

THE FOURTEENTH SESSION

OF THE WORKING GROUP ON THE RIGHT TO DEVELOPMENT

Palais des Nations, Room XXVI

13-17 May 2013

**OPENING STATEMENT BY THE**

**CHAIRPERSON-RAPPORTEUR OF THE WORKING GROUP**

**13 May 2013**

Excellencies,

Distinguished delegates,

Ladies and gentlemen,

It is, indeed, a great honour for me to be elected once again as Chairperson-Rapporteur of the Open-ended Intergovernmental Working Group on the Right to Development, and I thank you for the trust and confidence that you have placed in me. I wish to assure you of my commitment and determination to make every effort to ensure that the Working Group continues to make progress toward fulfilling its mandate on the basis of consensus built on shared principles and values that are at the very foundation of the Declaration on the Right to Development.

At the outset, may I express my gratitude to all delegations for their constructive and collaborative engagement during the informal intersessional meeting, as well as during the informal consultations I held with Coordinators of the regional groups and of political groupings of the United Nations, both in Geneva and during my visit last year to New York to present an oral update of the work of the Working Group to the General Assembly.

I would also like to thank the High Commissioner for Human Rights, Madam Navenetham Pillay, for her continued support to the realization of the right to development and to this Working Group. We have all heard the statement read on behalf of the High Commissioner by Ms. IshaDyfan, who reminded us of the importance of the Vienna Conference on Human Rights for its reaffirmation, by consensus, of the right to development.

Excellencies,

Distinguished delegates,

 Since our 13th session, United Nations member States have, within the framework of the Human Rights Council and the General Assembly, renewed their commitment to ensure implementation of the right to development, so that it becomes a reality for everyone.

 In November last year, in accordance with General Assembly resolution 66/155, I presented to the Assembly at its 67th session an oral update of the work of the Working Group and, at the same time, held informal consultations with groups of States and coordinators of regional groups and relevant political groupings of the United Nations on the progress made by the Working Group. Unfortunately, due to the closure of the United Nations during Hurricane Sandy, I was unable to meet with the coordinators of all regional groupings. The informal consultations that I had in New York were extremely fruitful for the quality of the exchange it permitted. I am pleased to inform this Working Group that the General Assembly, in its latest resolution 67/171 has, for the first time, invited the Chairperson-Rapporteur to present an oral report, instead of an update, and to engage in an interactive dialogue with the Assembly at its sixty-eighth session.

 By resolution 21/32 of September 2012 of the Human Rights Council and resolution 67/171 of December 2012 of the General Assembly, the Working Group received support and endorsement for having launched the process of considering, revising and refining the draft right to development criteria and corresponding operational sub-criteria, with the first reading of the draft criteria*.* The Council also endorsed the recommendations of the Working Group at its 13th session and acknowledged the need to further consider, revise and refine them, as well asto have the contributions of experts, and, in this context, re-emphasized the importance of engaging further and inviting to the 14th session of the Working Group experts from relevant UN agencies, funds and programmes and institutions, as well as other multilateral institutions and fora, international organizations and other relevant stakeholders.

 By the same resolution, the Human Rights Council decided, *inter alia*, to convene a two-day informal intersessional intergovernmental meeting of the Working Group with the participation of States, groups of States and relevant UN agencies, funds and programmes and institutions, as well as other multilateral institutions and forums, and international organizations and other relevant stakeholders, with a view to improve the effectiveness of the Working Group at its 14thsession.

In conformity with that request, the Working Group held an informal intersessional meeting last month, from 18 to 19 April, with a view to improving its effectiveness at the present session. I shall be reporting on it in more detail later this morning.

With a view to encouraging expert contributions and, in accordance with the request of the Working Group, endorsed by the Human Rights Council, I wrote in February 2013 to relevant UN departments, bodies, funds and programmes, specialized agencies, international financial and multilateral trading institutions to invite them to actively contribute to discussions at both the informal inter-sessional meeting of the Working Group and to its present session.

In addition, following the informal intersessional meeting of the Working Group held last month, I wrote to 27 intergovernmental organisations and 63 civil society organizations encouraging them to actively participate in this session and share their views on sub-criteria of particular relevance to their work. Invitations to civil society organizations were also sent out through the OHCHR Civil Society Section, the UNOG NGO Liaison Office and the UN Non-Governmental Liaison Service.

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Distinguished delegates,

The mandate of the Working Group for this particular session was agreed upon by consensus by the Working Group at its last session and, subsequently, endorsed by the Human Rights Council, namely to pursue its work on the consideration of the draft operational sub-criteria. Accordingly, at its recent informal intersessional meeting, the Working Group agreed on a detailed and ambitious Programme of Work for this session, which is now before Working Group for its formal adoption.

