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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Working Group on the Right to Development on its eleventh session (Geneva, 26– 30 April 2010)**

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## **I. Introduction**

1. The open-ended Working Group on the Right to Development was established by the Commission on Human Rights in its resolution 1998/72 and the Economic and Social Council in its decision 1998/269 with a mandate to monitor and review progress made in the promotion and implementation of the right to development, as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration; to review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development; and to present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including advice to the Office of the United Nations High Commissioner for Human Rights (OHCHR) with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development.
2. The Human Right Council, in its resolution 9/3, decided to renew the mandate of the Working Group until it completes the tasks entrusted to it by the Council in its resolution 4/4, and that the Working Group would convene annual sessions of five working days and submit its reports to the Council.
3. The Working Group accordingly convened its eleventh session in Geneva from 26 to 30 April 2010.

## **II. Organization of the session**

4. The session of the Working Group was opened by the Deputy High Commissioner for Human Rights.
5. At its 1st meeting, on 26 April 2010, the Working Group re-elected by acclamation Arjun Sengupta (India) as Chairperson-Rapporteur, and adopted its agenda (A/HRC/WG.2/11/1) and programme of work (see annex I).
6. At the session, the Working Group considered the report of the high-level task force on the implementation of the right to development on its sixth session, held in Geneva from 14 to 22 January 2010, comprising the main report (A/HRC/15/WG.2/TF/2 and Corr.1), the consolidation of findings (A/HRC/15/WG.2/TF/2/Add.1 and Corr.1) and the right to development criteria and operational sub-criteria (A/HRC/15/WG.2/TF/2/Add.2).

## **III. Summary of proceedings**

### **A. Opening statements**

7. Egypt, speaking on behalf of the Non-Aligned Movement, appreciated the efforts of the task force in completing its mandate. Recalling Council resolution 12/23, Egypt stressed that the right to development criteria should adequately reflect, in addition to the role of Governments at the national level, the dimensions of international cooperation and solidarity, as well as the international responsibility for creating an enabling environment for the realization of the right to development. The criteria should also address the structural impediments in international economic, financial and political systems, including

the lack of democracy in global decision-making. Consequently, the outcome of the work of the task force did not reflect the balance between national and international responsibilities in addressing the right to development, as set out in the Declaration on the Right to Development, adopted by the General Assembly in 1986. In the view of the Movement, follow-up work should be undertaken at the intergovernmental level, with the ultimate goal being an international legally-binding instrument on the right to development.

8. Several Member States took the floor and associated themselves with the statement made by Egypt. In its statement, Cuba objected to the reformulation of the scope and content of the right to development, as well as the overemphasis on national responsibilities in the reports of the task force. Operationalizing the right to development was not about mainstreaming all human rights into the development process, but about mainstreaming and implementing development-oriented policies at all levels, in order to improve further the capacity of States to ensure the full enjoyment of all human rights. The efforts of countries to achieve development were restrained by obstacles at the international level that were beyond their control and included, for example, the adverse effects of globalization, the protectionist barriers imposed by developed countries, the non-fulfilment of commitments on official development assistance (ODA) and the unsustainable external debt burden. Indonesia recognized the strong linkage between development and the fulfilment of all human rights obligations. The implementation of the right to development should prioritize the needs of the people and the poor in the developing world who are most in need of international assistance. The Philippines considered that many recent international developments and the confluence of global crises had re-emphasized the relevance of the right to development and the need for its operationalization. The criteria seemed to overemphasize the human rights-based approach to development at the national level rather than the right to development on a global scale with an enabling international environment. India noted the “magical and unique” nature of the right to development, in that it sought to strike a balance between international and national commitments. The right was framed to ensure global solidarity, while the report of the task force shifted the balance towards national responsibility. Bangladesh disagreed with the view that other human rights could be attained without the right to development. National responsibility in realizing the right to development was clear, but the need for an enabling global environment was also undeniable. Such an environment was not only focused on providing assistance, but was also about creating opportunities with regard to international trade, intellectual property and the transfer of technology. The Islamic Republic of Iran regretted the continuing obstacles to the realization of the right to development, including unilateral coercive measures and sanctions towards countries, almost 25 since the adoption of the Declaration on the Right to Development.

