Views expressed by Member States on the right to development criteria and operational sub-criteria during the fourteenth session of the Open-ended Working Group on the Right to Development, Geneva, 13-17 May 2013
I. Introduction

1. The Human Rights Council, in its resolution 24/4 endorsed the recommendations of the Working Group as reflected in its report on its fourteenth session, 13-17 May 2013, 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.2/15/CRP.2.

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 constant improvement in socio-economic well-being

Sub-criterion 1 (a) (i)

{[[Access to basic (USA, EU, Australia, Japan)]] [NAM, Cuba reservation] [Access to the basic right to (Switzerland, Australia)] Health {services without discrimination, which could be measured inter alia by: life expectancy at birth; low birth weight babies; child and maternal mortality; prevalence of preventable diseases; births attended by skilled personnel (USA, EU, Australia, Japan)] [NAM, Cuba reservation]} [NAM delete]

Sub-criterion 1 (a) (ii)

{[[Access to (USA, EU, Australia, Japan)]] [NAM, Cuba reservation] [Access to the basic right to (Switzerland)] Education {without discrimination which could be measured inter alia by (USA, EU, Australia, Japan Switzerland): school enrolment rates; elimination of gender and minority disparity; school completion rates (USA, EU, Australia, Japan)] [NAM, Cuba reservation]} [NAM delete]

Sub-criterion 1 (a) (iii)

{[[Access to the basic right to (Switzerland) Housing and to safe drinking (Spain, Switzerland, EU) water and sanitation (Spain, Switzerland, EU)] which could be

---

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.
measured inter alia by (USA, Switzerland, EU, Japan) [NAM, Cuba reservation] {NAM delete}

Sub-criterion 1 (a) (iv)

{Access to the basic right to (Switzerland) Work and social security {which could be measured inter alia by: poverty rate (USA, Switzerland, Japan)} [NAM, Cuba reservation]}[NAM delete]

Sub-criterion 1 (a) (v)

{[Access to the basic right to (Switzerland) Food]
Food security and nutrition {which could be measured inter alia by: (USA, Switzerland, Japan)} [NAM, Cuba reservation]}{NAM delete}

Sub-criterion 1 (a) (vi)

Ratification of relevant international conventions (NAM)

Additional criteria

{Establish an evaluation mechanism to assess how far the UN system and other multilateral forums have gone in implementing programmes and measures towards the full realization of the right to development (NAM)} {USA, EU, Japan reservation}

{Promote policies, programmes and measures to support the achievement of the Internationally Agreed Development Goals, including the Millennium Development Goal through, inter alia, improvements in global partnerships, while ensuring sustainable development (NAM)} {USA reservation}

{Ensure and promote compliance with international commitments in various multilateral policy regimes for the provision of financial and technical assistance and capacity building to developing countries, upon their request and according to their national priorities, to address international and national obstacles to the full realization of the right to development (NAM)} {USA reservation}

Criterion 1 (b): To maintain stable national and global economic and financial systems

Sub-criterion 1 (b) (i)

Reducing Mitigating (EU) risks of domestic financial crises {which could be measured inter alia by: (USA, Switzerland, EU, Australia, Japan reword)} [NAM, Cuba reservation] predictability of tax base and taxation regulations; government expenditure, government revenue; development assistance; debt and deficit financing; monetary policy; financial regulation (Norway)

Sub-criterion 1 (b) (ii)

{Providing against Mitigating risks of (EU) volatility of national commodity prices}{USA delete}
Providing against volatility of national and international (Australia) commodity prices

Providing against volatility of national commodity prices {combating the volatility of agricultural products and foodstuffs and commodity prices and combating speculation in global markets (Morocco)} {USA reservation}

Sub-criterion 1 (b) (iii)

Reducing Mitigating (EU) risks of external macro-imbalances} {USA delete}

Reducing risks of external macro-imbalances including through (Egypt) Increasing adaptive capacity and improving the ability to address risks (USA), to promote international cooperation and solidarity (Morocco)

