

Submission in follow-up to HRC resolution 19/34 “The right to development”

European Union

I. General Comments

1. As stated on many previous occasions, the European Union remains strongly committed to achieving sustainable development and eradicating poverty; promoting respect for all human rights and fundamental freedoms; working towards ensuring security, conflict prevention and resolution; and encouraging good governance, gender equality, human development, accountability and equitable globalisation. Indeed during the MDG summit, which was held in New York, in September 2010, the European Union, which provides 56% of Global Aid to Development reiterated its commitment to meeting MDGs by 2015 and offered an extra 1 billion Euros to the most off-track Developing Countries.
2. This is fully consistent with EU policies and the EU comprehensive approach to global challenges. Indeed as recognised in the Communication¹ issued by the EU High Representative for Foreign Affairs and the Commission, *"the human rights and development cooperation agendas are closely interlinked"* and *"respect for human rights is key to the full achievement of the Millennium Development Goals"*. This echoed the words of the Communication entitled "Increasing the impact of EU Development Policy: an Agenda for Change"², which recognises that *"the objectives of development, democracy, human rights, good governance and security are intertwined"*. On 16 March 2012, the Foreign Affairs Council recalled that *"one of the basic objectives of the EU is to ensure that economic growth and development go hand in hand with good governance, sustainable development, human rights, labour rights and social justice"*³ and further stressed that *"the role of women is fundamental to poverty reduction and development"*.⁴
3. The UN is also pursuing its system wide coherence Agenda. On 25 January 2012, UNSG Ban Ki-Moon introduced his 5-year Action Agenda as a vehicle to help build a safer, more secure, more sustainable, more equitable future, stressing that our current model of progress is unsustainable. Looking beyond 2015, the UN Secretary-General indicated he would be working to forge consensus on a new generation of sustainable development goals that build on the MDGs – goals that will provide equitable economic and social progress that respects our planet’s environmental boundaries.
4. The recent report of the UNSG High-level Panel on Global Sustainability entitled "Resilient People, Resilient Planet: A Future Worth Choosing" contains some elements that could usefully guide the work of the Working Group on the Right to Development. For instance, the High-level Panel states that *"sustainable development is fundamentally a question of people's opportunities to influence their future, claim their rights and voice*

¹ Human Rights and Democracy at the heart of EU external Action – towards a more effective approach –
COM (2011) 886 - 12 December 2011

² COM (2011) 637 - 13.10.2011

³ Foreign Affairs Council conclusions, 16 March 2012, paragraph 15

⁴ Foreign Affairs Council conclusions, 16 March 2012, paragraph 12

their concerns. Democratic governance and full respect for human rights are key prerequisites for empowering people to make sustainable choices."⁵

5. The European Union fully supports the Right to Development, as based on the indivisibility and interdependence of all human rights, the multidimensional nature of development strategies and the individuals as the central subjects of the development process. Indeed the Right to Development requires the full realisation of all human rights, including civil, political, economic, social and cultural rights and requires a mix of policies, which will create an enabling environment for individuals, involving a wide range of actors, at different levels.
6. The EU wishes to recall that the full realisation of all human rights, including the right to development is an obligation for States, acting individually and collectively, within institutionalised frameworks, such as regional and international organisations. Similarly resolution HRC 19/14, adopted on 23 March 2012, stresses that « *States have the primary responsibility for the creation of national and international conditions favourable to the realisation of the right to development* ». While national development efforts should be supported, the primary responsibility for ensuring that the right to development is realised is a responsibility owed by States to their citizens.
7. Criteria, sub-criteria and indicators should therefore be formulated in such a way that they can be applied to all countries, since the right to development should be enjoyed by all human beings, without discrimination, as the main participants and beneficiaries of development.
8. Finally, as also acknowledged by Resolution HRC 19/14, the appropriate next steps have not been decided upon and could take a variety of forms. The EU firmly believes that, given the nature of the right to development, as a composite right, the elaboration of a new international legal standard of a binding nature is not the most appropriate means of operationalising the right to development

⁵ UNSG High Level Panel Report "*Resilient People, Resilient Planet : A Future Worth Choosing*" 30 January 2012, paragraph 5

II. Proposals for a way forward

9. On the basis of the general comments above as well as on its previous contribution of January 2011, the EU would like to propose the following:
 - i. Continue to use the HLTF report as a basis for future work;
 - ii. With the support of a set of experts to be selected by the Working Group on the Right to Development, the Working Group should discuss each of the HLTF criteria, sub-criteria and indicators, with a view to refining them;
 - iii. On that basis, once the criteria, sub-criteria and indicators have been agreed, the Working Group could develop appropriate instruments, such as templates, checklists or voluntary guidelines, as a means of implementing and assessing progress on the right to development,
 - iv. In concrete terms, the following changes should be made to the HLTF proposals :
 - ✓ the principle of gender mainstreaming should apply to all criteria, sub-criteria and indicators
 - ✓ The first criteria should be the ratification and effective implementation of core UN and ILO instruments, especially the Decent Work Agenda.
 - ✓ Equal emphasis should be put on all human rights, including civil, political, economic, social and cultural rights (based on the principle of indivisibility, interdependence and interrelatedness of all human rights).
 - ✓ More emphasis should be given to the environmental dimension, as key to sustainable development and in the context of several Special Procedures mandates that are linked with the environment, such as the recently created mandate for an Independent Expert on human rights and the environment.
 - ✓ The Criteria should include – and build upon, where appropriate - those used by UNDP, ILO, OECD and other regional or international organisations
10. Once the criteria, sub-criteria and indicators have been further refined and transformed, the Working Group will be in a position to discuss the operationalisation of the right to development.
11. At the next session of the Working Group on the Right to Development (7-11 May 2012), the EU will be in a position to make further concrete proposals for the refinement of the HLTF criteria, sub-criteria and indicators.