9. Nigeria, speaking on behalf of the African Group, associated itself with the statement made by Egypt and expressed deep concern at the limited progress towards the realization of the right to development, especially at a time when multiple global crises had had a grave impact on the efforts of the international community for sustainable development, and highlighted the scale and depth of global interconnectedness. Statements associated with the positions of the Non-Aligned Movement and the African Group included that of Algeria, which also welcomed the task force proposal for convening regional consultations to strengthen the mainstreaming of the right to development. Mauritius highlighted the need for mainstreaming the right to development in the work of all agencies and programmes of the United Nations system. Morocco stressed that development models should not be imposed on States without taking into account their needs, but should assist them in benefiting from their human and natural resources, through regional integration and South-South cooperation.

10. The European Union recalled its strong commitment to sustainable development, poverty reduction and reaching the Millennium Development Goals by 2015. The right to

development recognizes the indivisibility and interdependence of all human rights and the multidimensional nature of development strategies, bringing together civil, political, economic, social and cultural rights. As such, its implementation required a combination of policies and the involvement of a wide range of actors in order to create an enabling environment for individuals to participate in the development process. The right to development must encompass the promotion of good governance, the rule of law and effective anti-corruption measures, and include the principles of participation based on non-discrimination and gender equality, transparency, access to information and accountability. In line with the Declaration, States had the primary responsibility to guarantee the full enjoyment of all human rights, including the right to development. Once endorsed by the Working Group, the criteria, sub-criteria and indicators could be used in the elaboration of a set of standards for the implementation of the right to development, and indicators could also be used as a reference in the mainstreaming of this right. The European Union did not support the elaboration of a legally-binding instrument on the right to development. It welcomed the three sets of recommendations set out by the task force in its report.

11. The United Kingdom of Great Britain and Northern Ireland supported the statement made by the European Union and reaffirmed its commitment to the right to development as set out in the Vienna Declaration and Programme of Action. An effective aid partnership should aim towards poverty reduction and the achievement of the Millennium Development Goals, respecting human rights and other international obligations, as well as strengthening financial management and accountability. It pointed to the need for more expert opinion and discussion in finding practical ways to implement the right to development.

12. Norway stressed that the work of the task force and the documents presented at the current session represented a significant step forward in outlining what the right to development entailed. Canada supported the right to development as a useful bridge between civil and political, and economic, social and cultural rights. The Working Group should develop practical tools and guidelines with benchmarks and indicators based on the work of the task force, which States could use to create favourable conditions for individuals to realize their full development potential. The centrality of the human person in development was reinforced by the three attributes of the right to development identified in the report of the task force. With continued support from the task force, the Working Group could refine and develop further the criteria, sub-criteria and indicators into tools to help implementation of the right to development. The sub-criteria should include benchmarks and indicators to promote the implementation of the right to development in measurable and practical ways, particularly at the national level. Canada did not support the idea of a legally-binding instrument on the right to development, and insisted that primary responsibility for this right lay with States, while the international dimension should be taken into account. The United States of America welcomed the task force's elaboration of the criteria as a positive step in establishing metrics for development practice. While remaining skeptical about an international legal standard of a binding nature, the United States was committed to exploring the most effective ways to advance the valuable work carried out by the task force. Development had both international and national dimensions, and the United States had adopted a model of development based on partnerships, entailing mutual commitments at the national and international levels. States had the responsibility to provide an enabling environment and institutional arrangements, while donors had a responsibility to support countries' development priorities.

13. Brazil reaffirmed its commitment to advance international cooperation, which went beyond aid and implied the creation of conditions to break the cycle of dependency. This was central to the idea of the international dimension of the right to development, and balancing it with the national responsibility to create conditions for individuals to enjoy all their rights. Mexico highlighted the fact that the right to development was an extremely relevant part of the architecture to protect all other human rights. Regional consultations, as

recommended by the task force, could provide a good opportunity to consider the relevance of existing instruments, thus allowing the Working Group to achieve a possible consensus towards a legally-binding instrument. Any progress in standard-setting had to involve all stakeholders through consultation. Costa Rica noted that the right to development was complementary to economic, social and cultural rights, and reaffirmed its commitment to a legally-binding instrument. Supportive of the recommendations of the task force, it believed that the criteria could serve as a good basis for discussion, particularly those relating to sustainable development.