Sub-criterion 1 (b) (iv)

Reducing and mitigating impacts of international financial and economic crises} {USA delete}, particularly for the poorest least developed (Egypt, Senegal) countries (Switzerland)

(b) (iv) bis

Establish international debt workout mechanisms for indebted countries, particularly developing countries, in order to promote the full realization and achievement of human rights and the right to development (NAM)} {USA, EU, Japan, Switzerland reservation}

(b) (iv) ter

Regulating financial markets and reform of improvement in the (Pakistan, Switzerland) economic and financial systems at all levels (Egypt)} {USA, Switzerland reservation}

Sub-criterion 1 (b) (v)

Protect against volatility of international commodity prices} {Australia, Morocco merge with ii, USA delete}

Sub-criterion 1 (b) (vi)

Refraining from promulgating and applying any unilateral, financial or trade measures not in accordance with international law and the UN Charter (Cuba, Sri Lanka, Venezuela, Ecuador, China)} {USA, EU reservation}

Sub-criterion 1 (b) (vii)

Fighting corruption (USA, EU, Switzerland, Japan)} {NAM reservation}
Sub-criterion 1 (b) (viii)

{Functioning institutions of good governance and democratic accountability (USA, EU, Switzerland, Japan)} [NAM reservation]

Sub-criterion 1 (b) (ix)

{Increasing transparency and improving accountability (Norway, USA, EU, Switzerland, Japan)} [NAM reservation] including (Switzerland) {in international financial systems (Pakistan)} [USA reservation]

New proposed criterion 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

Sub-criterion 1 (c) (i)

{Right to development priorities reflected in (Switzerland, EU, Japan) [international, regional (Morocco) and (NAM, Japan)] national development plans and programmes (Switzerland, EU, Japan)} [USA delete]

alt1

{Human-centred development priorities in national development plans and programmes demonstrating equality of opportunity [which could be measured inter alia based on quality disaggregated socio-economic data and analysis (USA, Switzerland, EU, Japan)] [Morocco delete] [Pakistan delete] [NAM, Ecuador reservation]

Sub-criterion 1 (c) (ii)

{Right to development priorities reflected in policies and programmes at bilateral and multilateral level [of IMF, World Bank, WTO and other international institutions (Switzerland reword)] [USA, UK delete] [Japan reservation]

New proposed criterion 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]
Sub-criterion 1 (c) bis (i)

{Establishment of operational modalities in relevant forums and institutions for the implementation of international commitments to provide financing and technology to developing countries in areas relevant to the full realization of the right to development, including trade, climate change, innovation, and sustainable development (NAM)} {USA, EU, Japan, Switzerland reservation}

Sub-criterion 1 (c) bis (ii)

{Assessment of the extent to which developed countries support developing countries in development-related areas such as climate change adaptation, the provision of preferential trade arrangements for developing countries, channelling of investments into developing countries (NAM)} {USA, EU, Japan reservation}

New proposed criterion 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}

Sub-criterion 1 (c) ter (i)

{Fulfilment of declared commitments to support the achievement by all countries of the internationally agreed development goals, bearing in mind the required fulfilment of the differential needs arising from the different existing levels of development between countries (NAM)} {USA reservation}

Sub-criterion 1 (c) ter (ii)

{Full compliance with international commitments to provide support, including official development assistance, to developing countries (NAM)} {USA reservation}

Criterion 1 (d): To establish an economic regulatory and oversight system to manage risk and encourage competition

Sub-criterion 1 (d) (i)

System of property rights ensuring equitable access to resources and contract enforcement (Switzerland)

1 (d) (i) bis

{A system of enforcement of legal rules and contracts relating to economic activities, at national and international levels (Switzerland)}{USA reword}
Sub-criterion 1 (d) (ii)

[Provide for nationally appropriate (NAM)] Policies and regulations promoting private investment (USA) [to ensure that such investment is consistent with the full realization of the right to development (NAM)] [in the interest of development for all (Switzerland)]

(d) (ii) bis

Human capital development (USA)

