples are upheld. This requires that development assistance not be seen as charity but rather is designed and implemented through the lens of the duty to cooperate. As such, development assistance should be tailored to the self-determined development priorities of the rights holders in the country concerned. Their right to actively, freely and meaningfully participate in and contribute to their own development must be respected and the benefits of such assistance must be enjoyed by all without discrimination. Particular attention must be given to the participation and contribution of the marginalized and vulnerable sections of societies. Under no circumstances should development assistance infringe upon human rights. Human rights impact assessments and due diligence of development assistance, including through a gendered lens, must be conducted prior to, during and after the implementation of projects. Finally, development assistance must not be conditional or debt creating. Local employment should be generated as much as possible.

56. The objectives of sustainable development, peacebuilding and human rights can best be brought under one umbrella by harnessing the normative framework of the right to development. The new agenda for peace, including investing in conflict prevention and peacebuilding, will therefore benefit substantially from the mainstreaming of the right-to-development framework.

B. Measuring progress beyond gross domestic product

57. The need to move beyond GDP as a measure of development has emerged from the understanding that relying on GDP for such measurement results in negative externalities and blind spots and inadequately addresses current challenges. Development measures based on GDP alone reward pollution, waste and inequalities. One of the most severe adverse consequences of economic growth has been extreme environmental degradation and biodiversity loss. Although long-term economic growth and well-being are threatened by these outcomes, the consumption of natural resources in the short term increases GDP. In response, both Our Common Agenda and target 17.19 of the Sustainable Development Goals call for the development of measurements of progress on sustainable development that

complement GDP and support statistical capacity-building in developing countries. The Expert Mechanism welcomes the work of the High-level Panel on the Development of a Multidimensional Vulnerability Index for Small Island Developing States in this regard.

58. In the context of the right to development, development is undoubtedly understood as a multidimensional concept, reflecting all dimensions of human rights: civil, cultural, economic, political, social and, now, also environmental. Staunch support can therefore be found in the right to development for a system of measurement of development that includes indicators referring to all of those dimensions.

59. This is not to say that GDP has become irrelevant. GDP remains important as an indicator of the resource base of a State and, thus, as an indicator of the resources available for the realization of the right to development and of all other human rights. Countries with low resource availability face serious obstacles to the realization of the right to development.

60. As a complement to the efforts of these countries, international cooperation is essential to provide them with appropriate means and facilities to foster their sustainable development.

61. The duty to cooperate among States implies a duty to assist and to seek assistance as a means of implementing the right to development. A measurement system of development should ideally include not only resources generated domestically but also enable monitoring of the extent to which a State provided or received external assistance.

62. The right to development is a right held by individuals and peoples, including Indigenous Peoples. As a human right, development is self-determined by the rights-holders. They are entitled to the realization of their development by the duty bearers. Therefore, although development is always understood as multidimensional, its precise content is dependent upon the rights holders and may vary across territories and even within a single State. A universal measurement system should therefore allow space for localization, enabling rights holders to pursue their own development path.

63. The right to development is of particular relevance for the protection of rights holders that have not been accommodated by mainstream development policies at either the domestic or the international level. It is thus essential for the implementation of the right to development for there to be access to data on societal groups that are currently less able to participate in the fair distribution of the benefits resulting from development, as stated in the Declaration on the Right to Development. Only then can policy and legal measures at the international and domestic levels be designed to effectively address the obstacles that prevent the realization of the right to development.

64. The establishment of a multidimensional system of measurement of development does not settle the question of how that system would be used. GDP is used as a criterium for concessional financing, development cooperation and technology transfer. The right to development is a common concern of humanity and should be realized through the common but differentiated efforts of all countries. The elaboration of a new measurement system for development should therefore be accompanied by measures that ensure that the system will be used in such a way as to contribute to an enabling international environment for the realization of the right to development.

C. Reform of the international financial architecture

65. The international financial architecture must be reformed through a right-to-development approach. It is expressly set out in the Declaration on the Right to Development that appropriate economic and social reforms should be carried out with a view to eradicating all social injustices. Under the Declaration, States are also required to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

66. Currently, developing countries are facing multiple crises of food, fuel and finance. A debt crisis is imminent, with about 54 countries currently in debt distress. Climate change

has transformed the nature of the development challenge. In such circumstances, systemic reform of the international financial system is urgently required.

67. The flows in the current financial architecture became acutely apparent during the recent global health crisis. Developing countries were limited in their ability to respond because of their lack of access to affordable finance, which in turn limited their fiscal space, exacerbated their vulnerability to debt and undermined their ability to invest in people and in their own future.

68. It is abundantly clear that the existing financial architecture has had a direct impact on many areas of human rights, including the rights to development, education and health. It directly affects nutrition, social protection and the environment. People in the most vulnerable situations bear a disproportionate burden.

