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**REVIEW OF PROGRESS IN THE PROMOTION AND IMPLEMENTATION
OF THE RIGHT TO DEVELOPMENT: CONSIDERATION OF THE REPORT
OF THE HIGH-LEVEL TASK FORCE ON THE IMPLEMENTATION
OF THE RIGHT TO DEVELOPMENT**

**Report of the high-level task force on the implementation
of the right to development (Geneva, 13-17 December 2004)**

Chairperson-Rapporteur: Ellen Johnson-Sirleaf (Liberia)

Summary

This report, submitted in response to Commission on Human Rights resolution 2004/7, contains the conclusions and recommendations of the high-level task force on the implementation of the right to development for the consideration of the Working Group.

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Introduction

1. At its fifth session, held from 11 to 20 February 2004, the Working Group on the Right to Development agreed to recommend to the Commission on Human Rights that it establish a high-level task force on the implementation of the right to development, within the framework of the Working Group, in order to assist it in fulfilling its mandate as reflected in paragraph 10 (a) of Commission on Human Rights resolution 1998/72 (see E/CN.4/2004/23 and Corr.1).

2. In its decision 2004/249, the Economic and Social Council, taking note of Commission resolution 2004/7, approved the decision of the Commission to extend for one year the mandate of the Working Group and to convene its sixth session before the sixty-first session of the Commission for a period of 10 working days; of those 10 working days, 5 were to be allocated to the high-level task force established within the framework of the Working Group, and the Working Group in turn was to meet for a period of 5 working days to consider the findings and recommendations of the task force and further initiatives in accordance with its mandate.

3. Accordingly, the high-level task force on the implementation of the right to development convened its meeting in Geneva from 13 to 17 December 2004. As requested by the Working Group, (ibid., para. 49) the aim of the task force was to consider for its analysis and recommendations to the Working Group the following issues reflecting both national and international perspectives:

(a) Obstacles and challenges to the implementation of the Millennium Development Goals in relation to the right to development;

(b) Social impact assessments in the areas of trade and development at the national and international levels; and

(c) Best practices in the implementation of the right to development.

I. ORGANIZATION OF THE SESSION

A. Opening of the session

4. The high-level task force was opened by the Chairperson-Rapporteur of the Working Group on the Right to Development, Ibrahim Salama (Egypt), who briefly highlighted the process that had preceded the constitution of the task force and underlined the importance that the Working Group placed on this initiative to guide its further work on the right to development. Before the opening of the meeting, the Secretariat introduced the members of the task force and the trade, development and financial institutions invited to attend the meeting.

B. Election of the Chairperson-Rapporteur

5. At its first meeting, on 13 December 2004, the high-level task force elected by acclamation Ellen Sirleaf-Johnson (Liberia) as its Chairperson.

C. Organization of work and adoption of the agenda

6. At the same meeting, the task force adopted its agenda (HR/GVA/TF/RTD/2004/2) and the programme of work. The agenda as adopted is contained in annex I.

D. Attendance

7. The following members of the high-level task force attended the session: Silvio Baro Herrera (Cuba); Ellen Sirleaf-Johnson (Liberia), Chairperson; Stephen P. Marks (United States of America); Sabine von Schorlemer (Germany); Arjun Sengupta (India).

8. Representatives of the following identified trade, development and financial institutions and organizations participated as experts: United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF), United Nations Conference on Trade and Development (UNCTAD), International Monetary Fund (IMF), World Bank and World Trade Organization (WTO).

9. The Chairperson-Rapporteur of the Working Group participated in the session. In addition, the following experts also contributed to the work of the task force: A.K. Shiva Kumar, Robert Howse and Margot Salomon.

10. Representatives of the following States members of the Commission on Human Rights attended the meetings of the high-level task force as observers: Argentina, Austria, Bahrain, Bhutan, Brazil, Chile, China, Congo, Costa Rica, Croatia, Cuba, Egypt, France, Germany, Hungary, India, Indonesia, Japan, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Russian Federation, South Africa, Sri Lanka, Sudan, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America.