The Working Group successfully completed a first reading of the draft criteria at its thirteenth session, held in May 2012, gathering views thereon, proposing refinements, and formulating proposals for additional criteria. Its work was aided by the detailed views and comments received in writing from Governments, groups of governments, regional groups, UN agencies, funds and programmes and institutions, as well as from other multilateral institutions and fora. It was also assisted in its reflections by the active participation, during the session, of representatives of UN funds and programmes, international institutions, NGOs, and indigenous peoples groups. The views expressed by Member States and relevant stakeholders on the draft criteria are contained in Conference Room Papers 2 and 3.

Allow me, at this stage, to recall the overall framework within which the Working Group is expected to review the draft criteria and operational sub-criteria.

The mandate of the Working Group is to ensure the practical application of the right to development, at the national and international levels, in accordance with the UN Declaration on the Right to Development, to make it a reality for everyone.

 Addressing the Working Group and its Chairperson-Rapporteur, the General Assembly stressed that it is important, in the discharge of our mandate, to take into account the need to promote the democratization of the system of international governance; to promote effective partnerships with developing countires; to strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and measures for its implementation as an integral part of all human rights and fundamental freedoms, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development; to consider ways and means to continue to ensure the operationalization of the right to development as a priority; and, finally, to mainstream the right to development in the policies and operational programmes of the UN system and the international financial and multilateral trading systems.

The review of the draft right to development criteria and operational sub-criteria is also part of a broader and longer-term process decided upon by the Human Rights Council and underlined by the General Assembly. In its latest resolution 21/32, the Human Rights Council,once again, reiterated its decision that, once considered, revised and endorsed by the Working Group, the criteria and sub-criteria should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development. It also reiterated that appropriate steps shall be taken by the Working Group to ensure respect for and practical application of these standards, which could take various forms, including guidelines, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement.

Excellencies,

Distinguished delegates,

There is no doubt that ours is a challenging task! While we managed to undertake a first reading of 18 draft criteria at our last session, we now have the task of reviewing68 sub-criteria, a task that – if we go by past experience – will require approximately 3 sessions of 5 working days each, or, in other words, 3 years. Let us recall that we are only at the stage of a first reading. In order to complete its work, the Working Group must not only complete a first reading of the remaining 40 sub-criteria, but it must also return to its second and final reading of the draft criteria and operational sub-criteria. Besides, my calculation does not take into account the new criteria proposed at the last session or any sub-criteria that may be proposed at the present or future sessions! Under the circumstances, the decision of the Human Rights Council to consider extending the meeting time of this Working Group is to be welcomed.

The task before us is also challenging in terms of substance, given the depth and breadth of issues covered by the draft sub-criteria, which are only reflections of the multidimensional character of the right to development – the individual and the collective; the material and the non-material; the cultural, civil, economic, political, and the social; the interdependence and interrelationship between peace, development and human rights; the national and the international.

As we proceed to review the draft sub-criteria, it is appropriate to recall that the Declaration defines development in broad and comprehensive terms, as a complex, multidimensional, integrated, and dynamic process, which, through multiple interactions in the economic, social, cultural and political spheres generates continuous progress in terms of social justice, equality, well-being and respect for the fundamental dignity of all individuals, groups and peoples. The right to development is also a subjective process, given that the human person and all peoples are the central subjects – and not objects – of development, its driving force, its architect, and its beneficiary. Development, thus defined, cannot be imposed, but must be based on participation on the basis of equality and non-discrimination, in a process of integrated economic, social and cultural development, in accordance with peoples’ aspirations to progress and well-being.

Hence, we are also expected to keep in mind the principles upon which the right to development is based, its multiple actors, and the corresponding duties it imposes upon individuals and collectivities, and upon States, which have primary responsibility for creating the national and international conditions conducive for its realisation through international cooperation. In this connection; let me recall article 9 (1) of the Declaration, which provides that, and, I quote, “*all the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the context of the whole,*” close quote.

Excellencies,

Distinguished delegates,

Implementation of the right to development concerns all – individuals, communities, groups, States, international institutions, as well as the entire United Nations System. The appropriation or re-appropriation by those concerned of the values, principles, ideas, and the vision that underlie the right to development, will contribute toward a greater understanding of the multidimensional character of the right to development and help this Working Group in its monumental task of promoting an approach to implementation that is, at once, comprehensive, structural, collective, and concrete.

We have a busy and challenging week ahead with a full programme of work! I am confident that, if we continue in the spirit of cooperation and exchange that characterised the first reading of the draft criteria and, more recently, the discussions at the informal intersessional meeting, we will be moving in the right direction toward the promotion of national and international conditions conducive to the practical enjoyment of the right to development for all individuals, communities, groups, and peoples.

I thank you for your attention.