14. The representative of the World Health Organization (WHO) highlighted the fact that health and development complemented each other. The WHO Constitution defined health in its broadest terms, including “social well-being”, and viewed it as a fundamental human right. WHO valued its cooperation with the task force, and concurred that the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property, as described in the task force report, aimed to promote new thinking on innovation and access to medicines. The strategy resembled the rights-based approach to access to knowledge, innovation and health technology. A comprehensive monitoring and evaluation framework based upon a set of indicators was being developed for the Strategy and Plan. In this context, WHO looked forward to contributing to the efforts of the Working Group.

15. The Friedrich Ebert Foundation welcomed the qualitative outcome of the task force work, including the criteria, which offered a substantial frame of reference for the evaluation of the right to development and from which reporting templates could be derived. The criteria and sub-criteria were more balanced in terms of substance, but skewed towards national responsibilities in terms of numbers. The representative of the Indigenous Peoples and Nations Coalition, the International Council for Human Rights and the Indian Council for South America supported a legally-binding instrument on the right to development that addressed the situation of indigenous peoples and the right to self-determination. The Centre Europe – Tiers Monde noted that any steps taken at the national level with regard to the right to development could be negated by decisions taken by international financial institutions and transnational corporations, which were not regulated. Cercle de recherche sur les droits et les devoirs de la personne humaine quoted figures relating to wealth disparities in countries and life expectancy gaps between the North and South. The human rights-based approach should include moral and spiritual principles, including solidarity, if it was to lead to equity and the fair distribution of wealth.

## **B. Review of progress in the implementation of the right to development**

16. The Chairperson-Rapporteur of the high-level task force on the implementation of the right to development, Stephen Marks, expressed his gratitude to the experts and institutional members of the task force for the accomplishments in the implementation of its mandate. He also thanked the partner institutions for their excellent collaboration during the technical missions and for their willingness to integrate the right to development into their work, citing encouraging examples where practice had actually been altered in response to representations made by the task force. He explained that the main report contained a review of the work conducted at the sixth session and suggestions for further action, while the addenda contained a consolidation of main findings of the task force over the past five years of its mandate and the proposed set of criteria and operational sub-criteria.

### **1. Consideration of the report of the high-level task force**

17. The Chairperson-Rapporteur of the task force presented the report of the task force on its sixth session (A/HRC/15/WG.2/TF/2 and Corr.1). The report contained a summary of the deliberations on the final phase of the review of global partnerships in the areas of

access to essential medicines, technology transfer and debt relief, as well as of the discussion on the right to development criteria. An overarching consideration of the task force was to reflect the balance between national and international responsibilities by looking at sustainable development through international cooperation. He noted that the task force had covered virtually all of the aspects of international economic relations of concern to developing countries, including debt sustainability; national ownership of development policies; the mitigating effects of international financial and economic crises; protection against volatility of international commodity prices; bilateral, regional and multilateral trade rules; ODA flows; innovative sources for financing international development; technology development targeted at poor people's needs; use of Trade-Related Aspects of Intellectual Property Rights (TRIPS) flexibilities; equitable sharing of environmental burdens and just compensation for the negative impact of development investments and policies; prioritizing poverty and social justice; and effective participation of all countries in international decision-making. Since these issues of concern to developing countries arose from national policies that have a global impact, including through multilateral institutions, it would be misleading to find that the references to national policies reflected a neglect of the international enabling environment; on the contrary, the task force had been particularly attentive to the interests of developing countries, which are at the heart of the right to development.