11. The following States were also represented at the high-level task force as observers: Afghanistan, Algeria, Angola, Azerbaijan, Bangladesh, Belgium, Burundi, Canada, Côte d'Ivoire, Cyprus, El Salvador, Finland, Ghana, Greece, Iran (Islamic Republic of), Israel, Latvia, Luxembourg, Madagascar, Malaysia, Mauritius, Morocco, New Zealand, Norway, Oman, Philippines, Poland, Portugal, Republic of Moldova, Romania, Serbia and Montenegro, Slovenia, Solomon Islands, Spain, Switzerland, Syrian Arab Republic, Timor-Leste, Turkey, United Republic of Tanzania, Venezuela and Viet Nam. The Holy See was also represented.

12. The following intergovernmental organizations were represented: European Commission and League of Arab States.

13. The following non-governmental organizations in consultative status with the Economic and Social Council were represented:

General status

Franciscans International.

Special status

International Organization for the Development of Freedom of Education (OIDEL) and International Service for Human Rights (ISHR).

E. Documentation

14. The high-level task force had before it a number of pre-session and background documents to inform its deliberations. A complete list of documents is attached at annex II.

II. SUMMARY OF THE PROCEEDINGS

15. In considering the issues put forward at the fifth session of the Working Group (see paragraph 3), the task force decided that it would consider the issue of best practices within the scope of the other two mandated themes, so as to facilitate a focus in the discussions and the analyses undertaken by the task force.

A. Obstacles and challenges to the implementation of the Millennium Development Goals in relation to the right to development

16. The focus of the session was on analysing the usefulness of the right to development framework in addressing the obstacles and the challenges in the implementation of the Millennium Development Goals. The task force sought to explore how the current consensus and the broad-based international commitment to meet the Goals could contribute in a concrete manner to furthering the implementation of the right to development. In framing the issues for the discussion, it identified the following questions:

(a) How can the human rights and in particular the right to development framework help in achieving the Millennium Development Goals?

(b) How can the Millennium Development Goals help in realizing human rights, including the right to development?

(c) What aspects of the strategies for poverty alleviation, embedded in the development vision of the Millennium Development Goals, need to be reviewed, improved or supplemented in order to further the implementation of the right to development?

(d) In what ways can the strengthening of a global partnership for development, at the national and international level, contribute to the timely realization of the Millennium Development Goals and the right to development?

17. The deliberation on the theme was facilitated by a background paper prepared by A. K. Shiva Kumar. Some of the other resource papers used in the discussions included a paper by Philip Alston entitled "A human rights perspective on the Millennium Development Goals", prepared as a contribution to the work of the Millennium Project Task Force on Poverty and Economic Development; The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the context of National Food Security, adopted by the Council of the Food and Agricultural Organization at its 127th session; mapping of the Millennium

Development Goals on the relevant human rights instruments and their provisions; and the note by the Secretary-General (A/59/565) transmitting the report of the Secretary-General's High-Level Panel on Threats, Challenges and Change.

18. The discussions benefited from country experiences presented by Germany, Sweden and Costa Rica. While the first two presentations focused mainly on policies for development cooperation in the context of the Millennium Development Goal 8, the third presentation highlighted the national efforts in addressing the other Goals. The country experience presented by Germany reinforced the added value of integrating human rights into development cooperation. It was pointed out that the country's development cooperation efforts had become more systematic and meaningful, contributing to the enhancement of human dignity by encouraging people to become active participants in the development process. The presentation also highlighted some pilot projects, including one on promoting gender equity by supporting legal reform and raising awareness among judges and officials on equal rights to own and inherit land, and another project that supported innovative local initiatives on provision of legal advice to victims of domestic violence. The presentation by Sweden described its new policy for development cooperation. The objective of the policy was to contribute to equitable development and the achievement of the Millennium Development Goals by applying human rights perspectives based on conventions and by viewing development from the perspectives of the poor in the partner developing countries. It was pointed out that through this new policy, Sweden was not only aiming to empower partner countries with increased budget support, but was also promoting overall coherence among policies within its own boundaries as well as in the recipient countries with a view to contributing to the promotion and protection of human rights both domestically and internationally. The country experience presented by Costa Rica highlighted that the explicit focus on the improvement of the rights of citizens in government policies and extensive participation by all sectors of the society in policy formulation contributed to the achievement of Millennium Development Goals. It revealed that an approach sensitive to local needs could end up setting goals that were more ambitious than the Millennium Development Goals. It also emphasized the need to have coherent policies and strategies to address the goals.

