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the right to development

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Geneva, 14–22 January 2010

### Right to development

## Report of the high-level task force on the implementation of the right to development on its sixth session (Geneva, 14–22 January 2010)

Chairperson-Rapporteur: Stephen Marks

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## I. Introduction

1. The high-level task force on the implementation of the right to development held its sixth session in Geneva from 14 to 22 January 2010.
2. The task force was established by the Commission on Human Rights in its resolution 2004/7 as endorsed by the Economic and Social Council in its decision 2004/249, within the framework of the intergovernmental open-ended Working Group on the Right to Development, in order to assist it in fulfilling its mandate as reflected in paragraph 10 (a) of Commission resolution 1998/7.
3. The Human Rights Council, in its resolution 9/3, and the General Assembly, in its resolution 63/178, endorsed the workplan for the task force for the period 2008–2010, as recommended by the Working Group (A/HRC/9/17, para. 43).
4. The Human Rights Council, in its resolution 12/23, and the General Assembly, in its resolution 64/172, endorsed the recommendations of the Working Group (A/HRC/12/28, paras. 44–46), including that the task force focus on consolidating its findings (A/HRC/15/WG.2/TF/2/Add.1) and present a revised list of right to development criteria, together with corresponding operational sub-criteria (A/HRC/15/WG.2/TF/2/Add.2), and outline suggestions for further work, including aspects of international cooperation not covered until then for the consideration of the Working Group at its eleventh session.

## II. Organization of the session

5. The session was opened by the Director of the Research and Right to Development Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Marcia V.J. Kran.
6. At its first meeting, on 14 January 2010, the task force elected by acclamation Stephen Marks as Chairperson-Rapporteur, and adopted its agenda (A/HRC/15/WG.2/TF/1); (see annex I) and programme of work.<sup>1</sup>
7. The task force focused on the implementation of the recommendations of the Working Group (see paragraph 4 above). The task force had before it a number of pre-session and background documents to inform its deliberations (see annex III).

## III. Statements by institutional members and observers

8. The United Nations Development Programme (UNDP) indicated that it was important for the task force to consider the evolution of the global economic context and evaluate its implications for the realization of the right to development. Developing countries have been seriously affected by the global financial and economic crises, and UNDP made efforts to ensure that countries were supported throughout the crises, and that endeavours to achieve the Millennium Development Goals were not undermined but rather accelerated to meet the 2015 targets.
9. The United Nations Conference on Trade and Development (UNCTAD), as the focal point for trade and development issues within the United Nations system, found the

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<sup>1</sup> See [www2.ohchr.org/english/issues/development/right/docs/pow13Jan.pdf](http://www2.ohchr.org/english/issues/development/right/docs/pow13Jan.pdf).

work of the task force relevant to its own work and at the heart of the priority concerns of its membership.

10. The African Union noted that development in Africa remains the foremost concern and objective of the Commission and States members of the Union. The first dialogue for Africa organized by the Commission in May 2009 in Geneva had concluded that, *inter alia*, the responsibility for development in Africa lies first and foremost with Africans. It is in this context that the African Union has embraced the right to development despite its challenges, including resource constraints, armed conflict, poverty, pandemics and vulnerability to climate change.

11. Egypt, on behalf of the Non-Aligned Movement, welcomed the efforts made by the task force and acknowledged the progress made to date in refining the right to development criteria. Referring to previous Human Rights Council resolutions, it stressed the need for the task force to submit, in April 2010, a list of criteria and operational sub-criteria, and the Movement's consistent position as outlined at several summits, particularly the Havana summit of 2006 and the Sharm El-Sheik summit of July 2009. These highlighted the commitment of the Movement's members to work towards the elaboration and adoption of an international convention on the right to development, which should be on a par with other human rights and fundamental freedoms, following the principles of universality, interdependence, indivisibility and interrelatedness. Egypt reiterated that, in the current context of the global crises, the consequences of which are yet to be fully determined, and in the light of the failure of the climate conference in Copenhagen, it expected the refined criteria and operational sub-criteria to reflect and respond to these challenges and constraints to the realization of the right to development, at both the national and international levels, and also to adopt a balanced approach to the roles of national and international responsibilities.