Criterion 1 (e): To create an equitable, rule-based, predictable and non-discriminatory international trading system

Sub-criterion 1 (e) (i)

Promote (NAM) {Bilateral, regional and multilateral trade rules conducive to the right to development} {USA delete}

Sub-criterion 1 (e) (ii)

{Ensure (NAM) Market access (share of global trade) including through the adoption and implementation of preferential treatment arrangements for developing countries (NAM)} {USA, EU, Switzerland delete}

Sub-criterion 1 (e) (iii)

{Ensure that, through appropriate international mechanisms, developing countries will be able to derive development benefits from the (NAM)} {USA, EU, Japan, Switzerland reservation} Movement of persons {due to trade in services (NAM)}

1 (e) (iii) bis

{Combating trafficking in persons (USA, EU, Switzerland)} {Pakistan delete}

Sub-criterion 1 (e) iv

{Establishment of fair trade for products from emerging countries (Morocco)}

{USA, EU reservation}

Criterion 1 (f): To promote and ensure access to adequate financial resources

Sub-criterion 1 (f) (i)

{Domestic resource mobilization (Switzerland) to finance adequate public services (USA)} {Morocco reward}
Sub-criterion 1 (f) (ii)

{Magnitude and terms of bilateral and multilateral (EU, Switzerland) official capital flows—development assistance (Switzerland)} {USA reservation}

Sub-criterion 1 (f) (iii)

{Magnitude and terms of multilateral official capital flows} {EU, Switzerland delete} {USA reservation}

Sub-criterion 1 (f) (iv)

{Debt sustainability} {USA delete}

Criterion 1 (g): To promote and ensure access to the benefits of science and technology

Sub-criterion 1 (g) (i)

{Pro-development and (NAM)} {USA reservation} Pro-poor and gender-sensitive (Norway, USA, Switzerland, EU) technology {development strategy (NAM)} {USA reservation} and access to information on scientific and technological know-how (Switzerland, EU)

1 (g) (i) bis

{Amendment of the WTO TRIPS rules to improve people’s rights and the general interest (Venezuela)} {((USA delete) (Japan reservation))}

Sub-criterion 1 (g) (ii)

Gender-sensitive (Norway, USA, Switzerland, EU) Agricultural technology{, including adopting a policy environment that allows investment in and commercialization of research and technology, which could be measured inter alia by improvement in agricultural technology (USA, Switzerland)} {Pakistan, China, Venezuela, NAM reservation}

1 (g) (ii) bis

The optimal use of agricultural technology with the view to sustainable development, protection of ecosystem and biodiversity (Morocco, Switzerland, EU, Norway)

1 (g) (ii) ter

Raising awareness among farmers and their access to information (Morocco)

Sub-criterion 1 (g) (iii)

Manufacturing technology
Sub-criterion 1 (g) (iv)

Technology transfer, access and national capacity

*alt 1*

Regulating intellectual property, licensing and technology transfer (Switzerland, EU)

*alt 1 bis*

Access to global information networks (Switzerland)

*alt2*

{Access to technology by individuals (Norway) which could be measured inter alia by the rate of change in the number of national (Norway) patents granted, the rate of change in computers per capita and internet coverage (USA, Norway)} \{NAM, Senegal, China, Egypt, South Africa, Morocco, Cuba reservation\}

*alt3*

{Taking all necessary measures at the international, regional and national levels allowing for the suppression and/or the reduction of barriers or obstacles which leads to digital divide which exists between developed and developing countries and within the countries themselves (Morocco)} \{USA reservation\}

1 (g) (iv) bis

Promotion of public policies that encourage broad access to telecommunications infrastructure (USA)

1 (g) (iv) ter

{Undertake policies, programmes and measures at the international level to reduce and eliminate the digital divide between developed and developing countries (NAM)} \{USA, EU reservation\}

1 (g) (iv) quater

{Refraining from establishing and applying unilateral measures that impede access to technology, telecommunication infrastructure and internet, and that are contrary to international law and the UN Charter (Cuba)} \{USA, EU reservation\}