19. In the course of discussions, among the invited institutions, statements were made by UNDP, UNICEF and WTO. The discussions also benefited from the interactive dialogue between the observers for Member States and a few civil society organizations and the members of the task force. The task force identified a number of obstacles and challenges in the implementation of the Millennium Development Goals from the perspective of the right to development. Its conclusions and recommendations on the issue are reflected in section III of this report.

B. Social impact assessments in the areas of trade and development at the national and international levels

20. The need for social impact assessments in informing policy decisions and addressing dislocative impacts of new policies had been highlighted at the fifth session of the Working Group and in the high-level seminar that preceded it (see E/CN.4/2004/23/Add.1) as an important element in the implementation of the right to development at the national and international levels. Against this background, the task force was to consider the issue of broadening the concept and methodology of social impact assessment to explicitly include

human rights, and identifying complementary policies at the national and international levels that might be necessary for the implementation of the right to development in the current global context.

21. In framing the issues for the discussion, the task force identified the following questions:

(a) How can human rights, including the right to development, contribute in evolving an integrated framework for the social impact assessment of policies?

(b) How can an integrated assessment of trade policies contribute to the formulation, implementation and regulation of the international trade regime that is conducive to the realization of human rights, including the right to development?

(c) What is the role of social impact assessments in identifying complementary policy measures that could be necessary in mitigating the adverse consequences of trade and development policies on the right to development?

(d) How do such measures relate to the implementation of the right to development?

(e) How can the use of appropriate methodologies to undertake social impact assessment of policy measures, taking into account the right to development concerns, be encouraged at the national and the international levels?

22. The task force had before it a background paper on the theme, prepared by Robert Howse, which presented several examples of existing social impact assessment frameworks in the area of trade policy. It assessed their relevance and limitations in the context of implementing the right to development. The task force also benefited from informative presentations made by the World Bank and the IMF on the potential contributions of their Poverty and Social Impact Assessment (PSIA) to the implementation of the right to development. UNCTAD also contributed to the discussions on this theme.

23. The limitation of the existing social impact assessment frameworks notwithstanding, the discussions highlighted the potential contribution of human rights to the concept and methodology for undertaking social impact assessments. It was pointed out that there was significant room to explore compatibility and opportunities for greater convergence between the right to development framework and social impact analysis. In this context, reference was made to the usefulness of social impact assessment as a tool in triggering consultations and participation at the local level in line with the right to development framework. The World Bank/IMF experience highlighted that any social impact assessments that included PSIA could only be effective if there was a genuine ownership of the process by concerned countries. However, the availability and quality of data was highlighted as one of the constraints in conducting PSIA. Integrating human rights into social impact assessment would create additional challenges in developing a relevant indicator framework, such as one involving process and outcome indicators, for facilitating the implementation of the right to development. Further work in this area was needed.

24. The task force emphasized that the right to development framework made it imperative that the application of social impact assessments should result in the identification of dislocative

effects of adopted policies on the poor and the most vulnerable, and the provision of special measures as remedies for such population groups. The creation of an appropriate social safety net was one such measure. The country experience from Costa Rica highlighted the contribution of such mechanisms to address the problems of the poor and vulnerable. There was also agreement that from a right to development perspective, the issue of institutional capacity to support social safety nets, particularly in the context of addressing the effects of external shocks on the well-being of people, had an international dimension. In such situations the multilateral trade and development institutions had to take steps in support of national efforts to facilitate and sustain such measures.