69. Lending decisions, policies and practices, including loan surcharges, high interest rates and risk premiums, at times put so great a strain on such States' finances that, instead of helping development, loans can leave States unable to fund public services and fulfil human rights. This is because States have to divert funds to service debt, while implementing stringent fiscal policies.

70. In the light of the above, the following reforms are among those that should be considered:

(a) Governance should be broadened to include developing countries in decision-making and in the establishment of international economic norms;

(b) More finance should be made available and multilateral and regional development banks, which play a critical role in that process, should increase their financing to developing countries on favourable terms, especially to middle-income countries, where 70 per cent of the world's population lives;

(c) While lending should increase, per capita income should not remain the only criterion for assigning financial resources and access to financing, and favourable conditions should be based on measures that look beyond GDP and are aimed at a more inclusive approach based on international cooperation;

(d) Multidimensional vulnerabilities, poverty, structural gaps and environmental challenges should be recognized criteria for access to global financial flows and a multidimensional vulnerability index should be used when deciding access to financing;

(e) In this context, lending institutions, in particular IMF, shape national economies through their recommendations, such as policy advice and conditionalities associated with loans. More specifically, the IMF surcharge loan policy has a direct impact on human rights, including the right to development. While that policy was put in place to reduce IMF exposure to the borrowing countries' risk of default, it does not serve as a mechanism to accelerate payment but rather to punish the countries in debt. Surcharges, therefore, disproportionately affect countries in crisis. It is necessary to remedy the architecture of sovereign debt, which does not allow developing countries to overcome their financial vulnerabilities. Against an increasingly burdensome and complex debt horizon, it is important for countries to be able to alleviate and restructure their debt in the face of unforeseen situations that have a direct impact on their growth outlook. It is essential to look at new structures, such as debt swaps linked to environmental protection;

(f) In the broader context of defining the parameters of the international economy, new measures are necessary, including taxation of the digital economy negotiated through an inclusive and transparent process within the United Nations framework;

(g) Last, but not least, the private sector should be incentivized to play a bigger, more active role in the process and mobilize the investment required.

71. In summary, for the right to development to be fulfilled, appropriate economic and social reforms should be carried out with a view to eradicating all social injustices. Possible measures should include public debt relief for developing countries and policies that do not involve modelling the economies of debtor countries on the basis of orthodox economic theories, which could increase inequality and environmental degradation. International

financial law must not legitimize debt conditions that leave developing countries with no fiscal space to fully exercise the right to development.

D. Right to development and future generations

72. Protecting the interests of future generations is an essential aspect of sustainable development. Sustainability implies a long-term approach to development that links the well-being of people living today to the well-being of future generations. Several United Nations agencies have noted that the decisions of living generations are rapidly closing the options for future generations and have called for drastic action to protect them. Future generations will have to live with the consequences of our activities and inaction, particularly on climate change, technology, the economic order and peace and security.

73. The commitment to protecting the interests of future generations is embedded in the Charter of the United Nations, which contains the promise to save succeeding generations from the scourge of war. Similar commitments are also outlined in the Declaration on the Responsibilities of the Present Generations Towards Future Generations, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1977, the 2030 Agenda and the Paris Agreement on climate change.

74. These commitments have yet to result in meaningful steps to protect the interests of future generations nationally and within the multilateral system. The Secretary-General's report on Our Common Agenda addressed this gap by centring the obligation of the present generation on future generations. The report outlined a road map to a sustainable future for people and the planet, prosperity and peace, underpinned by partnership, international cooperation and solidarity. The Summit of the Future offers an opportunity for concerted multilateral action to strengthen global governance for both present and future generations.

75. Solidarity with future generations is anchored in the principle of intergenerational equity, which recognizes that the actions and decisions of current generations can have long-lasting effects on the well-being and opportunities of future generations. It requires the benefits and burdens of economic, social and environmental decisions to be shared equitably among different generations.

76. Future generations are, by definition, unrepresented in today's decision-making and unable to articulate their needs. To translate intergenerational equity into practice, consideration must be given to forums to act on their behalf, as their trustees, and to instruments to further protect their interests. Technological advances offer the unprecedented capacity to forecast and understand the impact of current policies and activities on future generations.

77. Protecting the interests of future generations requires paying more attention to the voices and aspirations of young people, who are the closest to future generations. The report on Our Common Agenda contained a call for concerted steps to give young people a greater voice in designing their futures. This requires the systematic consideration of the interests of the 10.9 billion people expected to be born in this century, predominantly in the developing world.

78. The right to development pertains to both present and future generations. The provision for the constant improvement of the well-being of the entire population and of all individuals set out in the Declaration on the Right to Development extends to future generations. It is a recognition of the continuity of development processes across generations.

