

The fourth session of the Expert Mechanism on the Right to Development Concluding remarks by Mr. Armando De Negri Filho

**Vice-Chair of the Expert Mechanism on the Right to Development
3 November 2021**

During these days, we appreciated the rich discussions undertaken with Member States, Non-Government Organizations, academia and National Human Rights Institutions. We thank all participants for their engagement with the Expert Mechanism.

We welcome the questions and answers which help the Expert Mechanism to formulate the conclusions, outcome and recommendations in a report which will be submitted to the Human Rights Council in September 2022, along with the report of the 5th session which will be held in New York in March next year.

We welcome the support of Member States participating in the session as well as the different remarks highlighting solidarity as ever important during and after the COVID-19 pandemic. Solidarity is directly and closely linked to the duty to cooperate which is not only established in the Declaration on the right to development but is a long-standing obligation under international law of binding nature.

While acknowledging some States' observations about potential duplication of mandates on the right to development, the Expert Mechanism also brings attention to statements from many States and Non-Governmental Organizations about the complementarity of mandates. We express our appreciation to the Chair of the Working Group on the right to development and the Special Rapporteur on right to development for their engagement and participation in this session and we share their views that the three mechanisms complement each other, have different focus and make distinctive contributions.

This is necessary due to the complexity of the right to development itself. In particular, the Expert Mechanism aims to act as a debate platform on the right to development, to re-examine the concept of development and root causes for structural issues, suggesting good practices, particularly those with complex transformative capacities. We also aim to engage civil society and enable their effective participation in related processes.

The Expert Mechanism reiterates the important role of civil society, both locally and internationally, to contextualize the right to development, broaden engagement, advocate for the operationalization of the right to development and for its use as a tool of human rights advocacy, and to adopt a legally binding instrument. We held an online dialogue with civil society on 21 October 2021 as part of a series of stakeholder engagement meetings including at the national and regional levels related to its mandate. We seek to continue engaging with civil society particularly those representing public interests.

The Expert Mechanism welcomes the support of the Chair of the Working Group on the right to development, and the Special Rapporteur on the right to development, Member States and other stakeholders to its proposal to develop commentaries on the articles of the Declaration. We note that these commentaries aim to promote an evolutionary interpretation of the articles taking into account developments in international law, policy and practice since the adoption

of the 1986 Declaration and to identify normative gaps and shortcomings therein that can aid the process of elaborating the future legally binding instrument on the right to development. The Expert Mechanism will develop commentaries on article 1 as part of the activities around the celebration of the 35th anniversary of the Declaration progressing to the whole articles throughout 2022 and 2023.

We continue to support the process at the Working Group on the right to development for elaborating such a legally binding instrument and remain convinced of its needs and importance.

The Expert Mechanism adopts ad referendum the study on Racism, racial discrimination and the right to development (A/HRC/EMRTD/4/CRP.1) and, pending final amendments, decides to submit it to the Human Rights Council at its fifty-first session for its consideration. We express our gratitude to Mr. Bonny Ibhawoh, who served as Rapporteur for the preparation of the study, and to all those who submitted inputs and provided comments and expert reviews in the course of the preparation of the study.

The Expert Mechanism also notes with appreciation the synopsis of the ongoing study on inequalities and the right to development (A/HRC/EMRTD/4/CRP.2) focusing on social protections, prepared by Mr. Armando De Negri Filho, the Rapporteur for the study, and expresses its gratitude to all those who have participated in the consultations so far held and submitted inputs in the course of the preparation of the study. The Expert Mechanism looks forward to considering a second draft of the report of the study at its fifth session.

We appreciate the independent field studies on the duty to cooperate in Peru and Ethiopia and look forward to the final drafts that include comments made by the members of the Expert Mechanism. We consider that the two studies are a valuable input for our thematic work, notably in terms of the upcoming study on the duty to cooperate and non-state actors, but also in terms of future thematic engagements. The Expert Mechanism expresses appreciation to the two independent consultants who were responsible for the studies.

The Expert Mechanism takes note of the suggested themes for future studies including the linkages between the right to development and: self-determination; the effects of UCM; debt restructuring; illicit financial flows, individual and collective rights; migration; right to health, discrimination against persons with disabilities, and the legacies of colonialism.

In our next session, we will continue to have exchanges with civil society. Furthermore, we will substantively engage with current and emerging themes that have a direct impact on the realization of the right to development.

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