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High-level meeting commemorating the thirty-fifth anniversary of the
Declaration on the Right to Development 51st session of the Human Rights
Council

Second part

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Dear Vice-President of the Human Rights Council,
Distinguished delegates,
Dear friends,

I am honoured to join this panel today in my capacity as Chair of the Expert Mechanism on the Right to Development.

As you know, the Expert Mechanism began operations in 2020 and is now in its third year.

The Mechanism was mandated by the Human Rights Council to provide independent perspectives and expert advice to assist the Council to mainstream, reinvigorate, and operationalize the right to development.¹

Accordingly, our five members have been engaging in dialogue with Member States and a wide range of stakeholders through the Mechanism's annual sessions and other venues. We have held discussions with other UN bodies and human rights mechanisms and conducted study visits and research on different topics intertwined with the right to development.

In the past year and a half, we have also been working on a Commentary on Article 1(1) of the Declaration on the Right to Development. The purpose is to clarify the content of the provisions of the Declaration, in this case Article 1(1), and to suggest approaches to their implementation, taking into account present day conditions while identifying normative gaps that the future legally binding instrument should address.

Vice-President,

We first proposed the drafting of this commentary during our fourth session in 2021 and have twice discussed it in subsequent open sessions.

On this special occasion of the commemoration of the anniversary of the Declaration on the Right to Development, we share with you all the Expert Mechanism's Commentary on Article 1(1). We adopted the Commentary few days ago.

Let us recall Article 1(1) that says:

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.

¹ A/HRC/45/29 para 19

The Commentary sheds light on the concept of development which, beyond being a human right in itself, is determined by the rights holders. It is therefore not static but may differ in application from context to context and continue to evolve. Moreover, development should be contextualized in the current multi-dimensional paradigm that addresses economic, social, cultural, political *and* environmental concerns.

The Commentary then discusses the individual and the collective dimensions of the right to development, clearly stating that as an individual right, the right to development entitles all persons on an equal basis to participate in, contribute to and enjoy development; and as a collective right, the right to development is a right of peoples including indigenous and other peoples.

Lastly, for the operationalization of Article 1 (1), the Commentary notes the significance of the claims of individuals to the right to development in litigation, which can help cement the scope of application of the right to development, and can benefit its collective dimension.

We hope that the Commentary on Article 1(1) will be a useful tool for Member States and other stakeholders in their efforts to operationalize the right to development.

Vice-President,

I would like to take this opportunity to recall that earlier in our tenure (in May 2021), we also outlined the essential elements that, in our opinion, a legally binding instrument that aims at the effective operationalization and full implementation of the right to development should contain. The first element in our list refers to reaffirming the 1986 Declaration on the Right to Development.

The Declaration provides a holistic approach to human rights by requiring that development be carried out in a manner “in which all human rights and fundamental freedoms can be fully realized.” The Expert Mechanism also takes the chance to reiterate the provisions in the Declaration on the Right to Development for effective international cooperation and concerted effort by States to remove obstacles to development, including human rights violations, racism, colonialism, occupation, and armed conflict.

I would like to close my intervention by warmly invite you all and your colleagues in New York to our upcoming 7th session in April this year. This will be the first time that we will hold an in-person session in New York. Please join us.

Thank you.

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