18. The European Union expressed its appreciation for the work of the task force, and supported extending its mandate as an option in view of the need for further work. The right to development was complex, as it contained both rights and obligations at various levels. Development was also a matter of enhancing the capabilities of individuals. Stressing the importance of devising the criteria in a way that they could be applied to all countries, the European Union underlined the fact that the work on the right to development involved both developed and developing countries. It drew attention to good governance at the global level and aid effectiveness. The Working Group should focus on the most appropriate way to operationalize the right to development in deciding on the way forward. Brazil noted that the new version of the right to development criteria represented a step in the right direction and in the interest of all countries. Nevertheless, it needed to address better the issues of poverty and exclusion and to balance the different approaches to the right to development. The right to development was a key element in achieving development, both individually and collectively.

## **2. Consolidated findings**

19. The Chairperson-Rapporteur of the task force presented the report on the consolidation of findings of the task force (A/HRC/15/WG.2/TF/2/Add.1 and Corr.1). He noted the challenges that stakeholders faced when making the right to development a useful framework for development practitioners owing to differing mind-sets, especially in the trade and debt fields, the relative neglect of human rights in the Millennium Development Goals, the structural impediments to global justice, the lack of incentives for policymakers to introduce this right into their decisions, and the need to measure the impact of efforts to implement this right through impact assessments and the use of indicators. The suggestions for further work were directed at responding to these challenges, such as the one regarding the Millennium Development Goals Review Summit, to be held in September 2010, regional consultations, context-specific reporting and so on.

20. During the ensuing discussions, Brazil, Canada, Cuba, the European Union, India, the Philippines, Portugal, Senegal and the United States of America, as well as the observer representing the Indigenous Peoples and Nations Coalition, the International Council for Human Rights and the Indian Council for South America, took the floor. Some delegations suggested that an agreement should be reached on the definition and main components of the right to development proposed by the task force. Additional concerns were raised about

the conditionalities attached to development funds and the current international system that left no room for developing countries to participate in decision-making. Others pointed out that there was a lack of clarity on the three sub-levels of the criteria, as well as on the question of who would monitor the implementation of the right to development. There was a need to reach a clear agreement on the criteria and to clarify the rights of peoples. States should be consulted on the future course of action on the right to development.

21. One delegation stated that development was also in the interest of developed countries, and emphasized the need for pragmatic solutions. It expressed its disinclination to a legally-binding agreement on the right to development, and drew the attention of those in favour of such an instrument to the fact that there were other ways to operationalize this right. A legal text created without consensus would not be binding on countries that did not ratify it, and enforcement would be another challenge. Instead, there should be an emphasis on reaching an agreement on the criteria and sub-criteria, which would facilitate the adoption of a set of standards. In this context, the importance of flexibility was emphasized in moving the process forward and reaching a consensual outcome.

22. With regard to the balance between national and international responsibilities, several delegations felt that the fulcrum was slipping towards the importance of national efforts, as opposed to international cooperation, solidarity and an enabling environment. They underlined the need for shared responsibility and access to resources, as well as participation in global decision-making in the realization of the right to development. According to one delegate, a study of best practices on an appropriate model for the future course of the right to development would be useful.

23. Some speakers stated that sustainable development required actions at both the national and international levels simultaneously, and that one was not a precondition for the other. Both national and international agencies had a role to play in achieving development for all. The level of responsibility would differ with respect to the particular issue and country. Sustainable development also required a strategic and results-based focus, transparency and accountability on the part of both recipient and donor countries, as well as strong and insightful leadership and partnership. One delegation pointed to the fact that the Declaration on the Right to Development focused on the individual as the centre of development, and expressed a preference for maintaining that focus.

24. With regard to the issue of social safety nets as a tool to mitigate the difficulties faced by the poor and the vulnerable, some delegations presented the challenges of social safety programmes, such as a defective cost of living, limitations on coverage, and the availability of resources to maintain such programmes. One delegation stressed the importance of social investment rather than social expenditure. Questions were raised about the effectiveness and utility of social impact assessments, whether it was possible to adjust them to each country and, if so, how to standardize them. The issue of whether the components of social impact assessments would be determined by donors or recipients was also raised.

25. With regard to access to medicines, numerous delegations pointed to impediments in access to knowledge and intellectual property rights. In view of the difficulties in using TRIPS flexibilities, the importance of the right to development approach to the fulfilment of the right to health was emphasized. Access to technology played a crucial role in development. Some stated that green technology was becoming a barrier to development, whereas it should be generational, accessible and not a means of discrimination. Others expressed their support for the approach taken by the task force on the importance of intellectual property and technology for development, as well as the challenges created by the uneven global distribution of technology and innovation. Concerns were raised about protectionist tendencies that threatened the policy space of developing countries.