79. Future generations have as much right to development as present generations. The right to development of future generations imposes duties and obligations on current generations in critical sectors in which present-day decisions are likely to affect the well-being of future generations. A right-to-development approach enables the contemplation of what needs to be done or rectified by present generations to ensure that the right to development of future generations is protected and assured.

80. Protecting the environment and addressing climate change are crucial aspects of intergenerational equity. The inclusion of the right to development in the Paris Agreement,

the first universal, legally binding global climate change agreement, underscores the links between the right to development and intergenerational equity. Trends in global population growth indicate that most members of future generations will be born in what are currently low- or middle-income countries. Addressing inequality within and between States by supporting vulnerable communities through social investments will also benefit future generations.

81. Failure to take appropriate action today can lead to irreversible damage, affecting the quality of life for future generations. Sustainable practices, such as reducing carbon emissions and conserving biodiversity, are necessary to ensure a healthy planet and protect the right to development of present and future generations. The right to development offers a framework for balancing the commitment of today's generation to future generations with its duty to the present generation. As stated in the Our Common Agenda policy brief on thinking and acting for future generations, what we do for future generations is also what we need to do for ourselves. The right to development provides a valuable framework for ensuring that the interests of future generations are considered in decision-making processes that affect the environment, the economy, society and culture.

E. Meaningful youth engagement in policy and decision-making processes from the right-to-development perspective

82. The realization of the right to development requires the combined efforts of diverse stakeholders, including youth, to advance the relevant actions necessary to address current challenges.

83. The Expert Mechanism welcomes the Our Common Agenda policy brief entitled "Meaningful youth engagement in policy-making and decision-making processes", with its emphasis on the fact that youth are key to identifying new solutions that will secure the breakthroughs that the world urgently needs. Progress in youth participation is also essential for the inclusive and effective implementation of the Sustainable Development Goals, bearing in mind the Charter of the United Nations, the Universal Declaration on Human Rights, the spirit of the Secretary-General's call to action for human rights, and gender equality as a cross-cutting theme.

84. Article 8 of the Declaration on the Right to Development provides that States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all and that States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights. Article 3 indicates that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and the duty to cooperate with each other in ensuring development and eliminating obstacles to development.

85. The full participation and meaningful engagement of youth, including the empowerment of young women and girls and young men and boys in all their diversity, is central to achieving sustainable, inclusive and stable societies and to overcoming serious threats and challenges, such as the impact of climate change, unemployment, poverty, gender inequality, conflict, violence and migration.

86. There is a need to harness the critical voices and hopeful vision of young people to identify new solutions to current and potential challenges through their meaningful engagement, stronger national commitment and vigorous international cooperation. Youth can be the driving force for society and the vehicle for accelerating the achievement of Our Common Agenda.

87. It is of paramount importance to boost the adoption of innovative and systematic ways for young people to meaningfully participate in policy- and decision-making processes at all levels, using a right-to-development approach.

88. The international community and donors have a critical opportunity to engage in cooperation arrangements that include young women and men as a target group and as partners in and leaders of key project activities. In turn, it is essential that donors make it a

priority to increase the diversity of the young people involved in policy- and decision-making, while ensuring transparent mechanisms to increase the effectiveness of such actions.

89. Youth participation is a human right and the exclusion of youth might amount to a violation of their rights. There should be mechanisms that ensure their meaningful engagement based on non-discrimination, guarantees for greater diversity and representation and equal opportunity and dignity for all. Young people, including young women and girls, in more vulnerable situations, such as those from rural areas, Indigenous Peoples or those living in stressful economic and social conditions, from a diversity of cultures, countries and regions, must be involved in the design and adoption of the necessary changes and reforms.

90. In line with the Declaration on the Right to Development, fostering civic space is essential for youth engagement. There is an urgent need to strengthen or create new mechanisms and bodies, including digital platforms, at the national, regional and global levels to enable the meaningful participation of young women and men in all their diversity. This requires adequate, albeit ambitious, medium- and long-term financial support, intergenerational solidarity and committed support for their empowerment and the strengthening of their capacity for meaningful participation. It is also important to ensure that their participation is safe and based on transparent processes and includes appropriate feedback, including relevant indicators.

91. In summary, innovative policies, strategies and cooperation agreements, including the use of technology, digital platforms and technology transfer, intergenerational partnerships and the active and more visible involvement of young women and men, the use of relevant indicators to measure and evaluate the performance of current and future-related efforts and processes, effective and transparent mechanisms to prevent and remove obstacles and barriers and the prompt adoption of necessary reforms and changes, are among the ways in which to move forward towards more inclusive and sustainable development and making the right to development a reality for all.

92. Greater leadership of today's youth will provide better prospects for current and future generations in building the future we want. This transformation requires the active and diverse contributions of States, the United Nations and other international and regional institutions and a broad range of civil society actors, with strong youth voices throughout.

