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**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE
HIGH COMMISSIONER AND THE SECRETARY-GENERAL**

Report of the Secretary-General on the right to development*

Summary

This report contains a summary of the activities undertaken by the Office of the High Commissioner for Human Rights with regard to the implementation of the right to development. Particular attention is given to the activities in support of the open-ended Working Group on the Right to Development and the high-level task force on the implementation of the right to development, as well as other activities that could contribute to the implementation of the right to development.

* Late submission.

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Introduction

1. In its resolution 62/161 entitled, “The right to development”, the General Assembly reaffirmed the request to the United Nations High Commissioner for Human Rights, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her next report to the Human Rights Council. The General Assembly also requested the Secretary-General to submit a report at its sixty-third session, an interim report to the Council on the implementation of resolution 62/161, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invited the Chairperson of the Working Group on the Right to Development to present a verbal update to the Assembly at its sixty-third session.

2. The present report is submitted in accordance with the above-mentioned requests.

ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS RELATING TO THE IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT

3. The Office of the United Nations High Commissioner for Human Rights (OHCHR) continued to provide organizational, substantive and analytical support to the open-ended Working Group on the Right to Development, which is mandated to monitor and review progress made in the promotion and implementation of the right to development, providing recommendations and further analysing obstacles to its full enjoyment.

4. In addition, OHCHR continued to provide similar support to the high-level task force on the implementation of the right to development, established under Commission on Human Rights resolution 2004/7. The objective of the task force is to provide the necessary expertise to the Working Group to enable it to make appropriate recommendations to various actors on the issues identified for the implementation of the right to development. The task force comprises five experts nominated by the Chairperson of the Working Group on the Right to Development.

5. The criteria adopted by the Working Group in 2006 for the periodic evaluation of global partnerships for development - as identified in Millennium Development Goal 8 - from the perspective of the right to development (“the right-to-development criteria”) and their subsequent application, refinement and progressive development constitute important steps forward towards the operationalization of the right to development, reflecting the concrete and pragmatic approach taken by the Working Group in its deliberations. The efforts to operationalize the right to development through the progressive development of the criteria have contributed to the creation of an environment conducive to undertaking activities aimed at strengthening global partnerships for development between Member States, development agencies and the international development, financial and trade institutions.

A. Implementation of the recommendations of the Working Group on the Right to Development at its eighth session

6. In accordance with Human Rights Council resolution 4/4 of 30 March 2007, which endorsed the recommendations of the eighth session of the Working Group on the Right to Development, the Office of the High Commissioner for Human Rights undertook preparations for the implementation of the recommendations.

7. The Working Group recommended that the task force adopt a gradual approach based on rigorous empirical analysis and constructive consolidation of its findings in a phased manner, identifying three phases of a work programme. In phase I, covering work in 2007, the task force was requested to deepen its study on the three development partnerships considered in its third session, and take up an additional partnership, namely the Cotonou Partnership Agreement between African, Caribbean and Pacific (ACP) countries and the European Union (EU). In phase II, covering work in 2008, the task force is requested to study additional partnerships with a view to broaden its coverage of the regions implementing development partnerships, as well as its analysis of thematic issues of international cooperation identified under Millennium Development Goal 8 and as agreed by the Working Group at its ninth session. Finally, in phase III, covering work in 2009, the task force is requested to consolidate its findings and present a revised list of right-to-development criteria, along with corresponding operational sub-criteria and to outline suggestions for further work, including aspects of international cooperation not covered until then, for the consideration of the Working Group (see A/HRC/4/47, paras. 54 and 56).

8. The Office of the High Commissioner for Human Rights, in furtherance of the implementation envisaged for phase I, provided organizational, research and analytical support to three technical missions conducted by the high-level task force to respective institutions involved in the implementation of the identified partnerships, namely the African Peer Review Mechanism (APRM), the United Nations Economic Commission for Africa (ECA)/Organization for Economic Cooperation and Development-Development Assistance Committee (OECD-DAC) Mutual Review of Development Effectiveness in the context of the New Partnership for Africa's Development (NEPAD), the Paris Declaration on Aid Effectiveness and the Cotonou Partnership Agreement between ACP countries and the EU. The technical missions carried out in Paris, Brussels and Addis Ababa were aimed at establishing and continuing dialogue with respective partners providing an empirical basis for progressively developing and refining the right-to-development criteria. The respective partners included OECD-DAC, ECA, the ACP secretariat, the Directorates-General of Trade and Development of the European Commission and civil society representatives. In addition, OHCHR commissioned and oversaw the preparation of three expert studies on the various partnerships to provide substantive input into the fourth session of the task force.

B. Fourth session of the high-level task force on the implementation of the right to development

9. The fourth session of the task force was held from 7 to 15 January 2008 in Geneva. The task force continued its tradition of encouraging a constructive dialogue amongst the various actors, including task force members, experts who prepared the commissioned studies,

representatives of the institutional members of the task force, and representatives of the organizations involved in the above-mentioned partnerships. Member States participated as observers in the rich and fruitful discussions at the session.

10. The task force concluded its assessment of three of the four partnerships which had been assessed at its third session and undertook a preliminary review of the Cotonou Partnership Agreement between European Union (EU) and African, Caribbean and Pacific (ACP) countries. The task force also initiated a preliminary discussion of phase II of the work plan regarding additional partnerships in the context of Goal 8.