26. One delegation raised the issue of migration as a result of underdevelopment, which led to people seeking better opportunities abroad to raise their living standards. A view was also expressed that the implementation of the right to development should create conditions in developing countries such that their citizens would not feel the need to seek opportunities abroad. Another delegation stressed the contribution of migrant workers to development, and suggested that this issue could be considered by the Working Group in the future.

27. The Chairperson-Rapporteur of the task force appreciated the support of some delegations for a results-based approach, answered questions and clarified some of the concerns raised. He stressed that an international environment conducive to the right to development implied responsibilities at both the national and international levels, and that it was not helpful to downplay national policies and the use of resources, since they were instrumental to international cooperation and assistance, respectively. Lastly, he acknowledged that indigenous peoples and other subnational groups were beneficiaries of the right to development.

### 3. Right to development criteria

28. In presenting the report on the right to development criteria and corresponding operational sub-criteria (A/HRC/15/WG.2/TF/2/Add.2), the Chairperson-Rapporteur of the task force drew attention to two significant features of the criteria. Firstly, a core norm had been enunciated, strictly on the basis of the content of the Declaration on the Right to Development, together with three attributes, which proposed a short definition of the right in order to address some criticisms of its “normative indeterminacy” voiced by delegations that had voted against resolutions on the right to development in the past. Secondly, illustrative indicators, subject to refinement, had been provided to serve as a tool to measure progress and assist in identifying policies and programmes that contribute to the right to development. This approach, similar to that used for other human rights, treated this right on a par with other human rights, as called for by the Human Rights Council and the General Assembly in their resolutions. He then explained that the task force had wanted to indicate for each sub-criterion the relevant levels of responsibility but, in the interest of keeping the table manageable, had included this notion in the chapeau paragraph. Thus, the criteria and sub-criteria involved responsibilities of: (a) States acting collectively in global and regional partnerships; (b) States acting individually as they adopt and implement policies that affect persons not strictly within their jurisdiction; and (c) States acting individually as they formulate national development policies and programmes affecting persons within their jurisdiction. The criteria should therefore not be seen as reflecting an emphasis on the national at the expense of the international dimension, since almost all of them involved the obligations of States acting collectively and internationally. Very few — such as effective taxation policies — were exclusively national, whereas most — such as public expenditure on health or education by developing countries — involved resource constraints over which developed countries exerted considerable influence.

29. Bangladesh, Canada, Côte d'Ivoire, Cuba, Egypt (on behalf of the Non-Aligned Movement), the European Union, India, Indonesia, Ireland, Nigeria, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), the Philippines, Senegal and the United States of America took the floor to express their views on the criteria, sub-criteria and indicators. Interventions were also made by observer representatives of the Indigenous Peoples and Nations Coalition, the International Council for Human Rights and the Indian Council for South America, Cercle de recherche sur les droits at les devoirs de la personne humaine, 3D Trade-Human Rights-Equitable Economy and Nord-Sud XXI. With regard to the overarching approach, one delegation saw the right to development as a way of improving the well-being of the human person; more specifically, not only satisfying basic human needs but also fulfilling the potential of human beings through the realization of all human rights. It was not possible to have development without all human rights, and human

beings were both the beneficiaries and the primary actors in the fulfilment of the right to development.

30. With regard to the question of measurement, some delegations expressed concern that parts of the criteria table, in particular attribute two, seemed to adopt a human rights-based approach to development. The focus should be on how to achieve economic development to strengthen the capacity of States to promote and protect all human rights. Others emphasized the human rights-based approach to development and maintained that the work of the task force represented a significant step forward in clarifying the practical meaning of the right to development. Considering that criteria listed under attributes two and three were useful and clearly fell within the mandate of the Human Rights Council, one delegation expressed its reservations to some of the criteria listed under attribute one. In particular, criteria 1 (b), 1 (d) and 1 (f), relating to economic and financial systems, extended well beyond the mandate and competence of the Council, and covered issues discussed and dealt with extensively in other organs. However, the same delegation highlighted the importance of the willingness of States to discuss a human rights-based approach to all important development issues, including those dealt with in the governing bodies of United Nations funds and programmes, as well as international financial institutions. Another delegation suggested that a methodology should be developed to simplify the application of the criteria and sub-criteria by various stakeholders. A representative of one non-governmental organization was convinced that the criteria, sub-criteria and indicators provided a strong basis for taking seriously the potential need for monitoring and adapting development policies to align them with political commitments to realize the right to development.