12. The United States of America expressed its support for the work of the task force and the elaboration of criteria, while reiterating its concern with regard to the criteria evolving into a legally-binding instrument. It noted that development is a strategic, economic and moral imperative that should be viewed as an ongoing adaptive process and long-term endeavour.

13. Spain, speaking on behalf of the European Union, commended the work of the task force, and stressed that the Union remains strongly committed to achieving sustainable development and reducing poverty; promoting respect for all human rights and fundamental freedoms; working towards ensuring security and conflict prevention; and encouraging good governance, gender equality and equitable globalization. In line with the Declaration on the Right to Development, States have the primary responsibility to guarantee the full enjoyment of all human rights, including the right to development. The Union's discourse is not within the realm of a legally-binding instrument. The draft set of criteria, once endorsed by the Working Group, should be used as a basis for the elaboration of a set of standards for the implementation of the right to development with the aim of mainstreaming the right to development in the policies of actors at all levels. They should be operationalized in terms of benchmarks and indicators with regard to the obligations of States to empower individuals as active agents in the development process.

14. Nigeria, on behalf of the African Group, associated itself fully with the statement made by Egypt on behalf of the Non-Aligned Movement. Nigeria considered the right to development to be the key to the enjoyment of all other human rights and fundamental freedoms, and supported the full implementation of the right to development. The efforts made by the task force and the Working Group would constitute the commencement of the much-desired process to delineate standards, which should eventually evolve into a legally-binding international instrument. The Group recognized the role played by national and regional bodies, and referred to the New Partnership for Africa's Development as a catalyst

for mainstreaming the right to development at the domestic level, while anticipating that much more would need to be done at the international level in line with the Declaration.

15. Mexico stated that the right to development had to be posited within the overall context of other human rights, particularly economic, social and cultural rights. Each criterion must be viewed within the global context, and good governance, democracy and the eradication of poverty are crucial to the realization of the right to development. Similarly, the Millennium Development Goals are closely linked to human rights and need to be addressed in the human rights context.

16. Brazil stressed the importance of the implementation of the right to development and the need for political will. It was hopeful that the task force would complete its work, which should address the issue of the elaboration of a convention to raise the right to development to the level of other human rights.

17. Bangladesh expected the task force, as an expert body, to provide expert opinions and not politically correct statements, which should be left to the Working Group as an intergovernmental body. It called for the finalization of the criteria and operational sub-criteria, which it expected to be balanced, realistic and helpful to the realization of the right to development. These should be transformed into legally-binding norms. International support and solidarity are essential, as no country can achieve sustainable development by itself.

18. Mauritius associated itself with the statements made by Nigeria on behalf of the African Union and Egypt on behalf of the Non-Aligned Movement. It highlighted the constant widening of the gap between developed and developing countries, especially in Africa, which had worsened in the context of the food and economic crises, and the negative impact of climate change. The right to development was a fundamental human right that went beyond poverty eradication and was a bridge between economic, social and cultural rights and civil and political rights. There should be a genuine global partnership, in line with the contents of the Declaration on the Right to Development, in international cooperation.

19. Canada expressed its support for the expert approach to the right to development adopted by the task force, and commended its collaborative approach with regard to other institutions, which had been very beneficial for the mainstreaming of this right. While reiterating that it did not support a move towards a legally-binding instrument, it looked forward to discussing other avenues.

20. The Indian Movement “Tupaj Amaru” called upon the task force not to turn a blind eye to the reasons why the Millennium Development Goals were not being achieved, and to address root causes of such a failure. It highlighted the need for the task force to deal with such issues as the financial crisis, climate change and the debt crisis in the context of their impact on indigenous peoples and their human rights.

21. The representative for the Indigenous Peoples and Nations Coalition, the International Council for Human Rights and the Indian Council for South America expressed their support for the principles underlying the right to development and the elaboration of a binding international legal instrument.

