

63rd Session of the Human Rights Council
Item 3: Interactive Dialogue with the Special Rapporteur on the right to development

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Delivered by Romaric Zinsou
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“Participation in development: taking the right to development seriously”

Mr. President,

We support the conclusions of the Special Rapporteur with regard to a community’s right to say no and withdraw consent from development projects.

The report notes that communities “should be at the forefront in conceiving and designing development projects, including those related to just transitions.” While we hope that critical minerals will ensure the right to development and spur a just transition, where communities themselves not only consent to projects but equitably benefit from them, we are deeply concerned that critical minerals will be primarily used for developing artificial intelligence, deepening the military-industrial complex, and towards false solutions for climate change. How many critical mineral agreements have ensured that communities impacted by extraction have actively, freely, and meaningfully participated in discussions leading to the signing of State agreements – or even prior to the commencement of mining?

We note the Special Rapporteur’s mention of corporate capture, corruption, and business abuses. Next month, we will join States for the 12th session of the IGWG working towards a legally binding instrument on business and human rights. The proposed LBI’s aim and scope relate directly to the concerns raised by the Special Rapporteur. We call on all State’s to actively participate in the process in good faith, and ensure that the next LBI draft is robust, protects both people and the planet, and ensures accountability for business abuses.

Thank you.