31. With regard to the core norm, one delegation objected to the “illegal” attempt by the task force to redefine the right to development, adding that the task force had no mandate to propose a new definition of that right. The same delegation also objected to using some elements of the Declaration and leaving out others, including the right to self-determination. Another delegation highlighted the continuing demand by peoples for the exercise of their legitimate right to self-determination in accordance with United Nations resolutions. A view was also expressed that the “constant improvement of well-being” needed to take into account the development differential, meaning different conditions prevailing in countries, while another queried how well-being could be quantified. A suggestion was also made to change the sequence of the wording of the core norm in the chapeau of the annex, in favour of the “rights of individuals and peoples”, and to place the national level of responsibility before the international level.

32. With regard to the criteria, several delegations, while recognizing the pertinence of some of the criteria, reaffirmed their regret at the lack of overall balance between the national and international spheres of responsibility. They did not follow the balance in the Declaration, which centred on the creation of an enabling international environment. In this context, a reservation was made to the potential of the criteria in implementing the true spirit of the right to development, including through addressing the unjust structures of the global economy. Furthermore, the criteria and corresponding sub-criteria, it was argued, went beyond the content of the Declaration in addressing such issues as good governance and participation. One delegation recalled that the right to development criteria had been approved by the Working Group in 2006. As such, the Working Group could discuss and agree on a core norm on the criteria, sub-criteria and indicators, and then assess the appropriate level, be it national, regional or international, at which decisions and policies were to be adopted and taken. It was explained, however, that although the responsibility for decision-making should indeed be primarily at the national level, the crucial issue was that the hostile international environment did not allow for those decisions and policies to be effective.

33. With regard to the sub-criteria, further explanation was requested from the task force as to why some were general in nature, while others were more operational, requiring actions such as “providing” and “reducing”. On the question of indicators, some delegations commented that the task force was not mandated to elaborate indicators; instead, the sub-criteria should have been the measurement tool. It had been hoped that the Working Group would receive, for each criterion and sub-criterion, a list of measures that should be taken in order for that particular criterion to be fulfilled, whereas the indicators were a set of conditions by which success could be measured. Indicators on whether or not a State had ratified a particular treaty or convention would not say much about the implementation of the content of those instruments. Furthermore, the indicators did not take into account different conditions prevalent in different countries. There was also a question as to how one would measure efforts undertaken by a State in a given situation when it had not ratified an instrument. The issue was that indicators in the human rights domain were viewed differently from indicators in development discourse.

34. Other delegations welcomed the development of indicators, while identifying some gaps and the need for refinement and methodological rigour, particularly with regard to the outcome (result) and the effort (policy and resources) indicators. They were of the view that the indicators were a good illustrative set for States to be engaged in progress at the national level, through national development plans and policies, which would then call for international cooperation and assistance. One delegation noted that indicators were not used to “dictate” development policy, but rather as a tool to assist Governments and international agencies in improving policies and practices.

35. The Chairperson-Rapporteur of the task force concluded the deliberations by responding to the points and concerns raised by various delegates. He emphasized the fact that the task force had stayed strictly within its mandate and accepted concepts in formulating the core norm and attributes, and had provided notes to the authoritative source for each of the criteria. He also reiterated that the indicators should be seen as flexible and subject to regular updating and improvement, while the core norm, attributes and criteria had a more lasting value. He hoped the Working Group would appreciate the fact that the task force’s aim was to make the right to development operational, and recalled the recommendation to circulate the criteria for comments so that they could benefit from the experience of Governments and other entities. Lastly, he clarified that the reference to “reporting template” was made so that the Working Group could determine priority areas for a more targeted exploration of how policies and institutions could be more responsive to right to development concerns, since it was not feasible to report on the whole range of criteria.