V. Thematic studies

93. At the beginning of its first three-year tenure, the Expert Mechanism identified five themes on which the members would submit studies to the Human Rights Council. The first two studies²² were presented to the Council at its forty-eighth and fifty-first sessions, respectively. A report on the three remaining studies is presented below.

94. The study on inequality and social protection systems in operationalizing the right to development had been initiated by former member of the Expert Mechanism, Armando De Negri Filho, and completed by Mr. Ibhawoh following Mr. De Negri's resignation. Mr. Ibhawoh presented a first draft²³ at the sixth session of the Expert Mechanism, explaining that it had been informed by consultations with a wide range of civil society organizations, including during Mr. Ibhawoh's study visit to Mexico in the context of the World Social Forum in 2022. Following discussions at the sixth session, an additional call for input was

²² [A/HRC/48/63](#). See also [A/HRC/51/36](#).

²³ See the conference room paper of the Expert Mechanism on the Right to Development on inequality and social protection systems in operationalizing the right to development, available on the web page of the sixth session of the Expert Mechanism on the Right to Development (<https://www.ohchr.org/en/events/sessions/2022/sixth-session-expert-mechanism-right-development>).

issued and, at the seventh session, Mr. Ibhawoh presented a revised draft.²⁴ A final version of the study results has been completed.²⁵

95. At the fifth session of the Expert Mechanism, Ms. Mahmutaj presented a first draft of the study on the right to development in international investment law.²⁶ At the seventh session, Ms. Mahmutaj presented a revised draft,²⁷ which had been informed by contributions resulting from a call for inputs in addition to inputs shared at the fifth session. A final version of the study results has been completed.²⁸

96. At the seventh session of the Expert Mechanism, Mr. De Feyter presented the draft study on the duty to cooperate and non-State actors.²⁹ The study was informed by contributions collected through a call for inputs and a desk study of arbitration cases between investors and States. It also includes the results of a site visit to Lesotho. The final version of the study has been completed.³⁰

97. Following the completion of the five studies and in accordance with previous practice, the Expert Mechanism agreed on the five study themes to be elaborated during its next three-year tenure. The subject of the first study will be equal opportunities for women's active and meaningful participation in the development process, including in decision-making. It will be focused on an analysis of the relevance of women's participation in development; the impact of discrimination against women and gender gaps on the realization of the right to development for all; and the ways in which best practices and relevant changes have affected the mainstreaming of indicators relating to the realization of the right to development for women and for the country.

98. The second study will be focused on the right to development in international development cooperation. While traditional development cooperation has been focused on North-South cooperation, South-South and triangular cooperation have emerged as potent supplements and have generated significant knowledge and experiences. The study will explore the ways in which the normative framework of the right to development can be mainstreamed and operationalized in the different forms of development cooperation practices. It will identify best practices across North-South, South-South and triangular cooperation and provide recommendations for measures to further enhance such cooperation by mainstreaming the right to development.

99. The third study will address climate justice, namely, vulnerability and responsibility. It will define, explore and elaborate various ideas, initiatives and practices that contribute to the adequate financing of climate transition and development at different levels. It will establish linkages between these processes, whether they are based on pluri- or multilateral cooperation, regional or domestic resource mobilization or the participation of international financial institutions. It will be an exploration of, inter alia, the Bridgetown Initiative; the G20 International Financial Architecture Working Group; the Summit for a New Global

²⁴ See the conference room paper of the Expert Mechanism on the study on the Right to Development on inequality, social protection and the right to development, available on the web page of the seventh session of the Expert Mechanism on the Right to Development (<https://www.ohchr.org/en/events/sessions/2023/seventh-session-expert-mechanism-right-development>).

²⁵ See [A/HRC/54/83](#).

²⁶ [A/HRC/51/36](#), paras. 48–51.

²⁷ See the conference room paper of the Expert Mechanism on the Right to Development on the study on the right to development in international investment law, available on the web page of the seventh session of the Expert Mechanism on the Right to Development (<https://www.ohchr.org/en/events/sessions/2023/seventh-session-expert-mechanism-right-development>).

²⁸ See [A/HRC/54/82](#).

²⁹ See the conference room paper of the Expert Mechanism on the Right to Development on the draft study on the duty to cooperate and non-State actors, available on the web page of the seventh session of the Expert Mechanism on the Right to Development (<https://www.ohchr.org/en/events/sessions/2023/seventh-session-expert-mechanism-right-development>).

³⁰ See [A/HRC/54/84](#).

Financing Pact; the Accra Marrakech Agenda of the Vulnerable Twenty Group; the Global Sovereign Debt Roundtable and the common but differentiated responsibilities.