22. Friedrich Ebert Stiftung noted that the missions undertaken by the task force to the World Health Organization (WHO) and the World Intellectual Property Organization (WIPO) underlined the importance of the global dimension of the right to development. It welcomed the outcome of the expert meeting on the right to development criteria (A/HRC/15/WG.2/TF/CRP.4), which illustrated the link between the global and national dimensions and was the basis for the legitimacy of the right to development. It recommended that a subsequent mandate of the task force should include the elaboration of

guidelines outlining the specific rights and obligations at each level: individual, national, regional and international.

23. Cercle de recherche sur les droits et les devoirs de la personne humaine quoted figures relating to wealth disparities within and across countries. It referred to a study by Michael Marmot of the WHO Commission on Social Determinants of Health, presented to the Economic and Social Council in July 2009, highlighting the 40-year gap in life expectancy between people living in the North and the South, which is illustrative of the failure of efforts made for equitable development. The speaker stressed that the right to development criteria should focus on results as opposed to implementation measures.

## **IV. Presentations and discussion**

### **A. Millennium Development Goal 8, target E, on access to essential medicines**

24. The Chairperson-Rapporteur introduced the report of the technical missions that the task force made to WHO, the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property, the Special Programme on Research and Training in Tropical Diseases and the Global Fund to Fight AIDS, Tuberculosis and Malaria. He underscored the central role played by WHO in advancing target E of Millennium Development Goal 8 and the significance of the inclusion in the Global Strategy and Plan of Action of a reference to the right to health, as set out in the preamble to the WHO constitution. That reference in the Strategy and Plan constitutes an entry point for human rights, although more explicit references to human rights in the Strategy and Plan had been deleted. Nevertheless, there is scope for them to be implemented and interpreted in a manner supportive of the right to development.

25. Participants in discussions at WHO had supported the idea of a workshop on access to essential medicines with the engagement of all key stakeholders, including pharmaceutical companies and United Nations human rights special procedures. Subsequently, the Human Rights Council, in its resolution 12/24, also requested OHCHR to organize an expert consultation on access to essential medicines. In this regard, the Chairperson-Rapporteur suggested that a single expert consultation be organized to address the issue of access to essential medicines from the perspective of both the right to health and the right to development.

26. Sakiko Fukuda-Parr then informed the task force of her findings in the technical mission to the Special Programme and the Global Fund. She commended the positive and constructive nature of the dialogue with these institutions and reported that both organizations are undertaking valuable work in expanding access to health care, which is in line with the right to development principles and standards. The discussions also identified gaps in the work of these institutions, especially relating to the creation of an enabling macroenvironment and the removal of constraints, a fundamental condition for the realization of the right to health. She also referred to the Millennium Development Goal's Gap Task Force report, which highlighted the problems of access and availability of medicines and of the unaffordable prices of medication in developing countries. The Global Fund, as a major funder of drugs, could play a significant role in creating an enabling macroenvironment. There is also a need to think of different approaches to stimulate more innovation and research.

27. The director of the Special Programme for Research and Training in Tropical Diseases welcomed the opportunity of the work of the Programme being approached from a human rights perspective. He recalled that the Special Programme is co-sponsored by

UNDP, the United Nations Children's Fund, the World Bank and WHO, and that elements of development and equity permeate in its mission statement, as does the right to health, which is reaffirmed in the preamble to the WHO constitution and guides the work of the Programme. Within the context of the right to health, the director identified the underlying determinants of health, namely, water, sanitation, food and housing. He then underscored the fact that, in building availability, accessibility, acceptability and quality into the interface between these social determinants and access to health care, the underlying principles remained equality, non-discrimination, participation, inclusion, accountability and transparency.

28. The director of the Special Programme also emphasized three elements of Goal 8: global partnerships, cooperation with pharmaceutical companies, and a strategic approach to access to essential medicines. With regard to tropical diseases, he stressed the crucial importance of innovation and research to produce essential drugs and for these to be undertaken under agreements that facilitate availability and preferential pricing in developing countries. He also pointed out that facilitating access to medicines was more than a mere cost issue, and that often the delivery of essential drugs to those in need was a key problem. Evidence from the Special Programme indicates that, within certain programmes and systems, local communities may have an important role to play in collecting and distributing a drug (community-directed interventions) to ensure better distribution. The Special Programme expressed strong interest in continued collaboration with the task force.