#### **4. Suggestions for further work**

36. The Chairperson-Rapporteur of the task force presented the suggestions for further work on the criteria, consideration of new thematic areas and mainstreaming the right to development (A/HRC/15/WG.2/TF/2, paras. 71–85). The criteria could be circulated in order to benefit from the insights of Governments and other entities, and be refined into a manageable reporting instrument capable of revealing where improvements could be made in the implementation of the right. To assist the Working Group in the further development of a comprehensive and coherent set of standards, the task force had recommended consultations with regional institutions, thus engaging regional actors in the process, and studying various formats for guidelines and other instruments so that an informed decision could be made on the eventual format of the standards. Should the Working Group wish to explore additional thematic areas of international cooperation, the task force recommended drawing on the United Nations Development Agenda. Lastly, the task force recommended strengthening the mainstreaming of the right to development into the work of United Nations human rights bodies and mechanisms, as well as OHCHR.

37. Argentina, Canada, Cuba, Egypt (on behalf of the Non-Aligned Movement), the European Union, India, Pakistan and the United States of America took the floor. Several delegations expressed the view that sufficient time was required for the Working Group to review thoroughly the work of the task force. The year ahead should be used to reflect carefully on the outcome documents presented by the task force, while Governments and regional groups should present their views on the substance of the criteria and sub-criteria, as well as on the way forward. It was suggested that the Chairperson-Rapporteur of the Working Group, with the support of the secretariat, should compile all views on the criteria and sub-criteria and make them available for discussion at the next session of the Working Group. It was also proposed that the Chairperson-Rapporteur present his own proposal, particularly on how to sequence the process in a way that would allow the Working Group to move towards the elaboration of an instrument.

38. Other delegations stressed the importance of proper sequencing of future work as recommended by the task force. The next step would be the circulation of the criteria with a view to holding consultations with regional groups to discuss the criteria further. Attention was drawn to the fact that the preparation of a comprehensive review and compilation could be very time-intensive and might require expert support. If the intention was to continue reflecting on the criteria for another year, it was suggested that the mandate of the task force could be extended in order to benefit from its expertise. Once agreement was reached on the set of criteria, the Working Group would focus on the preparation of a reporting template and subsequently develop further ideas on the reporting process. In this context, there was a proposal to endorse two of the recommendations of the task force, namely the circulation of the criteria for comments and the holding of consultations with regional institutions.

39. Some delegations were of the opinion that the circulation of the criteria and sub-criteria should be confined to Governments only, while others were of the view that they should be sent to international organizations, civil society and academia. With regard to the reporting template, several delegations were of the view that the first step should be to reach an agreement on the set of criteria and sub-criteria. Some found the recommendation of the task force in relation to the deficiencies of the Millennium Development Goals from the right to development perspective to be premature. Likewise, it was felt that it would not be appropriate to mainstream the right to development into the work of human rights treaty bodies and the universal periodic review before a reporting template was prepared.

40. The Indigenous Peoples and Nations Coalition, the International Council for Human Rights and the Indian Council for South America favoured their continued involvement in the Working Group process and supported the participation of all actors to ensure a more open and transparent process. It was recommended that the Working Group should engage an expert on indigenous peoples in its work. The observer from the Friedrich Ebert Foundation encouraged States to circulate the criteria and sub-criteria to intergovernmental organizations, non-governmental organizations and academia. The observers representing Centre du commerce international pour le développement, Rencontre africaine pour la défense pour des droits de l'homme, Interfaith International and the Al-Hakim Foundation pointed to the need to strengthen the capacities of developing countries in the areas of international trade and development, and emphasized the importance of a participatory approach to decision-making processes with respect to the formulation of development- and trade-related policies. It was added that partnerships with people in the field would help in finding points of convergence. The observer from Nord-Sud XXI stressed the importance of the accessibility of the Working Group and the experts to non-governmental organizations. Some delegations supported the continued participation of and inputs from civil society, non-governmental organizations and other stakeholders in the work of the Working Group.