100. The fourth study will be focused on climate justice, sustainability and the right to development. Vulnerable communities, particularly in developing countries, which have contributed the least to the climate crisis, bear the brunt of its consequences. There is growing recognition that climate justice and just transition are key frameworks for mitigating the impacts of climate change and achieving sustainable development. The study will explore ideas, strategies and practices for upholding the right to development in climate action by means of climate justice and just transition.

101. The fifth study will address artificial intelligence, regulation and the right to development. As artificial intelligence inevitably replaces many human jobs, arguably it also deprives people of meaningful and effective participation in their lives. High-risk artificial intelligence activity, far from benefiting humanity, can cause it serious physical harm. In such circumstances, the promotion of public participation, scientific integrity and reliable, robust and trustworthy artificial intelligence applications is fundamental to positive progress in artificial intelligence. In the absence of robust laws that go beyond ethical principles, there is a real risk that the right to development will be breached as a result of a lack of effective and meaningful participation through which individuals and peoples contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized.

VI. Other activities

102. The Expert Mechanism elaborated a commentary on article 1 (1) of the Declaration on the Right to Development. The first draft was discussed at the fifth session.³¹ At the sixth session, Mr. De Feyter presented a second draft.³² The Expert Mechanism took note of all the suggestions and opinions expressed therein, including the reservations about the mandate of the Expert Mechanism to draft commentaries, and recalled paragraph 18 of Human Rights Council resolution 51/7, whereby the Council looked forward to the preparation of commentaries on the articles of the Declaration on the Right to Development by the Expert Mechanism. On 22 February 2022, the Expert Mechanism adopted the commentary in an informal meeting and, on 1 March 2023, it presented the commentary at the high-level meeting commemorating the thirty-fifth anniversary of the Declaration (see annex II).

103. On 20 September 2022, the Expert Mechanism organized an in-person workshop on realizing the right to development with civil society. The workshop was aimed at raising awareness through a constructive dialogue with major civil society entities on the meaning of that right, why it was essential, the ways in which it could be implemented and how obstacles to its realization could be overcome. Civil society organizations shared their experiences and work to realize and claim the right to development and discussed ways in which to strengthen those efforts. Others explained why they had not been involved with the right to development and expressed their appreciation for the Expert Mechanism's efforts to engage with civil society.

VII. Conclusions

104. The Expert Mechanism appreciates the meaningful discussions held during its sixth and seventh sessions with Member States, civil society organizations, mandate holders, United Nations and non-United Nations experts and academics. It thanks all the speakers and participants for their engagement and welcomes their contributions. The Mechanism will continue to collaborate with relevant experts on future sessions.

³¹ A/HRC/51/36, paras. 35–39.

³² See the conference room paper of the Expert Mechanism on the Right to Development on the draft commentary on article 1 (1) of the Declaration on the Right to Development (25 September 2022), available on the web page of the sixth session of the Expert Mechanism on the Right to Development (<https://www.ohchr.org/en/events/sessions/2022/sixth-session-expert-mechanism-right-development>).

105. The right to development is rooted in the universality, indivisibility, interrelatedness and interdependence of all human rights. Its implementation cannot be seen purely through an economic lens but should also take into account the constant improvement of the well-being of all individuals and peoples everywhere, where all human rights and fundamental freedoms are fully realized.

106. On 5 April 2023, during its seventh session, the Expert Mechanism adopted ad referendum three studies, namely, on inequality, social protection and the right to development; on the right to development in international investment law; and on non-State actors and the duty to cooperate.³³ Pending final amendments, the Expert Mechanism has decided to submit the studies to the Human Rights Council at its fifty-fourth session. The Expert Mechanism expresses its gratitude to Mr. Ibhawoh, Ms. Mahmutaj and Mr. De Feyter, who each served as a rapporteur for the preparation of one of the studies. It also thanks all those who submitted inputs and provided comments and expert review.

107. The Expert Mechanism notes the importance of differentiating Indigenous Peoples as rights holders from others in local communities on the basis of the specific significance of the right to self-determination and the right to free, prior and informed consent of Indigenous Peoples.

108. The Expert Mechanism acknowledges the obstacles that civil society organizations face in their efforts to participate in and contribute to the realization of the right to development and welcomes future collaboration with them. The right to development could be an opportunity for civil society organizations to discuss relevant issues on a common platform.

109. The Expert Mechanism notes the obstacles and challenges faced by the least developed countries, not only due to the recent multifaceted crises, including the pandemic, but also to the structural impediments to sustainable development, such as the lack of national resources and capacities and of food, health and energy security; climate vulnerability; indebtedness; limited access to export markets; and the need for an enabling international environment.

110. The Expert Mechanism recognizes the alignment between the right to development and the right to peace and notes the emphasis on the responsibility of States as duty bearers to provide an enabling environment for equitable development, including the duty to cooperate to eliminate obstacles to development.

