Human Rights Council
Working Group on the Right to Development
Fourteenth session
13–17 May 2013
Item 4 of the provisional agenda
Review of progress in the implementation of
the right to development including consideration,
revision and refinement of the right to development
criteria and operational sub-criteria

Views expressed by Member States on the right to
development criteria and operational sub-criteria during
the 13th session of the Open-ended Working Group on the
Right to Development, Geneva, 7-11 May 2012
I. Introduction

1. The Human Rights Council, in its resolution 21/32 endorsed the recommendation adopted by the Working Group on the Right to Development at its thirteenth session, 7-11 May 2012, in which it requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to make available on its website and to the Working Group two conference room papers reflecting comments and views submitted during the session by Governments, groups of Governments and regional groups, as well as by other relevant stakeholders, respectively, on the right to development criteria and operational sub-criteria.

2. This document contains the views expressed by Governments, groups of Governments and regional groups. The views expressed by other relevant stakeholders are contained in document A/HRC/WG.2/14/CRP.3.

II. Views expressed by Governments, groups of Governments and regional groups on the right to development criteria and operational sub-criteria

Criterion 1 (a)

{To promote individual capabilities and human development, (EU) constant improvement in socio-economic well-being through the full realization of the rights to health, food, education, shelter, work, safe drinking water and sanitation, and other human rights as well as civil and political rights (Switzerland) based on the principle of equitable contribution and access to and sharing of the benefits of development. (NAM, AG)}{US reword, EU reservation}

1 (a) bis

{To ratify and effectively implement the core United Nations and ILO instruments, especially the Decent Work Agenda (EU)}{US reservation or reword}

1 (a) ter

{To respect the right of States to determine and implement their own development policies on the basis of their own self-defined development objectives and priorities and national circumstances, through establishment of operational international cooperation arrangements. (NAM, AG)}{EU, US, Switzerland, Japan reservation}

1 Text in bold indicates a proposal to add additional text. Struck-through text indicates a proposal to delete text. Struck-through text followed by text in bold indicates a proposal to replace the struck-through text with the bold text. Text in curly brackets indicates a request to delete the entire text between the curly brackets, or an expression of reservation to it. Bold text in square brackets indicates alternative proposals for new text to be inserted. Bold text in italics indicates a proposal to insert additional text to proposed new text. Alt 1, 2, 3 etc. indicates alternative paragraphs proposed to replace an existing paragraph. Bis, ter, quater, etc. indicates a proposal to insert a new paragraph. Proposals of a general nature with no concrete text suggestions are not included.
Criterion 1 (b)

{To maintain stable (US) national and global (NAM, AG) economic and financial systems [conducive to human centred development (US, Switzerland, Japan)] [at national, regional and global levels (NAM, AG)]} {EU delete or reword}

1 (b) bis

{Remove international obstacles to the exercise of policy space by developing countries to implement nationally appropriate development programmes, including through the development of effective regulatory and policy regimes in areas relevant to the full realization of the right to development. (NAM, AG)}{EU, US, Switzerland, Japan reservation}

Criterion 1 (c)

{To adopt national and international policy strategies supportive of the right to development including the implementation of international commitments to provide support to developing countries (NAM, AG)} {EU, US delete or reword, China reword}

1 (c) bis

{To fully implement international commitments to provide support, including finance and technology, to developing countries in various areas relevant to the right to development, including trade, innovation, climate change, and sustainable development. (NAM, AG)}{EU, US reservation}

1 (c) ter

{To strengthen operational modalities for South-South cooperation in all areas, but not as a substitute for compliance by developed countries with their commitments to support and strengthen North-South development cooperation. (NAM, AG)}{EU, US reservation}

Criterion 1 (d)

{To establish an economic regulatory and oversight system at national and international levels (NAM, AG) to manage risk and encourage competition} {EU delete, US reward}

Criterion 1 (e)

{To further promote / develop further (EU, US, Switzerland, Japan, ROK) an equitable (US delete or reservation)}{NAM, AG retain} rule-based, predictable [US reservation][NAM, AG retain] and non-discriminatory international trading system [conducive to human-centred development (US, EU, Switzerland)]{NAM, AG, China reservation} [and to eliminate the current distortions inter alia in agriculture (Brazil) (NAM AG)].