III. CONCLUSIONS AND RECOMMENDATIONS

25. **The task force was mandated by the Working Group on the Right to Development to focus on two aspects of the implementation of the right to development, namely obstacles and challenges to implementation of the Millennium Development Goals in relation to the right to development, and social impact assessments in the area of trade and development at the national and international levels. The task force welcomes the emphasis of the Working Group on the need to move from generalities to specificities and from the conceptual to the operational.**

26. **The task force recognizes that the right to development, as defined in article 1 (1) of the Declaration on the Right to Development, is “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”. It further recognizes that States have primary responsibility for the creation of the national and international conditions favourable to the realization of the right to development and that they have the duty to take steps, individually and collectively, at the national and the international level, to formulate policies and practices with a view to facilitating the full realization of the right to development.**

27. **The task force underlines the commitments made at the highest level in the United Nations Millennium Declaration and specifically the commitment “to making the right to development a reality for everyone”. It took note of the report of the Secretary-General’s High-Level Panel on Threats, Challenges and Change¹ and, in particular, its recommendation to give development a higher focus, including by transforming the Economic and Social Council into a development cooperation forum.**

28. **The representatives of trade and multilateral development institutions collaborated with the experts on the task force to explore ways of bridging the various perspectives and experiences, with a view to making constructive suggestions aimed at the implementation of the right to development. For some, the terminology of a human rights-based approach was a sufficient reference; for others, the concept of the right to development, as defined in the Declaration on the Right to Development, embraced and exceeded a rights-based approach.**

29. **The following conclusions and recommendations reflect the consensus of the members of the task force.**

A. Conclusions

30. The task force agreed that a number of principles underlying the Declaration on the Right to Development guided the work of international development and financial institutions, including the indivisibility and interdependence of all human rights; a holistic view of human rights and development; the multidimensional nature of development strategies, including poverty elimination; the importance of empowering people as active agents in the development process, with rights and duties; and the centrality of the individual as the subject of human rights and the beneficiary of development. It recognized that the role and responsibilities of the State and the international community with respect to the development process were also important in the implementation of the right to development.

31. The task force recognized that development had to be grounded in sound economic policies that fostered growth with equity.² Recognition of the need to build complementarity into growth-oriented strategies and human rights was a response to the growing call by people for more empowerment, more ownership and more sustainability in development efforts.

32. The task force agreed that the right to development enriched such strategies insofar as it referred to a framework that systematically incorporated human rights and the principles of transparency, equality, participation, accountability and non-discrimination into the development process, at both national and international levels.

33. It agreed that development implied establishing policy priorities and addressing trade-offs in resource allocations and in benefits, intra- and inter-temporally, consistent with human rights, in its process and outcomes. In an increasingly interdependent world other States and non-State actors were helping to shape those priorities and trade-offs. While the primary responsibility to meet those priorities and ensure the enjoyment of human rights still rested with States, there was often a need in this process to strike an appropriate balance between national policy space and commitments of the State under multilateral agreements in trade and related areas.

Obstacles and challenges to implementation of the Millennium Development Goals in relation to the right to development

34. The task force recognized that the Millennium Development Goals represented a measurable set of human development milestones the attainment of which was critical for building a more humane, inclusive, equitable and sustainable world, as envisaged in the United Nations Millennium Declaration.

35. The task force was particularly concerned at the trend, referred to in the Secretary-General's report on the implementation of the United Nations Millennium Declaration, which identified a group of countries, mainly in sub-Saharan Africa and least developed countries in other regions, that "are far from making adequate progress on most of the goals" (A/59/282, para. 41). This was a reflection of shortfalls in the efforts of the national and the international communities to meet the Millennium Development Goals and to make progress on the realization of the right to development for all.

Obstacles

36. The task force agreed that the attainment of the Millennium Development Goals was variously constrained by threats to peace and security; environmental degradation; policy inadequacies and poor governance; and a lack of a supportive external environment encompassing improved conditions of international trade for developing countries, debt sustainability, and the commitment to meet the internationally agreed target of aid.

Challenges

37. The task force agreed that a major challenge for the implementation of the Millennium Development Goals was to put into practice the following distinctive features of human rights, including the right to development framework:

Specificity - to bring into focus the common basis of universally recognized and legally binding standards and principles, as reflected in the relevant human rights instruments, in the strategies for achieving the Millennium Development Goals;

Indivisibility - to emphasize the notion of indivisibility and interdependence of human rights in the context of formulating coherent policies and holistic development strategies that harness cross-sectoral synergies in addressing the various Millennium Development Goals;

Accountability - to establish and make use of clearly defined accountability mechanisms at the national and international levels that are participatory in nature, accessible, transparent and effective, and are based on identification of rights holders, duty bearers and procedures for claiming human rights through judicial or other means; and

Mobilization of civil society - to make use of the human rights framework for engaging civil society in participating in and monitoring development efforts, with a view to achieving the Millennium Development Goals in a rights-based manner.

