The 10th session of the Expert Mechanism on the Right to Development

Item 5 of the Provisional Agenda
Implementation of the mandate and programme of work –
Focused thematic discussion and interactive dialogue
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Business and the Right to Development

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Statement by Mr. Surya Deva,
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Excellencies,

Distinguished Delegates,

and other members of the Expert Mechanism on the Right to Development,

I am recording this video to share my thoughts about business and the Right To Development.

Right To Development has four facets: economic, social, cultural and political development, and businesses have a central role in realizing all four facets of the Right To Development.

In terms of economic development, businesses provide jobs, they create infrastructure, they provide number of options for businesses to realize the Right To Development.

In relation to social development, they again contribute to a variety of aspects of social development, whether this is about achieving gender equality, or promoting social harmony that is again a crucial role for businesses. Businesses also play a crucial role in terms of realizing cultural development.

Protecting the rights of indigenous peoples is a case in point, so whenever businesses are indulging in any business activity, whether this is a mining project or any other development project, they should respect the cultural rights of all human beings.

Of course, when it comes to the political development aspect, businesses again can play a crucial role because they can conduct a meaningful participation of people in those processes.

Businesses definitely have positive role in realizing the Right To Development, but businesses can also contribute negatively and have an adverse impact on the Right To Development. I think that is where the UN guiding principles on business and human rights are an important tool, because they provide businesses with concrete guidance on how they should avoid any adverse impact of their activities and the activities of their business partners on all human rights.

Principle twelve of the UN guiding principles contemplates that businesses, all businesses and enterprises, have to respect all internationally recognized human rights, and the definition of those rights is provided.

Sometimes businesses may think the Right To Development is not expressly mentioned in this definition, and that is why they don't really have a role to play. But in my report presented to the General Assembly last year, I have articulated that several elements of the Right To Development are already part of the International Bill of Rights, and that is why under principle twelve of the UN guiding principles, businesses should already be respecting the Right To Development.

In addition, if you look at the commentary to principle twelve, it highlights that additional standards may be relevant for businesses, and I will submit that the declaration on the Right To Development, the Vienna Declaration, the Real Declaration, as well as the upcoming Covenant on the Right to Development, all these standards will be relevant in the context of how they can contribute to realizing the Right To Development.

In my report of last year, I also highlighted that despite businesses playing a central role, we still have seen extreme levels of poverty, child labor, gender inequality and general inequalities, and we have also generally seen conflicts all over the world.

To overcome the challenges, I have highlighted in my report that we need to ensure three fundamental shifts take place: The first shift is about reorienting the purpose of business. We should not see businesses merely maximizing profit for the shareholders. Rather, businesses have to work for the benefit of everyone in society, and I think this change in orientation is absolutely vital.

The second is that we see there are certain business models which are irresponsible or unsustainable. Whether these are companies trying to promote unnecessary consumption of goods and destroying the environment and contributing to climate change or business models which are exploiting the workers or their suppliers and not sharing their profit equitably, these business models have to change. All the business models which are exporting hazardous substances to developing countries in the global South, they have to change in my view.

The third fundamental shift that should take place is about that UN guiding principles provide the foundation, that is" do no harm", but we need to go beyond "do no harm". Businesses also need to contribute positively, positively to realizing all human rights, including the Right To Development. I think that is where sustainable development goals come into picture. We have not made enough progress and one of the reasons that we have not made enough progress in the last 10 years or so is because businesses have not done enough to realize those sustainable development goals.

Now, let me conclude by sharing this: as part of my mandate, I will be developing some policy briefs in the next couple of years, and these policy briefs will provide practical guidance on how businesses can develop models which are suitable for inclusive and sustainable development.

When we talk about leave no one behind, of course we have to ensure that no human being is left behind, but we also need to ensure that we are not leaving behind plants, animals, lakes

and rivers because without plants and animals, lakes and rivers, human beings cannot survive, and I am promoting this idea of a planet centered participatory development.

Thank you very much for your attention and I hope this final discussion here at the expert mechanism session will contribute to developing a robust understanding about the role of businesses in realizing the right to development.

Thank you very much.