Sub-criterion 1 (g) (v)

Green energy technology, including green energy (Egypt) technology (Switzerland, Norway, EU) and its impact on the development agenda (Egypt)

Sub-criterion 1 (g) (vi)

Health technology

Sub-criterion 1 (g) (vii)

Information technology
I (g) (vii) bis

{Putting in place measures to ensure access to education and to ICTs and the tools of ICTs in relation to education (NAM)} {USA reservation}

I (g) (vii) ter

{Creating mechanisms for effective global governance of ICTs (NAM)} {USA, Japan reservation}

I (g) (vii) quater

{Promotion of scientific studies in developing countries (NAM)} {USA, EU reservation}

I (g) (vii) quinquies

{Capacity development in developing countries through easier access to scientific and technological knowledge and innovation (NAM)} {USA, EU reservation}

I (g) (vii) sexies

{Provide for a more flexible intellectual property rights regime with respect to technologies that are subject to technology access and transfer commitments under existing treaties (NAM)} {USA, EU, Japan, Switzerland reservation}

I (g) (vii) septies

{Undertake impact assessment and evaluation of international programmes, policies and measures of various multilateral agencies that are relevant to the full realization of the Right to Development (NAM)} {USA reservation}

Sub-criterion 1 (g) (viii)

Access to high speed internet and information technologies for school establishments and universities including in rural areas (Morocco, Mexico, Ecuador, Norway, EU, Switzerland)

Criterion 1 (h): To promote and ensure environmental sustainability and sustainable use of natural resources

Sub-criterion 1 (h) (i)

Prevent environmental degradation and resource depletion (Switzerland)

alt1

Sound Sustainable (Pakistan) environmental policy developed with appropriate consultation and transparency (USA)

Sub-criterion 1 (h) (ii)

{Equitable sharing of benefits arising from the utilisation of Access to (NAM)} {USA reservation} natural resources for local communities and indigenous peoples (Norway, Switzerland, Mexico) in order to ensure the sustainable use of these resources (Switzerland)
1 (h) (ii) bis

{Firmly mention the respect to the right to self-determination of peoples and their permanent sovereignty on their natural resources, without prejudice to the full control and sovereignty of States over their natural wealth and resources (Morocco)} {USA reservation}

1 (h) (ii) ter

{Adoption of an international binding instrument to cover the activities of Transnational Corporations} {Japan, USA reservation, EU delete}

Sub-criterion 1 (h) (iii)

Sustainable energy policies and practices (USA) {including on (Switzerland) renewable energy supply and protection against price volatility (Egypt)} {USA reservation}

alt 1

{Design and implement rules, policies and practices that ensure the sustainability and rational use of natural resources (NAM), and respecting the permanent sovereignty of peoples and States over their national resources as a fundamental aspect of the right to self-determination (Algeria)} {USA reservation}

1 (h) (iii) bis

Strengthening the sharing of experiences and good practices between States at the international, regional and local levels (Morocco, Switzerland)

Criterion 1 (i): To contribute to an environment of peace and security

Sub-criterion 1 (i) (i)

{Reduce conflict risks including through disarmament (Egypt)} {USA reservation} by increasing transparency in extractive resources trade (USA) {EU delete}

alt 1

Impact of development policies and strategies on conflict and their causes (Switzerland)

Sub-criterion 1 (i) (ii)

{Protecting the population during and after conflict, including efforts to combat sexual and gender-based violence in conflict (Norway) vulnerable during conflict} {EU, USA delete}

alt 1

Protection of vulnerable groups, particularly women and children, from security threats (Switzerland)

1 (i) (ii) bis

{Respecting the right of people to self-determination (Algeria)} {USA reservation}
Sub-criterion 1 (i) (iii)

{Post-conflict peace-building and development (Switzerland) [based on the principle of national ownership (NAM)] [including [allocation of assistance for disarmament, (Egypt)] {Switzerland, USA reservation} mechanisms for transitional justice, national reconciliation (Morocco), rehabilitation and integration (USA, Switzerland)]} {EU delete}