38. The task force agreed that when unexpected shocks put poor and vulnerable populations at risk, the efforts to achieve the Goals sometimes required temporary use of institutional measures in the form of social safety nets such as well-targeted transfers and subsidies. In such contexts, suitable complementary measures were necessary in multilateral frameworks of trade, finance and development to support the national efforts.

39. From the human rights perspective, the concept of social safety nets corresponded to the right to an adequate standard of living, including social security as defined in the International Covenant on Economic, Social and Cultural Rights and the relevant instruments of the International Labour Organization. In particular, in times of crisis and in the context of chronic poverty, it was necessary for the State to ensure, if required with the help of international cooperation, that everyone enjoyed economic, social and cultural rights. Failure to take measures to that effect were detrimental to the attainment of the Millennium Development Goals and to the implementation of the right to development.

40. The task force agreed that it was necessary to strengthen institutional capacities to implement the Millennium Development Goals and the right to development; to bridge the information gaps; to address the accountability failures that often undermine the attainment of the Goals; and to give the Goals the necessary local content and national ownership.

Social impact assessment in the areas of trade and development at the national and international levels

41. The task force agreed that the social impact assessment provided important methodological tools to promote evidence-based policy formulation by including distributional and social effects in the ex ante analysis of policy reforms and agreements. It was potentially a useful instrument in bringing about policy coherence at both national and international levels and in promoting adherence to human rights standards.

42. The task force recognized that the social impact assessment as a means of determining the consequences of specific interventions in a society was still evolving and had only recently been extended to examine the impact of trade agreements on the well-being of people. It agreed that caution needed to be exercised in undertaking social impact assessments as the complex dynamics of economic transactions at both national and international levels did not always lend themselves to clearly defined causation analysis through social impact assessments.

43. The task force agreed, however, that policy makers and development practitioners could only benefit by introducing and strengthening human rights standards and principles in the normative framework and methodology for undertaking social impact assessments. While there were several institutions that had initiated work on social impact assessment methodologies, the task force recognized that the World Bank's approach provided a useful analytical framework, including indicators for measuring empowerment, which took into account civil and political rights and the realization of economic and social rights.

44. The task force agreed that all impact assessments, including those undertaken by States or by external agencies, could only be effective if there was genuine demand, ownership and availability of appropriate quantitative data, and a will to apply the findings of the relevant analysis by the authorities.

B. Recommendations

45. There is a need to make available to policy makers and development practitioners a clear and rigorous mapping of the Millennium Development Goals against the provisions of the relevant international human rights instruments, as a means of mobilizing, strengthening and sustaining efforts to implement the Goals at the national and the international levels. Such a framework should draw upon the work of the treaty bodies and special procedures in informing the strategies and policies to implement the Goals.

46. In order to implement the policy frameworks supporting the Millennium Development Goals and further the implementation of the right to development, it is necessary to develop practical tools, including guidelines and objective indicators, which

help in translating the human rights norms and principles into parameters accessible to policy makers and development practitioners and in undertaking social impact assessments.

47. The task force is of the view that in order to achieve the Millennium Development Goals, development cooperation should be grounded in mutual commitments and translated into specific partnerships along the lines of innovative multilateral and bilateral arrangements, some of which were presented at its meeting. The task force acknowledges the contribution of such initiatives and country experiences in promoting a rights-based approach and recommends that the Working Group analyse and disseminate these experiences to inform activities in the area of the right to development.

