

The Sixth Session of the EMRTD
Statement by Mr. Mihir Kanade Chair of the Expert Mechanism on the
Right to Development

31 October 2022, Geneva

Deputy High Commissioner,
Fellow experts,
Excellencies,
Colleagues and friends,

Please let me start by warmly welcoming Ms. Liliana Valiña to our Expert Mechanism. Ms. Valiña joined us in August this year as the member from the Latin American and the Caribbean region, following the resignation of our colleague and friend Armando de Negri Filho. This is her first session with us, and I am sure that we all at this meeting will greatly benefit from her expertise and contributions and that she will further bring valuable perspectives to the continuing work of the Mechanism.

Excellencies,

We have been indeed facing multiple ongoing global crises such as climate change, the war in Ukraine, a global recession, the pandemic and its recovery, an increase in extreme poverty and hunger, amongst others, all of which have only placed a spotlight on the heightened need to operationalize the right to development.

Operationalizing this right requires a significant shift in the world's current or dominant approaches to development; a change to realize, as the Deputy High Commissioner has just highlighted, that development is not only economic growth, but rather the constant improvement of the well-being of all individuals' and peoples' everywhere.

When we operationalize the right to development, we adopt a normative framework for development that is not only about progress measured through macro-economic indicators, but also about social, cultural and political development such that all human rights and fundamental freedoms are fully realized.

Development is not charity or privilege. Development as charity is fungible, promotes dependency, perpetuates inequality and is unsustainable. Development

is a human right that must be guaranteed; a right that empowers, is sustainable and does not discriminate.

This shift of approach needed to operationalize the right to development requires that development is not identified only as the right of individuals, but the right of all peoples as well to participate in, contribute to, and enjoy the benefits of development distributed in a fair and equitable manner. This implies the full realization of peoples' right to self-determined development.

Distinguished delegates,

To operationalize the right to development, it is vitally important that States identify and overcome the obstacles to development. Naturally, these can come from national barriers, including lack of good governance or breaches of the rule of law that hinder the realization of civil and political rights as well as economic, social and cultural rights at the national level.

However, the operationalization of the right to development requires that we also erase *a-priori* assumptions that the lack of development is solely the result of a given State's lack of good governance. We must take a step back and identify whether that State has the adequate "governance space" in the first place to realize development and all other human rights, as well as the capacity to do so.

Development can be gravely impeded because of laws, policies or practices adopted at international levels that limit the governance space that the State needs to plan and implement its necessary self-determined development policies. These include those unilateral sanctions that are not in accordance with international law, or conditionalities on bilateral or multilateral aid and assistance that contradict or are harmful to national priorities or ownership.

To operationalize the right to development, it is crucial that States embrace and discharge their duty to cooperate which permeates all dimensions of national and international law, policy and practice. The duty to cooperate engages the responsibility of States to eliminate existing obstacles and not create new obstacles to development, as well as to adopt policies that create an enabling environment for the right to development to be realized for all. The duty to cooperate is not limited to collective actions by States in international or regional partnerships but also includes, importantly, the obligation to refrain from adopting national policies that impair or nullify the right to development of those not strictly within their jurisdiction

Colleagues and friends,

To discuss these matters, in this sixth session, the Expert Mechanism will continue to hold its discussions in a fully open, frank, and transparent manner. As with previous occasions, we did not seek a common position prior to the session and, therefore, the interventions and opinions of the Mechanism's members will be expressed individually and freely in a constructive dialogue that we hope will enrich the discussions.

We also look forward to listening and learning from your interventions and contributions through the session.

We trust that this sixth session will contribute to the operationalization of the right to development by Member States, civil society, and other stakeholders alike.

We look forward to engaging with you all.

Thank you.

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