Geneva International Centre for Justice

63rd Session of the Human Rights Council

GREEN, DIGITAL DEVELOPMENT: BUT FOR WHOM?

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I. Executive Summary

The Interactive Dialogue with the Expert Mechanism on the Right to Development at the 63rd session of the Human Rights Council examined how two major challenges, climate finance and Artificial Intelligence (AI), are reshaping the conditions in which development takes place. The discussion brought together both states and civil society. Although both issues were recognised as having significant potential, much of the discussion focused on who is able to benefit from these changes, who carries their cost, and how existing inequalities may be reproduced if they are not governed through a human rights centred approach.

Climate finance emerged as a central concern, particularly for developing and climate-vulnerable states already working within limited fiscal space. Several delegations repeatedly warned that responding to climate change should not force states to divert resources away from essential development priorities or take on further debt burdens, subsequently enhancing dependencies. This was especially significant for small island and climate-vulnerable states, who stressed the disproportionate impact of climate change on countries that have historically contributed the least to global emissions. International cooperation was therefore repeatedly framed as necessary if adaptation and development are to advance together.

The discussion on AI raised similar questions of unequal access and control. Delegates highlighted both its potential to support development and support the preservation of cultural heritage and languages, but delegates also warned that these benefits are far from being evenly distributed. The risks posed by unequal access to technology can create further digital dependencies and cultural homogenisation. The concentration of technological power was a dominant point discussed, particularly by developing countries, where communities have less influence over how their data, knowledge or cultural heritage are used. Concerns regarding consent and equitable benefit-sharing therefore became part of a wider discussion. Equitable benefit-sharing was presented as crucial to the ability of less developed regions to participate meaningfully in AI governance without being exploited and left behind.

Civil society interventions largely reinforced these concerns while placing a stronger emphasis on accountability and structural inequality. NGOs warned that AI may reproduce

existing discrimination and facilitate the exploitation of cultural and community data. As a result, calls for transparent regulation and safeguarding for affected communities became a central plea. Climate finance was similarly framed as an issue of justice, with calls for predictable and non-debt creating finance. Other interventions connected the right to development with conflict, militarisation and unequal trade structures. In its concluding remarks, the Expert Mechanism reaffirmed that the right to development has both individual and collective dimensions and stressed that meaningful participation remains central to its realisation.

Geneva International Centre for Justice (GICJ) considers the discussions to demonstrate the need for climate and technological transitions to be governed in a manner that advances, rather than restricts, the right to development. States should ensure that climate finance does not deepen existing debt burdens and does not create any new forms of dependency. Similarly, it should not undermine essential development priorities, states should be able to both advance their necessary services while being able to fund sustainable practices. AI governance must protect cultural rights and prevent any new forms of technological inequalities and dependencies. Consent and cultural preservation should be placed at the forefront of AI development. **GICJ** further emphasises that international cooperation must remain at the heart of efforts to ensure the benefits of development are shared fairly and vulnerable communities are able to participate meaningfully in decisions affecting their futures

II. Background

Development is more than merely economic growth and changes. It is the ability of individuals and communities to participate in, contribute to and benefit from economic, social and political progress while fully realising their human rights. This principle lies at the heart of the right to development, formally recognised by the United Nations General Assembly through the declaration on the right to development on 4 December 1986. The declaration places the human person at the centre of development and stresses active, free and meaningful participation, with the fair distribution of development benefits and international cooperation between states.

The Expert Mechanism on the Right to Development (EMRTD) was established by the Human Rights Council through *resolution 42/23*. The Mechanism was created to provide the Council with thematic expertise and specialised knowledge to adopt the best practices and advance the right to development globally. It is composed of five independent experts and engages with States, United Nations bodies, civil society and other stakeholders in examining barriers to development and identifying practical approaches to overcoming them.

The work of the EMRTD reflects the understanding that barriers to development do not exist only within national borders. International financial systems, patterns of trade, access to new technology, climate vulnerability, conflict and unequal resource distribution can all influence a states' and peoples' ability to realise the right to development. The 1986 declaration itself recognises that both states and individuals simultaneously carry the collective responsibility to create conditions which make development plausible and thus have a duty to cooperate in eliminating any obstacles to its realisation.

Now completing its second three-year mandate, the EMRTD has increasingly turned its attention towards emerging global challenges and implications for development. Its recent programme of work has examined issues including international development cooperation, climate finance and AI. These areas reflect an international environment undergoing simultaneous climate and digital transitions, both of which offer opportunities for development while carrying significant risks of reproducing existing inequalities.