29. The representative of the WHO Department of Ethics, Equity, Trade and Human Rights welcomed the mission of the task force and dialogue on access to essential medicines and the right to development. The Department works to mainstream human rights internally at WHO, and also to put health on the human rights agenda external to the Organization. WHO welcomed the opportunity to continue working with the task force and providing support for its efforts.

30. The director of the secretariat for Public Health, Innovation and Intellectual Property of WHO made a presentation, outlining that the Organization approached the right to health in a global framework within the context of the WHO constitution, which recognizes linkages with other global issues, including human rights. The Global Strategy and Plan of Action have explicit provision in the preamble for human rights and the right to health as important principles. Elements of the Strategy and Plan have express provisions on intellectual property and technology transfer. She reported on the various initiatives undertaken, individually or in collaboration with other institutions, such as UNCTAD and the European Union, which reflect such a comprehensive approach. The presentation concluded by emphasizing the key importance of global partnerships in addressing the right to health issues.

31. The director of the Pharmaceutical Management Unit of the Global Fund gave an overview of its work, and emphasized that the rationale for its existence is linked with the core principles underlying the right to development. The Global Fund expressed strong interest in and commitment to promoting human rights as a means of improving access to essential medicines as a component of the right to health. In this respect, the work of the Global Fund includes providing sustainable funding, establishing principles and policies, and providing technical assistance and capacity-building in order to strengthen countries' supplies and health systems. The Global Fund is engaged in monitoring and evaluation of access to essential medicines for the poor and vulnerable populations, through the use of access indicators as part of grant management, monitoring of procurement and quality data, and policy and market dynamics analysis, especially with regard to pricing.

32. In the ensuing discussion, the Chairperson-Rapporteur confirmed that the task force was aware that, as the technical mission report recognized, the Global Strategy and Plan of

Action process was not subject to change, but its implementation and interpretation provided opportunities to introduce human rights and right to development priorities. He also requested the Global Fund to update the task force on new developments in the promotion of innovation. The representative of the Global Fund referred in his response to patent pools that had been created, and also stated that the organization is committed to working with partners to improve access to essential medicines, and would make efforts to create incentives for manufacturers to collaborate to improve access to intellectual property and medicines.

33. In the interactive session with observers, Spain, on behalf of the European Union, commented that the dialogue initiated by the task force with global partnerships was beneficial to the implementation of the right to development, and emphasized that partnerships may also incorporate a human rights approach.

34. Egypt, speaking on behalf of the Non-Aligned Movement, referred to Council resolution 12/24, in which the Council requested OHCHR to organize an expert consultation on access to essential medicines, and stated that the outcome of the consultations should be linked to the right to development criteria. The United States of America, commenting on the mission report on access to essential medicines, expressed appreciation for the efforts made in information gathering. The United States took exception to the reference in the report to the right to development as “universally accepted”, since, in its view, this is not the case. In a clarification, the Chairperson-Rapporteur explained that the reference in the report alluded to the repetition of commitment to this right in such consensus documents as the Vienna Declaration of 1993, the Millennium Declaration of 2000, the Monterrey Consensus of 2002, the World Summit Outcome of 2005 and various other world summits and conferences where the United States had joined consensus. He also respected the reservations and negative votes expressed by the United States in the past, and agreed that the political significance of agreeing to a long consensus text with a brief reference to the right to development should not be exaggerated. Nevertheless, universal acceptance (which does not imply any legal obligations) could be concluded from those consensus documents at the highest level. Egypt and Mauritius supported this viewpoint, adding that, in all human rights documents and resolutions, the right to development was always mentioned together with other human rights.