## **IV. Conclusions and recommendations**

41. On the basis of the discussions in the Working Group, the Chairperson-Rapporteur prepared and circulated a draft text for the conclusions and recommendations of the Working Group at its eleventh session. The draft text was subsequently discussed, negotiated and amended by delegations. At its final meeting, on 30 April 2010, the Working Group adopted, by consensus, its conclusions and recommendations.

### **A. Conclusions**

42. The Working Group expressed its appreciation to the Chairperson-Rapporteur and the members of the high-level task force for their efforts in completing the three phases of the workplan, and noted that work had been undertaken by the task force on criteria and sub-criteria for the implementation of the right to development, as reflected in the reports of the task force (A/HRC/15/WG.2/TF/2/Add.1 and Add.2).

43. The Working Group considered that further work should be undertaken at the intergovernmental level to adequately reflect both the national and international dimensions.

44. The Working Group considered that additional time was necessary, at this stage, for consideration and pronouncement by Governments on the substance of the work of the high-level task force, including the above-mentioned reports, and on the way forward, using as reference the Declaration on the Right to Development as well as Human Rights Council and General Assembly resolutions on the right to development.

### **B. Recommendations**

45. The Working Group invited Member States and other stakeholders to share their views on the work of the task force (A/HRC/15/WG.2/TF/2/Add.1 and Add.2) and on the way forward.

46. In order to facilitate the consideration of the report of the high-level task force, it would be translated into all official languages of the United Nations. Furthermore, all written contributions by Member States and other stakeholders would be made available on the website of OHCHR.

47. The Working Group requested the Chairperson-Rapporteur, assisted by OHCHR, to prepare two compilations of the submissions received from Governments, group of Governments and regional groups, as well as the inputs received from other stakeholders.

## **Annexes**

### **Annex I**

#### **Agenda**

1. Opening of the meeting.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda and programme of work.
4. Review of progress in the implementation of the right to development: consideration of the report of the high-level task force on the implementation of the right to development (A/HRC/15/WG.2/TF/2 and Corr.1, Add.1 and Corr.1, and Add.2).
5. Adoption of conclusions and recommendations.
6. Adoption of the report.

## Annex II

### List of Attendance

#### States Members of the Human Rights Council

Angola, Argentina, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Hungary, India, Indonesia, Italy, Japan, Madagascar, Mauritius, Mexico, Netherlands, Nigeria, Norway, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

#### States Members of the United Nations

Afghanistan, Algeria, Armenia, Azerbaijan, Benin, Botswana, Bulgaria, Canada, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Germany, Greece, Guatemala, Haiti, Iran (Islamic Republic of), Iraq, Ireland, Israel, Kazakhstan, Kenya, Lesotho, Lithuania, Libyan Arab Jamahiriya, Liechtenstein, Malaysia, Morocco, Myanmar, Nepal, Oman, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Serbia, Singapore, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Togo, Trinidad and Tobago, Tunisia, Turkey, Venezuela (Bolivarian Republic of), Viet Nam, Yemen.

#### Non-Member States represented by an observer

Holy See, Palestine.

#### United Nations funds, programmes, specialized agencies and related organizations

United Nations Conference on Trade and Development, United Nations Development Programme, United Nations Children's Fund, World Health Organization, World Intellectual Property Organization, World Trade Organization.

#### International organizations

The Global Fund to Fight AIDS, Tuberculosis and Malaria.

#### Intergovernmental organizations

Arab League, African Union, European Union.

**Non-governmental organizations in consultative status with the Economic and Social Council**

*Special*

International Centre for Trade and Sustainable Development, Cercle de recherche sur les droits et les devoirs de la personne humaine, New Humanity.

*Roster*

Al-Hakim Foundation, Friedrich Ebert Foundation, Indian Council of South America, Interfaith International, Nord-Sud XXI.

**Other non-governmental organizations**

3D Trade-Human Rights-Equitable Economy, Centre du commerce international pour le développement, Dominicans for Justice and Peace, Indigenous Peoples and Nations Coalition, International Council for Human Rights, Rencontre africaine pour la défense des droits de l'homme.

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