Climate change is placing growing pressure on the right to development, particularly in states that have contributed the least to global emissions but often have the fewest financial resources to respond. Governments are increasingly required to finance adaptation, mitigation and wider development needs simultaneously. This raises important questions of historical responsibility, capacity and access to climate finance.

At the same time, rapid developments in Artificial Intelligence are transforming access to knowledge, economic opportunities and cultural protection. While AI can support development, it also raises significant concerns regarding access, governance and cultural rights. The EMRTD's work therefore asks a central question for the future of the right to development: how can global transitions be governed so that their opportunities and benefits are shared equitably, rather than reinforcing the inequalities they seek to overcome?

III. Summary of Expert reports

In its annual report, the Expert Mechanism outlined its mandate as providing thematic expertise in supporting the implementation of the right to development. Its 12th and 13th sessions addressed issues including trade tariffs, peace and security, equality, migrants and the proposed International Covenant on the Right to Development. The Mechanism emphasised engagement with states, UN bodies, civil society and human rights institutions.
The chair framed the 40th anniversary of the 1986 Declaration on the Right to Development as an opportunity not merely for commemoration but to renew political commitment, improve implementation and build momentum around the proposed International Covenant on the Right to Development.

The Chair of the Expert Mechanism presented its annual report alongside two thematic studies addressing emerging challenges to the right to development: climate finance, vulnerability and responsibility, and artificial intelligence, cultural rights and the right to development. These studies identified best practices and recommendations to advance the implementation of the right to development.

Climate finance, vulnerability and responsibility

The first study observed climate finance through the lens of vulnerability and responsibility. It called for climate financing that is grounded in equality, meaningful participation,

transparency and international cooperation. It examined both the potential and limits of carbon markets, noting the risks to their credibility, including overstated emission reductions and unequal benefit sharing, and subsequently called for robust safeguarding and fair pricing. It highlighted the need for nationally tailored strategies and international support, with particular focus on the least developed regions. The study further examined critical minerals and their development potential. It was argued that extraction should protect both the right to development and the right to a healthy environment. Thus, calling for greater South-South cooperation between mineral rich developing regions.

The repatriation of illicit financial flows was presented as another potential source of finance for climate adaptation and transition. The central principle here was that equitable benefit sharing and the free, active participation of Indigenous Peoples, local communities, and women, are necessary preconditions for climate finance to genuinely support the right to development. The study concluded with a call to embed these principles across climate finance governance so that it reflects both current vulnerabilities and the historical responsibility of states for greenhouse gas emissions.

Artificial Intelligence, cultural rights and the right to development

This study began by acknowledging AI for its ability to expand access to creative tools, help preserve cultural heritage and support endangered languages. However, it followed with the critique that it can also displace creative labour, reproduce dominant cultural and linguistic patterns and subsequently reduce cultural diversity. These risks are particularly significant for developing countries and indigenous communities due to unequal access to data, infrastructure and decision-making.

Particular concern was raised over Indigenous cultural heritage being used to train AI systems without free, prior and informed consent. This was described in the study as ‘digital extractivism’ and as a result, called for indigenous data sovereignty and equitable benefit sharing.

Among its central recommendations, the study called that AI governance should be grounded in international human rights law. This is to prevent cultural homogenisation or unequal concentration of technological power. States were urged to establish strong, regulatory frameworks, transparency, accountability, and access to remedy.

Finally, the study called for reform of intellectual-property regimes, investment in multilingual data infrastructure and human rights due diligence by business, including

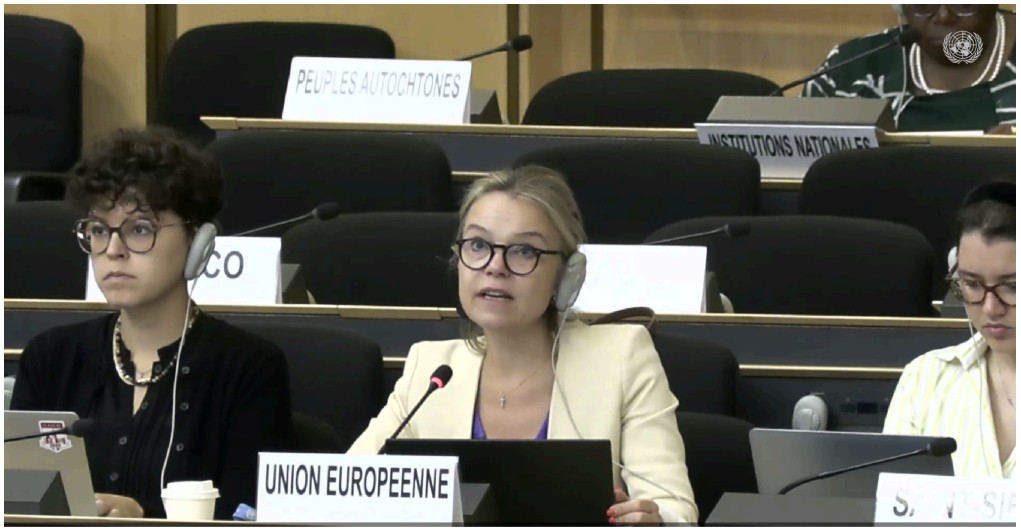
transparency around data training. Here, international cooperation was presented as essential to preventing AI-related inequalities from widening.