111. The Expert Mechanism notes the urgent need to go beyond GDP and to use multidimensional measures of development that are more adapted to the realities and concerns of peoples and countries, particularly marginalized groups and countries in vulnerable situations, including the least developed countries, land-locked developing countries, small island developing States and countries in and at risk of debt distress.

112. The Expert Mechanism recognizes the urgent calls for reform of the international financial architecture to address debt issues that affect the human rights of current and future generations.

113. The Expert Mechanism notes the implications of various areas, such as technology development and the use of artificial intelligence, that have yet to be legislated but will have unavoidable impacts on future generations. It recognizes the non-temporal character of international human rights law, inclusive of the right to development, which allows for its progressive interpretation with regard to the rights of future generations.

114. The Expert Mechanism acknowledges the need for national and international efforts to remove obstacles to and ensure meaningful youth engagement and participation in decision-making processes.

³³ [A/HRC/54/82](#), [A/HRC/54/83](#) and [A/HRC/54/84](#).

Annex I

List of participants for the Sixth session of the Expert Mechanism on the Right to Development

States Members of the United Nations

Algeria, Angola, Argentina, Bangladesh, Bolivia (Plurinational State), Brazil, Burkina Faso, Cambodia, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, Estonia, Haiti, Iran (Islamic Republic of), India, Iraq, Jamaica, Japan, Luxembourg, Malaysia, Mali, Mexico, Morocco, Myanmar, Namibia, Nepal, Pakistan, Oman, Portugal, Qatar, Russian Federation, Saudi Arabia, Spain, Sri Lanka, Syrian Arab Republic, Tanzania (United Republic of), Thailand, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of) and Zambia

Non-member observer States

Holy See, State of Palestine

United Nations

Chair-Rapporteur of the Intergovernmental Working Group on the Right to Development; Expert Mechanism on the Rights of Indigenous Peoples; Food and Agriculture Organization of the United Nations; Special Rapporteur on the Right to Development, United Nations Children's Fund; United Nations Conference on Trade and Development; United Nations Development Programme; United Nations Entity for Gender Equality and the Empowerment of Women; United Nations Industrial Development Organization; United Nations Institute for Disarmament Research; and United Nations Interregional Crime and Justice Research Institute

Intergovernmental organizations

European Union and Organization of Islamic Cooperation

National Human Rights Institutions and other relevant national bodies

Qatar National Human Rights Committee

Non-governmental organizations in consultative status with the Economic and Social Council

American Association of Jurists; Amis des Etrangers au Togo (A.D.E.T.); Associação Jadir de Taekwondo; Association Ma'onah for Human Rights and Immigration; Association nationale de promotion et de protection des droits de l'homme; Associazione Comunità Papa Giovanni XXIII (APG XXIII); AVSI Foundation; Brain Sluice Africa Child's; Centre Europe - tiers monde (CETIM); Club Ohada Thies; Cœur d'Afrique - Fondation Roger MILLA; Company of the Daughters of Charity of St. Vincent de Paul; Concern Worldwide US, Inc.; Friedrich Ebert Stiftung; Food First Information and Action Network (FIAN); Genève pour les droits de l'homme: formation internationale; Graduate Women International (GWI); Hamraah Foundation; Interfaith International; International Association of Democratic Lawyers (IADL); International Human Rights Association of American Minorities (IHRAAM); International Human Rights Commission Relief Fund Trust; International Human Rights Council; International Organization for the Elimination of All Forms of Racial

Discrimination; International Youth and Student Movement for the United Nations; International-Lawyers.Org; Kirkon Ulkomaanavun Säätiö; Maat for Peace, Development and Human Rights Association (Maat); Make Mothers Matter; Organisation Mondiale des associations pour l'éducation prénatale; Organization for Defending Victims of Violence (ODVV), Oxfam (America); Oxfam International; Pakistan Rural Workers Social Welfare; Rosa-Luxemburg-Stiftung - Gesellschaftsanalyse und Politische Bildung e.V.; Society for International Development; Stichting Chinese Initiative on International Law; Third World Institute - Instituto del Tercer Mundo; Udisha; UNISC International; **Women's Federation for World Peace International (WFWP)**; World Association for the School as an Instrument of Peace, and World Welfare Association

Academia

Bristol University (UK), Hunan Normal University (China); Kinnaird College For Women (Pakistan); Montana State University Bozeman (USA); PluriCourts - Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order (Norway); Roma Tre University (Italy); University of Lille (France)

List of participants for the Seventh session of the Expert Mechanism on the Right to Development

States Members of the United Nations

Algeria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Brunei, Burundi, Cameroon, Canada, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Finland, France, Germany, India, Indonesia, Iraq, Jamaica, Jordan, Liberia, Malawi, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Myanmar, Nauru, Nicaragua, Pakistan, Peru, Philippines, Romania, Saint Kitts and Nevis, Senegal, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Togo, Turkey, Uruguay, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe

