

Oral Statement of Nord-Sud XXI and International-Lawyers.Org  
to the Human Rights Council Social Forum  
held in Geneva, Switzerland from 3 to 5 October 2011

Nord-Sud XXI and International-Lawyers.Org extend their most sincere appreciation to the panelists for their very valuable presentations.

As members of civil society that work in the political forums of the United Nations, Nord-Sud XXI and International-Lawyers.Org are NGOs that are guided by international law. We strongly believe that right to development is a legal obligation that all States must respect. We note that the overwhelming number of States that have endorsed this right, including in the Declaration on the Right to Development, provides sufficient *opinio juris* and that the numerous actions undertaken States every single day to achieve development in their own countries and often abroad provide unambiguous State practice.

We realize that the right to development contains many elements and a right that is interrelated to other human rights, especially social and economic rights and the right to peace. We therefore also appreciate the significant attention that has been drawn to the non-discriminatory nature of the right to development. Let me also add that we also very much support the view of the Independent Expert on human rights and international solidarity, Ms Danadan, that there exists a right to international solidarity and we welcome her report illuminating this right with attention to the duty of States to cooperate with each other in relation to other human rights.

The right to development, in our view, expresses two complementary approaches to the right. First, and in our view foremost, the right to development requires that States cooperate with each other to create an environment in which development can be attained by all States. This requires that all States contribute in good faith to create an equitable and democratic international order. This aspect of the right to development is found in article 3 of the Declaration and reinforced by articles 55 and 56 of the Charter of the United Nations that require States as a legal obligation to cooperate to enhance development for all, everywhere. Secondly, the right to development means that States must ensure the non-discriminatory sharing of development benefits among all peoples under their jurisdiction. This is a duty to which most States admit as few people would support a government that does not seek to ensure the development of its people. The problem, however, is often shifted back to the first aspect.

We regret also that too often claims that States are not ensuring the sharing of development benefits are used to punish States, often by cutting development assistance, which then puts an even greater burden on those who it is claimed are not benefiting. We need to stop this vicious circle. In our view the responsibility rests upon the States that have benefited from development to date, often at the

expense of lesser developed countries. To this end, we welcome the calls made by several panelists for increasing development aid. We view this as part of the legal obligation that developed States have to cooperate with other States.

Finally, we would like to ask the panelists to share with us what they believe has been the greatest added-value of the legal right to development as proclaimed by the Declaration on the Right to Development during the last twenty-five years, particularly for the Global South.

Thank you Mr. Chair.

For further information please contact Nord-Sud XXI at +41-79-304-4654.