## **B. Millennium Development Goal 8, target F, on technology transfer**

35. The Chairperson-Rapporteur recalled that the task force had proposed, and the Working Group had accepted, that the former would address target F of Goal 8 from the perspective of the potential contribution to the right to development of the WIPO Development Agenda and the Clean Development Mechanism of the United Nations Framework Convention on Climate Change, rather than information and communication technology.

36. Ms. Fukuda-Parr presented the report of the technical mission to WIPO undertaken to initiate a dialogue on the WIPO Development Agenda from a right to development perspective. The importance of the agenda for development results from technology being a crucial element in creating an enabling environment for development, as technological innovation is an essential input to almost every area of human progress. The uneven global distribution of access and innovation is a defining challenge of the twenty-first century. The agenda is a major breakthrough in ensuring that the framework of intellectual property protection is managed to serve the public interest.

37. Ms. Fukuda-Parr recalled the key tensions between intellectual property systems and the right to development. While intellectual property encourages innovation that produces

market returns, it does not always provide incentives for investments in technology that meet the basic needs of poor people and countries who have little purchasing power. The bulk of intellectual property rights are held by a few developed countries, hence the importance that developing countries catch up with innovation. Collaboration with other United Nations agencies should be considered in technical assistance so that intellectual property policies can be considered from broader development perspectives, and take account of diverse conditions in different countries that require an approach unique to meeting the country's needs. Ms. Fukuda-Parr also stressed the significance of policy space and autonomy in creating an enabling environment for development. In this regard, an important issue to be addressed is how to maintain policy space given the constraints arising from international agreements such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Implementation of the Development Agenda is just beginning; from a human rights perspective, the implementation process requires a monitoring process that is yet to be established.

38. The head of the Innovation and Technology Transfer section at WIPO gave a presentation on intellectual property and technology transfer. He stated that development considerations form an integral part of the Organization's work in this area. Nine of the 45 recommendations of the Development Agenda focus on technology transfer and aim at developing the innovation capacity of developing countries so that they can exercise their right to development fully. WIPO also assists developing countries to enhance their ability to exercise their legitimate intellectual property rights on technological developments. Intellectual property protection can be made supportive, rather than restrictive, of development. The WIPO approach to transfer of technology is twofold and operates on two levels: macro and micro. At the macro level and in the long term, a favourable climate is promoted by generalizing a system of education that builds capacities in national priority development areas. In addition, assistance is provided for the development of an infrastructure for innovation promotion and technology transfer-efficient systems. This is accomplished through an intellectual property audit, assistance in the development of a national intellectual property strategy and institutional intellectual property policies for universities and research centres, and the creation of research and development networks and intellectual property hubs. At the micro-level and in the short term, WIPO offers technical support to bridge the gap between research and the productive cycle by providing capacity-building programmes in intellectual property management. Its strong commitment to broad cooperation and resolve to undertake activities in a transparent and inclusive fashion were also emphasized.

39. Marcos Orellana presented the findings of the study assessing the Clean Development Mechanism from a right to development perspective (A/HRC/15/WG.2/TF/CRP.3/Rev.1). After outlining the main features and characteristics of the mechanism, a partnership for cooperation for sustainable development and greenhouse gas mitigation, Mr. Orellana elaborated on the main criticisms levelled against the mechanism in literature. In particular, the mechanism's emphasis on emissions reductions does not ensure that the negative impact on human rights of peoples and communities is prevented or minimized. Further, the distribution of mechanism projects, which by and large benefit only a few developing countries such as Brazil, China and India, was not equitable. The decision on the Clean Development Mechanism at the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol in Copenhagen has taken some steps to promote a more equitable distribution of projects in developing countries. Mr. Orellana referred to the shortcomings of the mechanism with regard to its contribution to sustainable development and green technology transfer. In this context, he discussed the criticisms concerning additionality and environmental integrity issues, highlighting the problems that arise when certain mechanism projects do not generate real emissions reductions. These shortcomings are not in line with the right to development

principles and criteria, including equality, equity, non-discrimination, participation, transparency and accountability. Right to development criteria require an open and inclusive decision-making process, but current determinations by national authorities on whether projects under the mechanism contribute to sustainable development are not subject to this standard. Furthermore, right to development criteria require equitable benefits of development within and among countries, but at this time projects under the mechanism benefit only a few developing countries. With respect to refining the right to development criteria, Mr. Orellana suggested that the criteria take into account a science-based approach in decision-making, in line with the outcome of the World Summit on Sustainable Development held in Johannesburg in 2002.