IV. Exhaustive Summary of the Interactive Dialogue

The interactive dialogue brought the issues raised in the Expert Mechanism's thematic studies into sharper focus, with delegations examining how the right to development can be realised amid growing climate, technological and economic inequalities.

1. Statements on behalf of Group of States

The European Union



The European Union (EU) emphasised that inclusive and sustainable development and the full realisation of human rights are mutually reinforcing, placing individuals as both the central drivers and beneficiaries of development. The EU reaffirmed its willingness and commitment to cooperate internationally on inclusive and sustainable development but it maintained concerns about the current draft legally binding instrument on the right to development, although it remained open to further negotiations. Turning to AI, the EU concluded by agreeing with the Expert Mechanism that AI governance should be grounded in international human rights law. Its intervention therefore linked technological development to the wider obligation to ensure that innovation remains compatible with established human rights standards.

Uganda on behalf of the Movement of Non-Aligned Countries (NAM)

The statement by the Non-Aligned Movement (NAM) reaffirmed its strong support for the Expert Mechanism and its mandate and stressed that the right to development is central to implementing the 2030 Agenda for Sustainable Development. It subsequently called for the right to development to be mainstreamed throughout the work of the United Nations and, crucially, reflected within international financial and multilateral trading systems. NAM also raised concern over the financial constraints affecting the Mechanism, warning that these inadequate resources hinder the implementation of its mandate. More broadly, The NAM reiterated the duty of all states to contribute to realising the right to development and called for stronger international commitment toward its implementation. The statement closed by offering a particularly direct assurance: “You can count on us.”

Belarus on behalf of the Group of Friends in Defense of the Charter of the United Nations

The Group of Friends in Defence of the Charter of the United Nations stressed that realising the right to development requires strengthening international cooperation and solidarity. It called for an international environment in which all peoples can benefit equitably from development. Particular concern was raised regarding the continuing barriers faced by developing countries which limit their capacity to meet domestic development needs. The Group therefore argued that addressing and dismantling such structural barriers to the right to development should be treated as the priority, particularly where wider international economic structures restrict the ability of States to pursue their own development objectives.

Commonwealth of the Bahamas on behalf of Caribbean Community CARICOM

Contributions made by the Commonwealth of the Bahamas on behalf of Caribbean Community (CARICOM) stressed the particular pressures facing Caribbean Small Island Developing States, where climate change is eroding development gains and further constraining already limited fiscal space. Against this background, the statement emphasised the duty of international cooperation, particularly through adequate and accessible climate finance and capacity-building. CARICOM expressed their support of the study's balanced treatment of carbon markets, arguing this can mobilise resources and support sustainable development if designed with strong human rights and environmental safeguards. It nevertheless stressed that carbon markets should complement, rather than replace, traditional climate and development finance. Illicit financial flows were also brought into focus, as they called for the responses to be evidence-based and free from assumptions based on a country's size or tax model.

The Republic of Kenya on behalf of the African Group

Speaking on behalf of the African Group, the Republic of Kenya stressed the imbalance between Africa's relatively little historical contribution to climate change while remaining among the regions most affected by its consequences. The Group therefore called for climate finance to be adequate, additional, predictable and accessible, with support for adaptation. The statement warned that climate finance must not replace development assistance or increase African debt burdens. Countries, it argued, should not be forced to choose between responding to climate impacts and meeting their broader development needs and priorities. The African Group also cautioned that African countries should not have to worry about dependency models being used in these transition models.

At the same time, the representative noted that Africa's forests, mineral resources and renewable energy are important contributions to supporting this transition, but stressed that their value must benefit African people. Moreover, the African Group called for a fair and transparent carbon market, with greater local processing of minerals and stronger opportunities for local job creation.

