

The Eighth Session of the Expert Mechanism on the Right to Development
Concluding remarks by the Chair, Ms. Liliana Valiña

1 November 2023, Geneva

Excellencies,
Distinguished delegates,
Colleagues and friends,

The Expert Mechanism concludes its eighth session and thanks Member States, civil society, UN experts, and academics for their substantive engagement and the productive discussions undertaken. The Expert Mechanism welcomes the comments, questions, answers, and suggestions made during these three days. They will help formulate the conclusions, outcome and recommendations of its annual report which will give account of this and the ninth session to be held in New York from 30 April to 2 May 2024. The annual report will be submitted to the 57th session of the Human Rights Council in September 2024.

The Expert Mechanism welcomes the overall support of Member States to the right to development. It notes the call from many Member States for operationalizing the right to development through a legally binding instrument and encourages Member States to engage actively in the discussion of the Draft Covenant on the Right to Development. The Mechanism appreciates the value that States and other stakeholders see in the Mechanism's mandate and the value it adds through thematic discussions in its sessions, its studies and study country visits. The Mechanism reaffirms that the right to development is universal, indivisible, interrelated, and interdependent with all other human rights. It recognizes the significance of the right to development to the realization of the right of peoples to self-determination, and vice versa. In this regard, the Mechanism reaffirms the central role of the right to development to international peace and security. It thanks Member States, civil society representatives and other participants for sharing good practices in promoting the right to development nationally and internationally. The Mechanism stresses the need to strengthen international cooperation and solidarity.

In this session, the Expert Mechanism held four interactive dialogues on the topics of "Responsibilities and Climate Justice," "Access to Technology and the Right to Development," "Women's Participation in Development. Promoting gender equality: good practices, opportunities and challenges," and "Mainstreaming the Right to Development in the United Nations System." The Mechanism deeply appreciates the engagement of all distinguished guest speakers at these panels, representing Member States, the United Nations system, civil society and academia.

On the topic of "Responsibilities and Climate Justice," the Expert Mechanism recognizes the urgency for collective action and international cooperation to address the climate crisis, based on the principle of common but differentiated responsibilities. The climate crisis has disproportionate impacts on countries and regions which have contributed the least to its cause, especially least developed countries and small island developing states. Climate justice requires just and equitable energy transition and the issue is intricately linked to financing. Limited access to financing and excessive debt servicing severely hinder developing countries' efforts to transition to renewable energy, all the while facing growing development needs and

increasing burden from loss and damage. The Mechanism supports the calls for reform of the global financial system to better support mitigation and adaptation, re-evaluation of trade rules to allow small developing countries to invest in green transitions, debt relief and cancellation, as well as innovative mechanisms such as remuneration for ecosystems that act as carbon sinks. The responsibilities lie with countries that have historically contributed to and benefited from the bulk of carbon emission, though it may be difficult to determine the level of responsibility and establish accountability. Countries need to at a minimum fulfil existing commitments in financing, including Green Climate Fund, the Loss and Damage Fund, and Aid for Trade. The Mechanism underlines that climate cooperation should not substitute for development cooperation; they must complement each other.

In addition to financing, other support mechanisms for just transitioning that need strengthening include technology transfer, capacity-building, and knowledge-sharing. It is also a priority to monitor and protect human rights in extractive industries that supply minerals for decarbonization and to particularly protect environmental and human rights defenders. The Mechanism reaffirms the principle of active, free, and meaningful participation in governance, policy-setting, decision-making, and implementation to ensure inclusivity, fairness, and justice, in particular, the participation of those facing differential impact of development policies and practices, such as women, children, indigenous peoples, and persons with disabilities, among others.

On the topic of “Access to technology,” the Mechanism recognizes it as a critical component of the right to development. Ensuring that technology is accessible to all, fostering innovation, and addressing ethical concerns are essential steps toward realizing this right. In today’s interconnected world, technology is pivotal in every facet of development. However, there remain deep inequalities and inequities within and among States in access to technology. Many individuals and communities, especially in low-income regions, face barriers such as lack of infrastructure, high costs, digital illiteracy, and language barriers, which limit their access to technology. Inequalities in access to technology are often exacerbated by socioeconomic factors, age, gender disparities, and discrimination based on race, ethnicity, geographic location or physical, intellectual, or sensory impairments, among others. The digital divide, in turn, can widen the development gaps among individuals, communities, and countries. Participation of users and public participation in framing the questions that technology should address, and in guiding the design and deployment of technology, is essential.