Criterion 1 (f)

{To promote and ensure (EU, US)}{AG retain} effective (AG, Norway) access to adequate (EU, US) financial resources [to further human-centred development (EU, Switzerland)]{NAM, AG reservation}, subject to the exercise of national sovereignty and policy autonomy, and supported by international cooperation modalities for the provision of finance, technology, capacity building and other support (NAM, AG)}{EU, US reservation}.\
Criterion 1 (g)

To promote [and ensure (EU)]{US reword} [non-discriminatory (EU, US)]\[equitable (NAM, AG)]{US, EU reservation} access to [and sharing of science, knowledge, and technology, and their benefits, including technology transfer at the international level (NAM, Brazil, AG)]{US, EU, Switzerland reservation} the benefits of science and technology to further human-centred development (EU, Switzerland, Japan) \textit{in particular} (Switzerland) for local communities regardless of gender (Norway){EU, US reservation}.

Criterion 1 (h)

To promote and ensure (EU, US) [international (NAM, AG, Ecuador)]{US, EU reservation, Switzerland delete} environmental sustainability [through ensuring, inter alia, the sustainability (NAM, AG)]{EU, US reservation} and [sustainable rational (NAM, AG)]{EU, US reservation} use of natural resources to further human centred development (EU, US, Switzerland, Japan) \textit{in particular for local communities and indigenous peoples} (Norway, Switzerland, Ecuador){EU, US reservation}.

Criterion 1 (i)

{To contribute to an environment of peace and security.}{EU delete}

1 (i) bis

{To promote the right to international peace and security through the development of international and regional cooperation mechanisms for the promotion and maintenance of peace.}{NAM, AG, China}{US, EU Switzerland, Japan reservation}

1 (i) ter

{Addressing the root causes of long-standing disputes and conflicts.}{NAM, AG, China}{US, EU reservation}

1 (i) quater

{Creation of an international environment that prevents the eruption of conflicts.}{NAM, AG, China}{US, EU reservation}

1 (i) quinquies

{Implementing the human right to development \textit{all human rights} (Switzerland), implying, inter alia, the full realisation of the right of peoples to self-determination as contained in the relevant international instruments, without prejudice to full respect of sovereignty, national unity and territorial integrity of States, and in this context respect the right of peoples to exercise their inalienable right to full sovereignty over their natural wealth and resources.}{NAM, AG, China}{US, EU reservation}

1 (i) sexies

{Avoidance of unilateral coercive measures.}{NAM, AG, China}{US, EU reservation}
1 (i) septies

{To promote international peace and security through the respect of all human rights and promotion of friendly relations and cooperation among States in accordance with the Charter of the United Nations and relevant international instruments. (NAM, AG, China)}{US, EU reservation}

1 (i) octies

{To promote a culture of tolerance and respect. (NAM, AG)}{US, EU reservation}

1 (i) nonies

{For the colonialist countries to pay full compensation for the economic, social and cultural consequences of their occupation, bearing in mind the right of all peoples who were or are still subjected to colonial rule or occupation to receive fair compensation for the human and material losses they suffered as a result of colonial rule or occupation. (NAM, AG)}{US, EU reservation}

1 (i) decies

{Condemnation of the on-going brutal suppression of the legitimate aspirations to self-determination of peoples under colonial or alien domination and foreign occupation. (NAM, AG, Iran)}{EU reservation} and also condemn separatism and attempts to dismember the sovereign States (Morocco) {without prejudice to full respect of sovereignty, national unity and territorial integrity of States (Algeria, Morocco)}{US reservation}

1 (i) undecies

{To fully implement the decisions and resolutions of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) concerning the return of cultural properties to the peoples who were or still are under colonial rule or occupation, and in this regard, further urge UNESCO to identify the stolen or illegally exported cultural properties in accordance with the relevant conventions on the subject, and also urge the process of returning these properties to their countries of origin, in compliance with the relevant resolutions of the General Assembly, be expedited, bearing in mind the right of the Non-Aligned Countries to maintain and conserve their national heritage as it constitutes the foundation of their cultural identity. (NAM, AG)}{US, EU reservation}

1 (i) duodecies

{To make use for development purposes of any financial dividends arising from disarmament. (NAM, AG)}{US, EU, Switzerland, Japan reservation}

Criterion 1 (j)

{To adopt and periodically review {national international (NAM, AG)}{US, EU reservation} development strategies and plans of action on the basis of a participatory and transparent process.} {EU delete}
Criterion 2 (a)

{To establish a legal framework [enforce applicable international and domestic law (US)] [join the existing legal framework (Switzerland)] supportive of sustainable human-centred development.} {NAM, AG delete} {Switzerland, Norway retain}

Criterion 2 (b)