On Artificial Intelligence, the African Group recognised its potential to preserve African languages and cultural heritage, while also warning that unequal access to digital infrastructure and technology could deepen dependency and inequalities. For Africa to fully benefit from AI technology, protection for creators and cultural knowledge was also noted as essential. Ultimately, the statement concluded by stressing that both digital and climate transitions must advance rather than constrain Africa's right to development.

2. Relevant statements by other Delegations

Islamic Republic of Iran

The core argument presented by the Islamic Republic of Iran is that the right to development cannot be separated from peace and security, highlighting that development gains can be undermined when civilian infrastructure and long-term investments are destroyed. The representative also raised an important question of whose technological development ambitions are treated as legitimate and whose are framed primarily as security threats. Iran introduced the concept of "Southphobia" to describe what is characterised as the structural tendency to view technological and developmental aspirations of countries in the Global South through a disproportionate security lens. This was argued to create an asymmetry of technological trust, whereby similar capabilities may be accepted in some states but treated as threatening in others. Subsequently, Iran warned that this dynamic can contribute to restrictions on technology transfer and scientific cooperation, unilateral coercive measures and wider development inequalities. Consequently, the mechanism was encouraged to examine this concept as a structural obstacle to the right to development.

The Republic of Zambia

The Republic of Zambia continued the dialogue by highlighting that developing countries should not have to choose between financing climate resilience and investing in essential development spending such as education, health and infrastructure. This argument was rounded and illustrated through the immediate development impacts of recent droughts, impacting food production, water availability and hydroelectric power generation.

Zambia's investments in adaptation were pointed towards, through the adoption of renewable energy and forest protection, while emphasising that climate finance should protect and advance the right to development. It should also be accessible, predictable and aligned with national priorities. Zambia's representative here also highlighted the need for it to not add any more debt for countries already facing significant development pressures. Zambia concluded the statement by framing climate resilience as a shared global interest requiring long-term cooperation and appropriate safeguards for the shared future.

The Republic of Cuba

The Republic of Cuba focused primarily on the implementations of Artificial Intelligence for development. While it recognised the potential of AI to support the right to development, the representative warned that weak or inadequate governance could reproduce existing global inequalities. It therefore called for AI governance that promotes inclusive and culturally diverse development, as opposed to contributing to cultural homogenisation, digital dependency or unequal concentration of creative and economic power. The delegation also reaffirmed support for a legally binding instrument on the right to development and framed such instrument as a way to place the right on an equal footing with other human rights, thus strengthening international implementation and enforceability.

The Republic of Indonesia

The Republic of Indonesia similarly highlighted the dual potential of Artificial Intelligence for cultural rights. They noted that AI can help preserve and transmit cultural knowledge and revitalise endangered languages, but can also enable their appropriation, distortion or commercial exploitation. It was stressed in this statement that the use of cultural knowledge by AI should respect the free, prior and informed consent of the communities concerned. Indonesia subsequently called for consent and equitable benefit sharing to be embedded into AI design and governance. More broadly, Indonesia argued that AI governance should address economic, social and cultural dimensions, while keeping human needs at its centre. Particular focus was highlighted on ensuring that developing countries retain the policy space and technological opportunities necessary to allow them to pursue their own development paths.

The Republic of Ireland

The Republic of Ireland states that climate justice is one of the country's core priorities, and that many efforts are put in place through Ireland's development programs on the international level. The country recognizes that there is an inequality in the way climate change affects the most vulnerable populations, which is a barrier to the right to development. Ireland commended the Expert Mechanism's report on AI and development and its highlighting of the deep opportunities presented by AI in cultural rights, but reminds the risks in the absence of safeguards. Ireland aligns itself with the need identified by the Expert Mechanism on a human-rights based and human-centric approach to development. Lastly, Ireland wanted to know how States can reinforce international collaboration in order to close the normative and regulatory gaps in the field of AI and cultural rights.

3. Statements by Civil Societies and Non-Governemental Organisations (NGOs)

Civil society interventions brought the discussion back to what the right to development means in practice, particularly for communities experiencing exclusion and conflict. Several organisations focused on artificial intelligence, warning that its benefits will remain uneven without stronger human rights-based governance. Speakers raised concerns over discriminatory training data, gender bias, the appropriation of cultural and community knowledge without consent, corporate concentration and the exclusion of young people and marginalised groups from decision making. Calls therefore centred on transparency, accountability, data sovereignty, equitable benefit-sharing and meaningful participation. Placing particular emphasis on protecting communities whose knowledge and data are used to train AI systems. Others stressed that digital technologies can also support development when they expand affordable access to services, markets and economic participation.

