

**The ninth session of the Expert Mechanism on the Right to Development
Concluding remarks by the Chair, Ms. Isabelle Durant**

2 May 2024, New York

1. The Expert Mechanism concludes its ninth session and thanks Member States, civil society, UN experts, and academics for their substantive engagement and the productive discussions. Due to constraints in the UN regular budget, the session was exceptionally reduced to two days. The Mechanism duly acknowledges concerns raised by delegations regarding this reduction and its implications.
2. The Expert Mechanism values the contributions, comments, questions, and suggestions made during these two days. They will inform the conclusions, outcome and recommendations of its annual report which will encompass both the eighth session (held in Geneva in October 2023) and this ninth session. The annual report will be submitted to the 57th session of the Human Rights Council in September 2024.
3. The Expert Mechanism welcomes the broad support of Member States to the right to development and its own work. It notes the call from many Member States for the adoption of a legally binding instrument to realize the right to development. It also notes the condemnation by several Member States of unilateral coercive measures as obstacles to the right to development.
4. The Mechanism appreciates the willingness and open-mindedness demonstrated by Member States to engage with the Mechanism and with each other in candid and constructive dialogues, aimed at fostering common understanding.
5. The Mechanism finds encouragement in the resolute commitment of Member States to the Sustainable Development Goals (SDGs) and the 2030 Agenda as a framework for addressing global challenges and promoting inclusive growth, which can facilitate the operationalization of the right to development. At the same time, the Mechanism underscores the distinction between the right to development and sustainable development.
6. The Mechanism reaffirms that development is a human right, and the right to development is universal, indivisible, interrelated, and interdependent with all other human rights. The Mechanism emphasizes the unique strength of the right to development, which encompasses both individual and collective dimensions. The members of the Mechanism note the discussion on this topic among Member States and other stakeholders. Advancing the right to development is a shared responsibility among communities and nations. The Expert Mechanism echoes the comments from many Member States on the importance of international cooperation and solidarity.
7. The Mechanism notes the importance highlighted by civil society of inclusive policies, community empowerment, and accountability in development initiatives. It concurs with the emphasis on involving all right holders especially local communities, women, youth and others, in decision-making processes, noting that effective and meaningful participation is the key principle of the right to development.

8. In this session, the Expert Mechanism held a discussion on two proposed studies: “Right to development in international development cooperation” and “Individual and collective dimensions of the right to development”. Besides these two, there are also other ongoing studies, including the one on “Women’s active, free and meaningful participation in development, with emphasis on decision-making.” The Mechanism invites delegations to contribute actively to the call for inputs for its ongoing thematic studies with concrete illustrations of good practices. While the study rapporteurs hold preliminary views, they acknowledge that further input from States and other stakeholders will be pivotal in shaping the perspectives presented in the study. Additionally, the Mechanism acknowledges the request by some delegations for the calls for input to be disseminated to Permanent Missions in New York, in addition to those in Geneva, underscoring the significance of broader engagement and participation in the study process.
9. The Mechanism then had three thematic discussions and a roundtable with key stakeholders on cross-cutting issues. The members of the Expert Mechanism deeply appreciate the engagement of all distinguished guest speakers at these panels, representing Member States, the United Nations system, civil society and academia.
10. In addressing the theme of “Global Agreements: From Political Commitments to Contractual or Legal Obligations and Their Impact on the Right to Development,” the Expert Mechanism underscores the diverse array of voluntary and legally binding global agreements, highlighting their potential for fostering collaboration and collective action. These agreements play a pivotal role in shaping the world’s response to pressing challenges such as climate change and environmental crises. Recognizing the imperative to harmonize various global agendas, the Expert Mechanism reaffirms its commitment to assisting Member States in fulfilling their obligations to the right to development. The negotiation of global agreements needs to be grounded in trust-building and inclusion principles; and their implementation needs to be based on shared but differentiated responsibilities.
11. Furthermore, the Mechanism acknowledges concerns regarding a perceived overreliance on private sector solutions. It underscores the urgent need to mobilize resources and enhance capacity-building in developing countries to ensure inclusive and equitable participation in negotiation and decision-making.
12. In the discussion on “Realizing the Right to Development through North-South, South-South, Triangular, and other sui generis forms of international cooperation,” the Expert Mechanism appreciates the practical examples that demonstrate how the normative principles of the right to development can be systematically integrated into various development cooperation practices to enhance their effectiveness. While different cooperation modalities may vary in their normative and operational principles, they can complement each other in advancing the right to development. The normative principles of the right to development assert development as a human right and development cooperation as an obligation of all States.
13. Key elements identified for successful development cooperation include: ensuring respect for national policy space, fostering innovation, strengthening monitoring and evaluation, aligning with national priorities and frameworks, enhancing national capacities to overcome absorption challenges, including in project and data management. Leveraging the UN system through UNOSSC and the UN agencies at the country levels can present models for good practices of development cooperation. These discussions need to be

grounded in the realities of developing countries, including demographic differences, debt burdens, and limited access to capital. The Expert Mechanism notes the discussion that developing countries extend beyond the geographical spread of the Global South, to include countries in Eastern Europe and Central Asia.

14. Under the discussion on “Development and climate financing: innovative tools and nature solutions to help realize the right to development,” the Expert Mechanism notes the appeared contention between incremental and structural reforms to achieve progress. Climate financing, while crucial, cannot serve as a substitute for financing for other forms of international development cooperation; rather, it should be viewed as an additional component. The emergence of financing tools such as carbon markets, remuneration for biodiversity systems, and debt swaps, should not distract us from the focus on reforming the global economic system, including the international financial architecture. This entails addressing issues of responsibility, including historical accountability of major emitters and the disproportionate impacts on the most vulnerable nations.
15. It is imperative that human rights remain central to the discourse on the climate crisis, extending beyond merely the countries most directly affected. The debate must encompass a universal perspective, acknowledging the interconnectedness of climate issues and human rights globally. Furthermore, the question of financing, irrespective of the forum in which it is deliberated, must be linked with the concept of a just transition. This ensures that measures taken to address climate change uphold principles of fairness and equity.
16. In the roundtable on cross-cutting issues, the Mechanism notes that the digital economy, access to technologies and artificial intelligence are exponents of the gaps, but at the same time represent opportunities to accelerate and diversify development processes, especially if their inherent risks are adequately addressed. Effectively addressing these gaps implies in several cases the need for cooperation and a global commitment to equal opportunities and innovative partnerships to close the digital divide and move towards the SDGs and the realization of the right to development.
17. The Expert Mechanism acknowledges that women’s active, free and meaningful participation in development, and especially in decision-making requires conditions that, among other factors, are influenced by the requirements of care burden women. The challenge of care economy is providing quality care for the well-being of the whole population while also reducing social and gender inequalities.

Thank you.

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