The 12th 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 Discussions and Interactive Dialogues
Palais des Nations, Room XVI, Geneva

How to commemorate the 40th anniversary of the UN Declaration on the Right to Development: reflections and proposals

Monday, 27 October 2025, 16:30 – 18:00

Transcript of statement by Mihir Kanade

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Your Excellencies,
Dear Colleagues,
Ladies and Gentlemen,

This thematic discussion on ways to commemorate the 40th anniversary of the 1986 Declaration on the Right to Development next year is an opportune moment to reflect on its trajectory thus far and take stock of where things stand today in its operationalization.

The adoption of this Declaration by the General Assembly on 4 December 1986 was indeed a watershed moment in the evolution of international human rights norms that were agreed upon in the Universal Declaration of Human Rights in 1948 and later enshrined in the two current covenants. Its roots lay in the struggles of peoples of the newly independent countries in the 1950s, 60s and the 70s who had escaped the jaws of colonization. But we were literally born into a hostile international political, social, economic, and cultural order that was set up at the end of World War Two, when they were still part and parcel of the power structure of the colonizing countries and the interests of the colonized peoples were not even relevant.

The 1986 Declaration was ahead of its time in many respects. It was the first international instrument to describe development in terms of, and I quote, improvement of the wellbeing of all individuals and peoples and of course and not purely in econometric terms, such as GDP or GDP per capita. However, this human rights vision of development was not paid much attention to until 1998, when Amartya Sen, that my colleague Ms. Mahmutaj referred to the Nobel laureate for economics, argued pretty much the same in his influential treatise *Development as Freedom*. This new economics concept of development understood as freedom was, however, already acknowledged 12 years earlier in the 1986 Declaration, which emphatically stipulated that development is an inalienable human right of all individuals and peoples.

The 1986 Declaration also came one year before the concept of sustainable development was elaborated in the Brundtland Commission Report on Environment and Development in 1987. Yet the Brundtland Commission did not make any reference to the right to development. It was only in 1992 that the Rio Declaration, and in 1994 the Vienna Declaration and Program of Action acknowledge that realization of the right to development was essential for realizing sustainable development.

It was only after Amartya Sen's book in 1998 that the human rights community woke up. They had a eureka moment and appointed for the first time an independent expert on the right to development, the late Mr. Arjun Sengupta. Mr. Sengupta did an exceptional job in demystifying the right to development through five reports submitted to the then existing Commission on Human Rights before he passed away. Thereafter, the work on the right to development continued at the Intergovernmental

Working Group on the Right to Development, which, as we know, remained deadlocked in its efforts to develop a list of operational criteria and sub-criteria until the plan was eventually abandoned.

And this was because in 2015, the 2030 Agenda for Sustainable Development was adopted, and it was realized very quickly that merely having an agenda cannot be self-executing unless it is operationalized based on the normative framework of development as a human right and not the business as usual approach of development as charity or privilege. This required a normative framework that treats international cooperation as a duty of states and not generosity or an option. It also required understanding that the SDGs cannot be realized, and the right to development cannot be promoted unless there is both an enabling national and international environment, and thus were launched four very important processes. The first was the appointment, for the first time of a Special Rapporteur on the Right to Development. The second was the establishment of a high-level biennial panel on the right to development. The third was the setting in motion of the process for elaborating a legally binding instrument on the right to development, and the fourth was the establishment of this Expert Mechanism. I've had the privilege of contributing to three of these four processes, especially in my role as the Chair of the International Drafting Group for what is now the draft International Covenant on the Right to Development, and also as a member of this Expert Mechanism.

During this time, we lived through Covid-19 and unfortunately at a time when international cooperation ought to have taken primary stage, we witnessed vaccine nationalism. In our first thematic report, this Mechanism highlighted how non-operationalization of the right to development led to a tremendous stagnation and regression of most of the SDG targets, especially the 62 means of implementation targets based on international cooperation. We are currently witnessing further strains through direct conflicts in many parts of the world, but also through trade tariff regimes and unilateral coercive measures, both direct and secondary, many of which are contrary to international law. Many countries are facing economic recessions, are heavily indebted and tied with conditionalities that prevent them from ever overcoming their problems and reducing inequalities both within and between countries.

In this context the continuation of the business as usual and the non-operationalization of the right to development, my 2 top concrete recommendations are as follows, and we've been asked to limit ourselves to 2. Otherwise, I had a list. The first is UN Member States must seize the opportunity and adopt the draft international covenant on the right to development at the General Assembly this year or at the latest next year. It is evident that without such a legally binding normative framework, the operationalization of the right to development will never be possible. Two, the UN Member States and international organizations engaged in development cooperation and financing for development must ensure that human rights impact assessments are conducted of their cooperation practices, including especially of conditionalities on ODA loans and multilateral financing.

On my part and on part of the United Nations University for Peace, where I work, I pledge to continue promoting the right to development through a longstanding training project, workshops, and research publications on this topic. I also pledged to continue working with the United Nation system, Governments, civil society organizations, and a group of advocates for the right to development to find concrete ways to operationalize the right to development.

Thank you.

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