48. A heavy debt burden is a major obstacle for poor developing countries in achieving the Millennium Development Goals. The task force welcomes and encourages efforts by donor countries and the international financial institutions to consider additional ways to promote debt sustainability, including through the provision of grants, additional finance for debt relief over the Heavily Indebted Poor Countries (HIPC) social spending norms, as well as debt swaps linked to performance, in realizing the Millennium Development Goals in a rights-based manner. It recognizes that debt sustainability depends on a wide range of variables, and therefore the analysis should be comprehensive and forward looking, taking into account country-specific factors including the quality of policies and institutions, as well as vulnerabilities to shocks. The task force recommends that any such additional HIPC debt relief should be genuinely additional to bilateral official development assistance (ODA) flows. Appropriate debt swap measures, linked to specific additional performance in achieving the Millennium Development Goals, could also be considered for highly indebted poor countries that have not yet met the programme norms or have not yet qualified for the HIPC assistance.

49. The task force recognizes that a considerable increase in ODA is essential to attain the Millennium Development Goals in some developing countries. It recommends that compliance with the agreed commitment of 0.7 per cent of gross national product should be met as a matter of priority.

50. The task force recommends that the Working Group consider developing measurable criteria to monitor the implementation of Millennium Development Goal 8 on the global partnership for development, in consultation with relevant experts and OHCHR.

51. States should be encouraged to undertake independent assessments of the impacts of trade agreements on poverty, human rights and other social aspects, and these assessments should be taken into account in the context of the Trade Policy Review Mechanism process and future trade negotiations. Use of such assessments would be consistent with the “need for positive efforts designed to ensure that developing countries, and especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development”, as recognized by the World Trade Organization.³ This would also be consistent with human rights standards and principles.

52. The task force recommends that States give considered attention to special and differential treatment provisions under the World Trade Organization agreements with a view to enhancing their effectiveness as an instrument to harmonize human rights and multilateral trade requirements.
53. The task force recommends that, in developing countries, donor Governments and development and human rights institutions actively support the creation and operation of research and advocacy groups applying human rights principles to development that would be able to proactively inform and participate in the formulation and implementation of the Millennium Development Goals in the context of country development strategies, including the poverty reduction strategy papers (PRSP).
54. The task force recommends that the Working Group consider means of enhancing active, full and meaningful participation of women in the process of formulating policies and strategies for attaining the Millennium Development Goals and the implementation of the PRSP. It reiterates, in this regard, “the need to apply a gender perspective to the implementation of the right to development”, as noted by the General Assembly in resolution 55/108, and to the appeal by the Commission on Human Rights to “ensure the participation of women on equal terms with men in all fields of the realization of the right to development” (resolution 2001/9).
55. The task force recommends that the Working Group identify measures to promote a participatory approach, based on human rights norms and principles, in the allocation of social sector expenditures in public budgets.
56. The task force recommends that the Working Group consider continuing the partnership with the trade and multilateral development institutions, with a view to benefiting from their experience and technical expertise, in identifying concrete measures to further the implementation of all human rights, including the right to development.

Notes

¹ *A more secure world: our shared responsibilities*, United Nations, 2004.

² The task force recognized and welcomed the forthcoming *World Development Report 2006*, which emphasizes this theme.

³ Marrakesh Agreement, establishing the World Trade Organization, 15 April 1994, preamble.

Annex 1

AGENDA

1. Opening of the session.
2. Election of the Chairperson of the meeting.
3. Adoption of the approach to address the mandate, timetable and programme of work.
4. Obstacles and challenges to the implementation of the Millennium Development Goals in relation to the right to development:
 - (a) Presentation of the background paper on the theme;
 - (b) Presentation of the country experiences/best practices on the theme;
 - (c) Interactive discussions on theme.
5. Social impact assessment in the areas of trade and development at national and international level:
 - (a) Presentation of the background paper on the theme;
 - (b) Presentation of the country experiences/best practices on the theme;
 - (c) Interactive discussions on theme.
6. Adoption of conclusions and recommendations.

Annex II

LIST OF DOCUMENTS

<u>Symbol</u>	<u>Title</u>
HR/GVA/TF/RTD/2004/1	Provisional agenda
HR/GVA/TF/RTD/2004/2	Preliminary concept note: high-level task force on the implementation of the right to development
“Millennium Development Goals and the right to development: issues, constraints and challenges” background paper by A.K. Shiva Kumar.	
“Social impact assessment in the areas of trade and development at the national and the international level” background paper by Robert Howse.	