40. The Manager of the Process Management Unit at the secretariat of the United Nations Framework Convention on Climate Change gave an overview of the achievements of and developments in the mechanism and of its main activities, functions and bodies. He stated that the Clean Development Mechanism is a flexible market mechanism. He agreed that projects thereunder were mostly concentrated in a few developing countries, and a large majority were in the Asia-Pacific region, followed by a considerable number in Latin America and the Caribbean. This trend reflects the direction of foreign direct investment flows. He then referred to certain shortcomings of the mechanism, such as increasing delays in the rigorous approval process. Several measures had been taken recently to improve the methodology and the approval process, including steps to enhance transparency. The efficiency in the registration of projects and issuance of certified emissions reductions, as well as governance, transparency and communication with stakeholders, need to be enhanced. With regard to the contribution of projects to sustainable development, designated national authorities would be encouraged to publish their sustainable development criteria. The representative indicated interest in continuing the dialogue, and extended an invitation to the task force to participate in the Nairobi Framework, which brought together United Nations agencies and several other institutions with a view to promoting the involvement of African countries in the mechanism.

41. In the discussion that followed, the representative of WIPO stated that access to knowledge is a human right and intellectual property was made to build, not block, innovation and the rights of people. It is the responsibility of Governments to provide incentives for intellectual property, whereas the role of WIPO is to promote a culture for intellectual property and respect for indigenous, traditional and cultural knowledge and folklore. Regarding the realization of social and individual rights, WIPO drew attention to the importance of intellectual property in generating technologies that can help in protecting such indigenous knowledge and culture. Ms. Fukuda-Parr referred to the tension between public and private interests: incentivizing innovation by providing intellectual property protection on the one hand, and sharing and expanding that innovation on the other. The representative stated that market failures require Governments to intervene and address the needs of society, especially in the area of health. In that regard, WIPO pointed to TRIPs flexibilities, such as compulsory licensing, as a policy option to address the needs of society.

42. UNCTAD noted the growing interest in looking at intellectual property issues from a human rights perspective. In reaction to a statement by WIPO referring to the intention of its new Director-General to incorporate human rights components into the Organization's workplan, the Chairperson-Rapporteur noted the advantage, from the right to development perspective, if these adjustments in the workplan not only referred to social issues but also to their human rights dimensions.

43. In the interactive session with observers, the United States of America stated that it supported effective development processes and welcomed the WIPO Development Agenda, which provided a practical way to put WIPO at the centre of development. It disagreed with

the finding in the technical mission report that intellectual property was incompatible with the right to development. Intellectual property does not constitute a barrier to the realization of this right, being only one factor affecting access to technology.

44. The Philippines stressed the importance of introducing a right to development perspective to the Clean Development Mechanism, which constitutes an incentive for developed countries to invest in developing countries to reduce emissions, whereby the former gain credit as well as profit in the process. However, the mechanism could have the adverse effect of shifting the burden for emissions reduction to developing countries, which may have to change their production processes, while not necessarily bringing about a change in the production processes in developed countries to make them more environmentally friendly.

45. Egypt, on behalf of the Non-Aligned Movement, stated that the Clean Development Mechanism helped developing countries to reduce emissions but did not induce change in their production processes, and therefore was not a mechanism conducive to a better and cleaner environment. Mauritius emphasized that the African continent was the most vulnerable to climate change. It inquired how the inequitable distribution of mechanism projects among developing countries could be dealt with so that Africa could benefit more from the mechanism.

46. In response to a request for further elaboration of the linkages among the Clean Development Mechanism, climate change and human rights, Mr. Orellana pointed to the OHCHR analytical study on human rights and climate change (A/HRC/10/61), which contained an analysis of the human rights implications of mitigation and adaptation measures taken within the context of climate change, and stressed the importance of considering human rights concerns therein. Human rights components could be integrated into the mechanism, taking advantage of the developments in Copenhagen in 2009.

