

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 welcomes the Social Forum as one of the most important means of engaging civil society in the work of the Human Rights Council. We especially welcome the participatory nature of the Social Forum. We thank the panelists for their valuable interventions and offer our comments as a contribution to the consideration of development challenges now and in the future.

As a preliminary concern of continuing relevance to today's topic, Nord-Sud XXI and International-Lawyers.Org would like express their general concern about the views expressed in the Social Forum and reported, through its Chairperson-Rapporteur, to the Human Rights Council. At last year's Social Forum on climate change, NGOs unambiguously and unanimously called, for the establishment of a special mechanism on climate change. The response to this concerted call to address what will likely be the greatest threat to human rights in future years appears to have been largely ignored. First, at the March and June 2011, 16<sup>th</sup> and 17<sup>th</sup> Regular Sessions of the Council respectively, efforts to present a resolution on climate change were blocked by some Member States. Second, when a resolution was presented and adopted at the recently ended 18<sup>th</sup> Regular Session, no mention was made about the establishment of a special mechanism on climate change. While we appreciate the continued attention of the Council for climate change, we regret how the voice of civil society has been ignored and we again reiterate our call for the establishment of a special mechanism on climate change. Climate change as the Chairperson-Rapporteur indicated in his opening remarks is one of the most important issues related to development. In fact, it is one of the most dangerous impediments to development.

Nord-Sud XXI and International-Lawyers.Org also wishes to acknowledge, unfortunately by his absence, the significant contribution to the right to development that made by Mr. Mohammed Bedjaoui, the former foreign Minister of Algeria, and perhaps the most crucial architect of the right to development. Mr. Bedjaoui saw the right to development as a right that addressed inequalities between peoples. This meant that the right required respect for the sovereign equality of Member States and for redressing the widespread inequalities that existed between different States in relation to social and economic development by ensuring the existence of an equitable and democratic international order. Such order does not yet exist today and without it, as Mr. Bedjaoui so pointedly put it, the right to development will never be adequately recognized for all people in all countries.

Finally, Mr. Chair, in following up on some of the concerns articulated above we would like to hear from the panelists, perhaps from Mr. Naidoo in particular, about how the impact of climate change on human development can be used to encourage new and progressive commitments for binding emission limits under a second Kyoto commitment period.

We also would like to hear the opinions of the panelists on if the right to development is customary international law and whether or not it should be the subject of a new treaty. We ask this question recognizing that some States, like 53 States on the African continent, have recognized the right to development as legally binding in the African Charter on Human and Peoples' Rights.

Thank you Mr. Chair.