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
Palais des Nations, Room XXI, Geneva

Business and the Right to Development

Monday 28 October 2024, 15:00 PM to 16:30 PM

Introductory remarks
Presented by Bonny Ibhawoh

Businesses have direct and indirect impacts on the right to development. As the Special Rapporteur on the right to development noted in a recent report that "Businesses have an indispensable role in realizing the right to development. They construct houses, build infrastructure, offer loans and banking services, create employment opportunities, foster vocational capabilities, develop new medicines and vaccines, provide Internet services, offer various means of transport and access essential public services.

At the same time, business activities can also undermine the right to development by evading tax payment, promoting the sale of unhealthy products, exploiting migrant workers, causing environmental pollution or displacing Indigenous Peoples for development projects. The key, therefore, is to harness the positive contribution of businesses and minimize the adverse impacts of business activities on the right to development.

At the ninth session (A/HRC/55/59) of the working group on transnational corporations and other business enterprises with respect to human rights, the working group recommended the convening of thematic consultations on a draft legally binding instrument on business and human rights. Like the draft Covenant on the Rights to Development, an LBI on Business and Human Rights marks the transition of longstanding guiding principles into an actionable international law instrument. A Legally Binding Principle on the right to business will build on the **Guiding Principles on Business and Human Rights,** endorsed by the Human Rights Council in 2011.

The Guiding Principles articulate the duties of States and the responsibilities of businesses to protect, respect and remedy business-related human rights abuses. The Guiding Principles are grounded in recognition of the existing obligations of States to respect, protect and fulfil human rights and fundamental freedoms; the role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights; and the need for rights and obligations to be matched to appropriate and effective remedies when breached.

The Guiding Principles outline the independent responsibility of all business enterprises to respect all internationally recognized human rights. To discharge this responsibility, businesses should conduct ongoing human rights due diligence to identify, prevent, mitigate and account for how they respect human rights.

Our panel today will explore the links between business and the Right to Development.