Climate finance and wider structural inequalities were also prominent. Civil society actors called for predictable and non-debt creating climate finance, arguing that those most impacted by climate change should not carry the additional financial burden for addressing it. Particular focus was placed on historical responsibility and the need for climate governance to prioritise human dignity and local needs over speculative or unequal financing mechanisms. Several speakers connected these concerns to broader questions of economic justice; including tariffs, sanctions and unequal participation in the global trading system.

Other interventions illustrated how the right to development can be undermined when communities lack control over land and political participation. Across these interventions, a common message emerged: development must be rooted in participation, self-determination, human dignity and the ability of communities to shape the decisions that affect their futures.

V. Concluding Remarks

The Chair of the Expert Mechanism concluded the interactive dialogue by returning to a central message that had run throughout the discussion: the right to development is both an individual and collective right, inseparable from the wider framework of civil, political, economic, social and cultural rights. Meaningful participation and international cooperation were described in the closing remarks as central to its implementation. The Expert Mechanism went on to reiterate its support for a draft International Covenant on the Right to Development, describing a binding instrument as an important addition to international human rights law. At the same time, the Chair made clear that progress ultimately rests with Member States and their willingness to advance negotiations.

On climate finance, the closing remarks drew together several of the study's key concerns, including carbon markets, illicit financial flows and clean cooking. The Mechanism stressed the need for stronger economic cooperation and capacity-building, particularly in light of the harms caused by climate change. Moreover, the concluding remarks framed climate action increasingly in terms of legal obligations, referring not only to treaties and soft-law instruments but also to recent international and regional jurisprudence.

The same emphasis on rights and responsibility shaped the Mechanism's conclusions on Artificial Intelligence. Technological progress, it argued, can support the right to development only where it remains parallel with human rights standards. The AI study

subsequently introduced guiding principles for governance and accountability, including equitable benefit-sharing, again with international cooperation at the heart of the recommendation, in an effort to ensure that technological change does not deepen existing inequalities.

Looking ahead, the Mechanism briefly introduced its forthcoming study on peace, security and the right to development, organised around three pillars: States' obligations under the UN Charter regarding peace and peaceful dispute settlement, obligations relating to disarmament, and obligations concerning transitional justice.

The dialogue ultimately concluded with an invitation to continue the discussion beyond the Council chamber. States and other stakeholders were encouraged to continue sharing good practices on fair climate transitions, responsible AI governance and approaches to peace and security, which the expert mechanism aims to disseminate more widely. Taken together, the closing remarks reinforced the broader message that the future of the right to development will depend predominantly on how governance systems are designed and implemented.

VI. Position of Geneva International Centre for Justice

Geneva International Centre for Justice (GICJ) welcomes the continued work of the Expert Mechanism on the right to development and its efforts addressing the emerging challenges affecting the full realisation of this right. GICJ stresses that development must remain people-centred, inclusive and grounded in international human rights law, with individuals and communities able to participate meaningfully in decisions that shape their futures.

GICJ is particularly concerned that climate change continues to impose disproportionate burdens on developing and climate-vulnerable countries, many of which have contributed least to the crisis while facing severe constraints on their fiscal and development capacity. Climate finance must be predictable and accessible, without deepening existing debt burdens or forcing states to choose between climate resilience and essential development priorities such as healthcare and education. International cooperation and capacity-building must remain the focus to a just climate transition.

GICJ further recognises the potential of Artificial Intelligence to contribute positively to development, while stressing that technological progress must not reproduce existing

inequalities or create new forms of exclusion and dependency. AI governance must subsequently protect cultural rights and linguistic diversity while ensuring consent and transparency. GICJ also draws attention to the environmental costs associated with the rapid expansion of AI, including its significant demand for energy, water and physical infrastructure. These impacts must be taken into account when assessing whether technological development is genuinely sustainable and compatible with the right to development. Particular attention must therefore be given to ensuring that the social, economic and environmental costs of AI are not disproportionately borne by developing countries and vulnerable communities.

Finally, GICJ reiterates that the right to development cannot be separated from wider questions of peace, security and international cooperation. Conflict, structural inequality and barriers to access can severely undermine development gains and prevent communities from exercising this right in practice. GICJ therefore calls upon states and the international community to strengthen cooperation and ensure that climate, technological and economic transitions advance the full equitable realisation of the right to development for all.

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