The Mechanism acknowledges the calls for Member States and the international community to mobilize digital cooperation to transcend the digital divide, promote innovation, and ensure a level playing field. Bridging the digital divide can help address global challenges such as climate change by providing equal access to green technology. While leveraging the benefits of technology such as generative artificial intelligence, it is also important to identify and address the obstacles that technological innovation and technology policies pose to the right to development. For example, the application of unilateral coercive measures and blacklists of academics threaten equal access to the benefits of technology. The right to development offers a framework for promoting equitable access to technology.

On the issue of “Women’s participation in development. Promoting gender equality: good practices, opportunities and challenges,” the Mechanism stresses that inequality hinders the enjoyment of the right to development and disproportionately affects women, which is why the stakes have been raised in the quest for parity in women’s participation. There are multiple challenges to women’s right to development, gender equality and equal opportunities,

including discrimination, stereotypes, violence, poverty, excessive care responsibilities and gender gaps, including the digital divide. Intersectionality is a key aspect in analysing inequality, discrimination and women's participation and emphasises the importance of diversity in such participation and representation. The empowerment and strengthening of women's capacities, leadership and autonomy requires a socio-cultural transformation.

The Mechanism emphasizes the need to ensure safe and protective environments, as well as women's active participation in negotiation and in decision-making for the necessary solutions and changes. These changes must take into account the multiple challenges, including access to basic rights such as education, health, food, water, information and freedom of choice, as well as the need for data and statistics that show the level or absence of women's participation and representation and make visible their contributions, including in the informal and care economy. Education and capacity-building plays a foundational role for women's effective and meaningful participation. The Mechanism supports the call for investment in young women and girls in all their diversity. The Mechanism appreciates the ongoing development of CEDAW Committee's General Recommendation No. 40 on the equal and inclusive representation of women in decision-making systems and looks forward to contributing to the process.

On mainstreaming the right to development within the United Nations system, the Mechanism notes the consideration or efforts that some entities of the United Nations system have made to promote and operationalize this right within their programmes and objectives. The Mechanism also considers that much more needs to and can be done despite existing challenges. It welcomes further opportunities for discussion and collaboration and in this regard, it offers its support to specialized agencies, funds and programmes, and other relevant organizations to strengthen their work. With the 2030 Agenda at its halfway point, mainstreaming the right to development is essential for the realization of all Sustainable Development Goals.

The Expert Mechanism also held a coordination segment with the Chair-Rapporteur of the Intergovernmental Working Group on the Right to Development and the Special Rapporteur on the Right to Development. The Mechanism thanks the Chair-Rapporteur for his update on the progress related to the Draft Covenant on the Right to Development and commends his chairmanship of the drafting and negotiation process. The Mechanism thanks the Special Rapporteur for his update on the direction of his mandate and is ready to continue coordination.

Finally, the Expert Mechanism held a forum to collect inputs for its ongoing and upcoming thematic studies on "Climate financing," "Climate justice," "Equal opportunities for women's active and meaningful participation in the development process," "Right to development in international development cooperation," and "Artificial intelligence, regulation, and the right to development." The Mechanism thanks the participants for their inputs regarding additional aspects and elements to be considered under these topics, and invites their contribution to these studies, including through responses to upcoming calls for input. The Mechanism welcomes the suggestions for future studies on issues such as the justiciability of the right to development; the individual and collective dimensions of this right; the links between the right to development and the international solidarity and their mutually reinforcing nature, and on the role of the right to development in changing the economy, while exploring alternative economic models.

The Mechanism takes good note of the suggestion to develop pragmatic roadmaps outlining the steps required to implement the actions recommended by the Mechanism and of the calls

for it to pay specific attention to unilateral coercive measures. It also notes the need for technology transfer and compliance with official development assistance as well as the need for participatory measures in international development cooperation for achieving the 2030 development goals.

The Expert Mechanism thanks once again all participants for their active engagement and insightful contribution. The Mechanism looks forward to continuing engagement with Member States, United Nations entities, Intergovernmental organizations; Regional organizations and mechanisms in the field of human rights; National human rights institutions and other relevant national bodies; Academics and experts on development issues as well as, with civil society organizations.

Thank you.

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