I (i) (iii) bis

{To respect the sovereign rights of States to determine and implement their own peace-building and development policies, without prejudice to their national territorial integrity (Morocco)} {USA reservation}

Sub-criterion 1 (i) (iv)

{[Protect the human rights of (NAM)] [Protection of (Norway)] Refugees and asylum-seekers, [in accordance with the obligations of states under international law (NAM)] [irrespective of gender, religion and ethnicity (Norway)]} {EU, USA, Switzerland delete}

I (i) (iv) bis

{To contribute to the hosting of refugees and asylum seekers, bearing in mind the unequal burden born by the host countries/states, and in this context the pressing need for development of international cooperation and assistance, upon their request (NAM)} {USA reservation}

I (i) (iv) ter

To protect the human rights of migrants and persons belonging to national or ethnic, religious and linguistic minorities (NAM)

alt 1

{Protection of the human rights of members of vulnerable groups (USA)} {Egypt delete}

alt 2

Protection of the human rights of individuals in vulnerable situations (Egypt)

Sub-criterion 1 (i) (v)

{Personal security not in times and zones of armed conflict} {Switzerland, EU delete}

alt 1

{Human security (USA, Japan)} {Cuba, Pakistan reservation}

Sub-criterion 1 (i) (vi)

{Promotion of the establishment, maintenance and strengthening of international peace and security and achieving general and complete disarmament under

*Comment received after the session.
effective international control as well as ensuring that resources released by effective disarmament measures are used for comprehensive development, particularly developing countries (Egypt) {USA reservation}

Sub-criterion 1 (i) (vii)

{Ensure provision, at all levels (Cuba) of safe and secure environment for individuals, while respecting territorial sovereignty and integrity of States (Pakistan, China, Morocco, Venezuela, Sri Lanka)} {USA reservation}

Sub-criterion 1 (i) (viii)

Establishment of conflict prevention mechanisms, such as early warning systems (AU, Morocco)

Sub-criterion 1 (i) (ix)

{Implementation of the international bans on anti-personnel landmines and cluster ammunition (Norway)}{USA reservation}*

New proposed criterion 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}

New proposed criterion 1 (i) ter

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

Sub-criterion 1 (i) ter (i) (Member States)

{Establishing international mechanisms for conflict prevention and to address the root causes of conflict (NAM)} {USA reservation}

New proposed criterion 1 (i) quater

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

Sub-criterion 1 (i) quarter (i)

Ratification of relevant international instruments (NAM)

* Comment received after the session.
New proposed criterion 1 (i) quinques

{Implementing the human right to development 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}

New proposed criterion 1 (i) sexies

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

New proposed criterion 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}

New proposed criterion 1 (i) octies

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

New proposed criterion 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}

New proposed criterion 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}

New proposed criterion 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]

New proposed criterion 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 development strategies and plans of action on the basis of a participatory and transparent process

Sub-criterion 1 (j) (i)

Collection and public access to key socio-economic data disaggregated by population groups and gender (Norway, Switzerland)

Sub-criterion 1 (j) (ii)

Plan of action with [national (NAM)] [transparent (Norway, Switzerland)] [national and transparent (EU)] monitoring and evaluation and follow-up (Norway, Switzerland) systems

Sub-criterion 1 (j) (iii)

Political and financial support for participatory process

Sub-criterion 1 (j) (iv)

Empowerment of women and girls (USA, Switzerland), especially from rural areas, or belonging to national or ethnic, religious and linguistic minorities (Morocco)

Alternative

Active role of women and vulnerable groups individuals in vulnerable situations (Morocco)

Sub-criterion 1 (j) (v)

Production of reliable and valid nation-wide statistics (Norway)

Sub-criterion 1 (j) (vi)

{Consultation and social dialogue with affected populations, including free, prior and informed consent by indigenous peoples (Norway) [USA reword]}

* Comment received after the session.