Non-Member States represented by observers

Holy See

United Nations

United Nations Conference on Trade and Development, United Nations Resident Coordinator for the Cook Islands, Niue Samoa, and Tokelau

Intergovernmental organizations

European Union, International Development Law Organization

International organizations

International Federation for Peace and Sustainable Development, International Union for Conservation of Nature

National Human Rights Institutions and other relevant national bodies

Malawi Human Rights Commission

Non-governmental organizations in consultative status with the Economic and Social Council

AARP; Associazione Comunità Papa Giovanni XXIII (APG XXIII); Company of the Daughters of Charity of St. Vincent de Paul; Friends World Committee for Consultation; Fundación Luz María; International Center for Research on Women; International Federation for Peace and Sustainable Development; International Federation on Ageing; International Federation of Settlements and Neighborhood Centers; International Human Rights Council; Lutheran World Federation; Save Cambodia; Society for International Development; Women's Federation for World Peace International (WFWP)

Academia

Algiers 3 University; Boston University, Campus Education; The Center on International Cooperation at New York University; The York Catholic District School Board; Washington University in St. Louis

Annex II

Commentary on article 1 (1) of the Declaration on the Right to Development

Article 1 (1)

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

I. General introduction to the commentary

1. In 1986, the General Assembly adopted the Declaration on the Right to Development, by its resolution 41/128. The Declaration is not in itself legally binding. Nevertheless, many of its provisions are anchored in legally binding instruments, such as the Charter of the United Nations and the International Covenants on Human Rights. Some of its principles such as those relating to friendly relations and cooperation among States, self-determination and non-discrimination are part of customary international law, and thus binding on all States.
2. The Declaration was adopted by an overwhelming majority of States. 146 member States voted in favour, one against and eight abstained.¹ The Declaration has considerably affected the behaviour of States, the United Nations system, intergovernmental organizations and non-State actors. Since 1986, the Declaration has provided the normative underpinnings for a human and people centred approach to development.
3. The Declaration does not contain an implementation mechanism, nor does the text as such create a cause of legal action. These limitations have led to the adoption by the General Assembly and the UN Human Rights Council of resolutions requesting member States to conclude a legally binding instrument on the right to development that would ensure that the right to development is on a par with all other human rights.
4. On 18 May 2021, the Expert Mechanism on the Right to Development adopted a Statement supporting the elaboration of a legally binding instrument with a view to

¹ In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iran, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America

Abstaining: Denmark, Finland, Germany, Federal Republic of, Iceland, Israel, Japan, Sweden, United Kingdom of Great Britain and Northern Ireland.

strengthening the effective operationalization and full implementation of the right to development. In the Statement, the Expert Mechanism takes position on the essential elements such an instrument should contain.

5. Pending the adoption and ratification of a legally binding instrument on the right to development, the Commentaries on the Declaration offer an opportunity to interpret the Declaration in the light of normative developments that have occurred since its adoption. The Expert Mechanism adopts these commentaries with a view to contributing to the reinvigorating and mainstreaming of the right to development, and to encouraging civil society and grassroots organizations to use the right to development in their work.

6. EMRDT Commentary No. 1 addresses Article 1(1) of the Declaration.

II. Commentary No. 1 on article 1(1) of the Declaration on the Right to Development

7. In the Declaration development is a self-standing human right held by every human person and all peoples regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

A. Development as a human right

8. As a human right, development is self-determined: the rights holders determine the meaning of development. The meaning of development will therefore differ from context to context and may evolve over time.

9. According to Article 1(1) of the Declaration development is a multi-dimensional concept: development includes economic, social, cultural and political dimensions. As the Inter-American Court on Human Rights has held, today in addition “the protection of the environment should [equally] be understood as an “integral part” of the development process” [Cf. *The Environment and Human Rights (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights)*. Advisory Opinion OC-23/17, paras 52-53]. In 1992 the Rio Declaration on Environment and Development already recognized that “the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations” (Principle 3, UN Doc., Rio Declaration on Environment and Development, [A/CONF.151/26](#), 14 June 1992; see also Vienna Declaration and Programme of Action, Vienna, 25 June 1993, [A/CONF.157/23](#), para. 11).

10. Rules, policies, and practices pertaining to development at national and international levels shall seek to achieve socio-economic well-being within the boundaries set by ecological sustainability.

11. In no case shall development rules, policies and practices at national and international levels entail violations of civil, cultural, economic, environmental, political and social human rights.

B. The individual right to development

12. As an individual right, the right to development entitles all persons on an equal basis to participate in, contribute to and enjoy development. All persons are entitled to participate in the elaboration of development measures at national and international levels that are centred on human beings and to hold relevant development actors accountable in this respect. Individuals shall not be denied the opportunity to contribute to development through their own capabilities. They are entitled to share in the benefits that development brings without discrimination.