11. Building upon the experience gained through pilot applications of the criteria to the selected global partnerships, the task force reviewed and refined the criteria to be applied during phase II (2008) as an intermediary step towards a more significant refinement in phase III (2009).

12. In its report (A/HRC/8/WG.2/TF.2), the task force recommends a continued dialogue and follow-up activities with the institutional partners mentioned above, such as the provision of input to the second report of the ECA/OECD-DAC Mutual Review of Development Effectiveness, a second round of technical missions for the Cotonou Partnership Agreement and the APRM, as well as participation, subject to an invitation, at the third High Level Forum on Aid Effectiveness to be held in Accra in September 2008. The task force also recommended, in the context of additional partnerships for assessment, that priority be given to the region of Latin America and the Caribbean in terms of geographical expansion and to the issues of access to affordable essential drugs, debt relief, and trading and financial systems in terms of thematic expansion.

13. The report of the task force, including its conclusions and recommendations, will be submitted to the ninth session of the Working Group on the Right to Development.

C. Legal framework for implementing the right to development

14. OHCHR participated in an expert meeting organized by the Friedrich-Ebert Foundation to discuss legal perspectives involved in implementing the right to development, which was held in Bossey, Switzerland, from 4 to 6 January 2008. The meeting was attended by a number of international experts, including some members of the task force and the Chairperson of the Working Group on the Right to Development who participated in their personal capacities. Discussions during the meeting focused on the right to development as a legal norm and the experience with existing standards relating to the right to development at the global and regional levels. The expert meeting also covered practical issues regarding a legal framework for implementing the right to development and its impact at the international and national levels.

D. Aid effectiveness and the right to development

15. Aid effectiveness, with its emphasis on ownership, harmonization, alignment, managing for results and mutual accountability, aims to increase the impact of aid in reducing poverty and inequality and accelerating the achievement of the Millennium Development Goals. OHCHR has followed closely various initiatives undertaken in preparation for the next High Level Forum on Aid Effectiveness, which will take stock of and review progress in implementing the Paris

Declaration and broaden consensus on the critical importance of aid effectiveness and development results. The links between aid effectiveness and the right to development were explored during the third and fourth sessions of the high-level task force on the implementation of the right to development. The main challenge identified by the task force is for donors and creditors to improve aid relationships within the framework of the international human rights obligations, with particular emphasis on ensuring that aid efficiency is not at the expense of its effectiveness in achieving gender equality, poverty reduction and human rights, in particular, the right to development. In this context and building upon the work of the high-level task force and the Working Group on the Right to Development, OHCHR has gradually been forging informal partnerships with relevant international development institutions and United Nations agencies with a view to integrating a perspective of human rights, including the right to development in particular, in the aid effectiveness agenda.

16. In this regard, OHCHR also participated in a two-day workshop in London, held on 12 and 13 March 2008, hosted by the Department for International Development (DFID) of the United Kingdom of Great Britain and Northern Ireland, on “Strengthening the development results and impacts of the Paris Declaration on aid effectiveness through work on gender equality, social exclusion and human rights”. The workshop’s objectives were to consolidate evidence and good practice emerging from the implementation of the partnership commitments of the Paris Declaration to achieve social inclusion, human rights, environmental sustainability and gender equality and to identify key political messages and actionable commitments for the Accra Action Agenda.

E. Millennium Development Goals and poverty reduction

17. OHCHR continued to work closely with development partners at the international and national levels to explore how human rights, including the right to development, can support Member States’ efforts to achieve inclusive development processes and equitable and sustainable poverty reduction outcomes. OHCHR continued to develop a conceptual framework to assess poverty reduction strategies from a human rights perspective which should contribute to further operationalizing the links between human rights and the achievement of the Millennium Development Goals. A draft publication on the Millennium Development Goals and human rights is under preparation to be launched in 2008, which is aimed at promoting a wider understanding among development practitioners and policymakers, on the linkages between the MDGs and human rights, including the close relationship between Goal 8 and the right to development. OHCHR also contributed to other United Nations agencies’ work and publications on MDGs and poverty reduction strategies, emphasizing how both international and national responsibilities are critical for poverty reduction.

F. Globalization, trade and good governance

18. Exploring the impact of trade policies on the realization of human rights could contribute to the integration of the promotion and protection of the right to development in global development partnerships, including trade agreements. OHCHR continued its analytical and advocacy work on issues relating to globalization, trade and good governance, including a study of the relationship between trade, globalization and human rights, specifically in the areas of liberalization of trade in services, foreign direct investment, and trade-related aspects of intellectual property rights.

19. OHCHR participated in the work and meetings of the United Nations Inter-Agency Taskforce on Gender and Trade, and provided input to the *World Investment Report 2007* issued by the United Nations Conference on Trade and Development (UNCTAD). OHCHR is also in the process of preparing a publication designed to facilitate a better understanding of the interplay between human rights and trade in plain language that is understandable to human rights practitioners, trade practitioners and the broader public. Furthermore, the High Commissioner also recently contributed a chapter entitled “Placing human rights in the Geneva consensus” to a book entitled *WTO and Global Governance* to be published by the United Nations University this year.

20. OHCHR published a compilation of good governance practices for the promotion of human rights which illustrates specific governance reform initiatives that have had a positive impact on the protection of human rights. The publication consists of 21 case studies on governance reform initiatives selected from more than 120 submissions received from Governments, national human rights institutions and non-governmental organizations.