{To draw on relevant international human rights instruments in elaborating development strategies [taking into account the individual specific contexts and circumstances of developing countries (NAM, AG)] [US, EU, Switzerland reservation].} {EU delete}

alt 1

{To respect human rights obligations in elaborating development strategies.} {US, Switzerland) } {NAM, AG reservation}

2 (b) bis

{To consider ratifying and implement, once ratified, all international human rights instruments.} {NAM, AG)} {[EU, Switzerland reservation]}

Criterion 2 (c)

{To ensure non-discrimination [and promote (EU)] [Switzerland reservation] increased (US) access to information, participation and effective remedies.} {[EU reword, NAM, AG reservation]}

Criterion 2 (d)

{To promote good governance, rule of law (EU) [and human rights (Switzerland, Japan)] [EU reservation] at the national and (Switzerland, Japan) international level and effective participation of all countries in international decision-making [on an equal basis (NAM, AG)] [US, EU reservation].} {[US reservation]}

2 (d) bis

{To establish and implement, in consultation and with the full participation of developing countries in international decision-making, operational arrangements and modalities for international cooperation to provide support to national actions, particularly in developing countries, to promote and achieve their right to development.} {NAM, AG)} {[Japan, US, EU, Switzerland reservation]}

Criterion 2 (e)

{To promote good governance and respect for rule of law at the national level.} {US reservation}

Criterion 3 (a)

To provide for {equitable contributions and (NAM, AG)} {[EU, US, Switzerland, ROK reservation] fair (US) access to and sharing of (US) {the benefits of development}} {US reword} without discrimination (US, Switzerland, EU).
3 (a) bis

{To incorporate and reflect the right to development as a legal norm in international instruments and mechanisms, national constitutions, legislation or policies. (NAM, AG)}{EU, US, Switzerland, Japan, ROK reservation}

3 (a) ter

{To mainstream the right to development into all relevant United Nations and multilateral fora. (NAM, AG)}{EU, US, Switzerland, Japan, ROK reservation}

3 (a) quater

{To fully implement international commitments to provide support to States to determine and implement their own development policies on the basis of their own self-defined development objectives and priorities and national circumstances (NAM, AG)}{EU, US, Switzerland, Japan reservation}

3 (a) quinquies

{To respect the policy space of developing countries in order to better enable them to fulfill their human rights commitments. (NAM, AG)}{EU, US, Switzerland, Japan reservation}

3 (a) sexies

{To remove international obstacles to the exercise of policy space by developing countries to implement nationally appropriate development programmes, including through the development of effective regulatory and policy regimes in areas relevant to the full realization of the right to development. (NAM, AG)}{EU, US, Switzerland, Japan reservation}

3 (a) septies

{To fully implement international commitments to provide support, including finance and technology, to developing countries in various areas relevant to the right to development, including trade, innovation, climate change and sustainable development. (NAM, AG)}{EU, US, Switzerland, Japan reservation}

3 (a) octies

{To promote and implement modalities for international financing of development. (NAM, AG)}{EU, US, Switzerland, Japan reservation}

Criterion 3 (b)

{To provide for fair equitable (NAM, AG)}{EU, US, Switzerland reservation} sharing of the burdens of responsibility for (NAM, AG)}{EU, US, Switzerland reservation} development.}{Japan, EU, Switzerland, US reservation}

3 (b) bis

{To fulfill the international duty to cooperate, in accordance with the purposes and objectives outlined in the Charter of the United Nations. (NAM, AG)}{EU, US, Switzerland, Japan reservation}
3 (b) ter

{To engage in and implement international cooperation for the provision of support to developing countries for the promotion and achievement of the right to development, including through further developing an international normative framework for the delineation of rights and responsibilities related to the collective responsibility of States to cooperate. (NAM, AG)}{EU, US, Switzerland, Japan reservation}

Criterion 3 (c)

To eradicate [promote eradication of (EU)] [realise eradication of (Switzerland)] [address (NAM, AG, EU)] social injustices, extreme poverty and hunger (Brazil) through economic and social reforms.

alt 1

To promote social justice with the view to, inter alia, eradicate extreme poverty and hunger through economic and social reforms. (Brazil, Switzerland)

alt 2

{To eradicate economic and social injustices, including extreme poverty and hunger through, inter alia, economic and social reforms. (NAM, AG, Iran)}{EU, US reservation}

3 (c) bis

{To address global economic and financial imbalances through, inter alia, reforming the global economic and financial infrastructure. (NAM, AG)}{Switzerland, EU, US, Japan reservation}