C. The collective right to development

13. As a collective right, the right to development is a right of peoples including indigenous and other peoples. The concept of peoples has not been defined in international law, but guidance may be taken from a UNESCO Expert study describing a people as a group of individual human beings who enjoy some or all of the following common features: a common historical tradition; racial or ethnic identity; cultural homogeneity; linguistic unity; religious or ideological affinity; territorial connection, common economic life. The will to be identified as a people or the consciousness of being a people is equally an important characteristic (UNESCO International Meeting of Experts on further study on the concept of the rights of peoples. Final report and Recommendations, SHS-89/CONF.602/7, 22 February 1990, 7-8).

14. Peoples enjoy the right to pursue their own development path, including the right to ensure that natural resources are used sustainably and are when necessary rebuilt by all relevant actors in the interest of the well-being of the people.

15. Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. They have the right to be consulted and cooperated with in good faith through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing development measures that may affect them.

16. Similarly situated peoples that are not accommodated by dominant development paradigms also hold the right to development. They may be referred to in different countries by different terms, including as vulnerable and marginalized groups. They are entitled to active, free and meaningful participation in development measures that may affect them and in the fair distribution of the benefits resulting therefrom. The conditions of the participation process must be such that they make an objective difference to people's lives. As the African Commission on Human and Peoples' Rights has held when discussing participation: "The result of development should be empowerment of the (...) community. (...) The capabilities and choices of the [community] must improve in order for the right to development to be realized" (African Commission on Human and Peoples Rights, Endorois, 276/03 Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) / Kenya, par. 283).

17. Civil society organizations and grassroots movements are entitled to rely on the requirement to ensure active, free and meaningful participation to demand the civic space in domestic and international fora to assist rights holders in enforcing the right to development.

D. Operationalizing Article 1(1) of the Declaration on the Right to Development

18. Rights holders may wish to operationalize art 1(1) of the UN Declaration of the Right to Development in various ways. The language of rights and obligations is by necessity somewhat abstract. This language comes alive through concrete examples showing the practice of claiming and implementing the right to development. The sharing of such practices is of vital importance to clarify the scope of the right to development and to demonstrate its added value.

19. As the case-law of the African Commission and Court on Human and Peoples' rights shows the individual and collective right to development is inherently justiciable when included in a domestic or international legally binding instrument. In litigation the right to development has so far been invoked primarily in purely domestic contexts. The obligation pertaining to protect the right the development may in addition be invoked to shield the rights holders from adverse impacts by public and private foreign actors.

20. The agency of individuals to claim the right to development may be of particular importance in legal contexts where claims by peoples are held not to be justiciable. Successful individual claims with a community dimension may well result in an outcome that benefits the community as a whole.

21. Nothing prevents the use of Article 1(1) of the UN Declaration on the Right to Development for the purpose of interpreting human rights instruments that are applicable in the litigation at hand. Such instruments include those pertaining to persons and groups made especially visible by human rights law.

22. When a direct appeal to the right to development is refused by a dispute settlement or grievance mechanism in a specific legal context, it may be possible, depending on the circumstances of the case, to achieve some elements of the right to development through an interpretation of other collective or individual human rights. The UN Human Rights Committee has thus interpreted the right to use one's culture and the right to privacy in order to provide protection to an indigenous people against the impact of climate change (UN Human Rights Committee, Communication No. 3624/2019 Daniel Billy et al. v. Australia, [CCPR/C/135/D/3624/2019](#), 22 September 2022). The European Court of Human Rights has acknowledged that in interpreting individual human rights, "the principle of proportionality requires that (...) situations, where a whole community and a long period are concerned, be treated as being entirely different from routine cases of removal of an individual from unlawfully occupied property" (European Court of Human Rights, *Yordanova and others v. Bulgaria* (Application no. 25446/06), 5 June 2012, para. 121).

23. Article 1(1) may well serve as an instrument to raise awareness among rights holders and among other actors that obstacles to the realization of the right to development faced at local and domestic levels are impacted upon by an international environment that is insufficiently conducive to the realization of the right to development. The awareness that similar obstacles exist in many countries is essential to forging the global solidarity that will ensure the implementation of the right to development.

24. Article 1(1) may be used to highlight the interdependence, the indivisibility and interrelatedness of all human rights in the context of development activities. While development measures may well have a specific sectoral focus (such as health, education or food security), using the right to development prism allows contextualization both in terms of the interplay between different human rights, and in terms of the interaction between domestic and international factors affecting implementation.

25. Similarly, the right to development, as a right requiring the realization of all human rights and fundamental freedoms, offers civil society organizations and grassroots movements a space where human rights agendas focusing on a variety of rights can connect and be bridged and enriched.