47. With regard to the issue of shifting the burden, Mr. Orellana pointed to the mechanism's potential in facilitating progress towards a decarbonized economy. In this regard, it could enable developing countries to avoid a carbon-intensive development path by incorporating green technology. It did not impose a burden, but provided an opportunity. Still, other measures in the climate change regime need to ensure that industrialized countries change their production patterns in order to meet the objective of the United Nations Framework Convention on Climate Change. Concerning the inequitable distribution of mechanism projects, Mr. Orellana remarked that being a market-based mechanism, it suffered from market failures. Concerted action at the national and international levels is necessary to expand the reach of the projects across a wider range of developing countries. In this connection, the phasing out of subsidies for fossil fuels by export credit agencies in industrialized countries and the creation of programmes to support projects by such agencies could enhance the sustainable development and greenhouse gas mitigation benefits from the Clean Development Mechanism.

### **C. Millennium Development Goal 8, targets B and D, on debt relief**

48. As requested by the Working Group (A/HRC/12/28, paras. 39 and 46 (c)), the task force considered the issue of debt relief by drawing on the expertise of its institutional members, the International Monetary Fund (IMF) and the World Bank, as well as special procedures of the Human Rights Council, through the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Cephaz Lumina. The independent expert and representatives of the World Bank and IMF made presentations on the issue.

49. In his introduction, the Chairperson-Rapporteur recalled that the task force had already addressed the debt relief issue at its first session, in 2004, and at its fifth session, in 2009, and had benefited from detailed presentations by representatives of IMF and the World Bank. Nevertheless, addressing debt relief at the current session was a welcomed opportunity to review in greater depth the implications of this issue for the right to development.

50. The representatives of the World Bank and IMF presented the debt relief issue in the context of their respective programmes, including the Heavily Indebted Poor Countries initiative and the Multilateral Debt Relief Initiative, the Debt Reduction Facility, the Debt Sustainability Framework, the Debt Management Facility and the International Development Association. After providing an overview of these initiatives, including their rationale, functioning, current status of implementation and contribution to poverty reduction, they explained how the initiatives had contributed to an increase in social expenditures. Both presentations provided examples of specific countries whose involvement in the initiatives have brought about tangible improvements in social sectors thanks to substantial increases in public expenditure. According to the World Bank, post-completion point countries were typically better off in terms of their capacity to address development challenges. The combined impact of the two main initiatives, on heavily indebted poor countries and multilateral debt relief, was approximately \$100 billion.<sup>2</sup>

51. The World Bank and IMF also acknowledged the challenges faced by these initiatives, including taking the remaining eligible countries, some of which were facing challenging political or security situations, through the completion point of the Heavily Indebted Poor Countries initiative; ensuring full participation of some groups of creditors, particularly non-Paris Club bilateral creditors, private creditors and smaller multilateral creditors; and ensuring that both initiatives are fully financed. They also cautioned that, while debt relief frees up resources that can be used for development objectives, it needs to be complemented by additional financing if the Millennium Development Goals are to be reached. In addition, debt relief cannot guarantee permanently the sustainability of debt for any given country. Reaching the goals and maintaining debt sustainability also greatly depend on policies and strategies to maximize the benefits derived from debt relief.

52. In his presentation, the independent expert critically assessed the performance of debt relief initiatives in the light of their contribution to the achievement of the Millennium Development Goals, the reduction of poverty and the creation of conditions for the full realization of human rights, particularly economic, social and cultural rights. Financial resources channelled to developing countries that benefited from such programmes were substantially below the pressing development needs of these countries. He challenged the claim that the Heavily Indebted Poor Countries and Multilateral Debt Relief initiatives and other debt relief initiatives had any notable impact on poverty reduction or that they induced a significant increase in public expenditure in social sectors.

53. The independent expert discussed several factors that explain the shortcomings of debt relief initiatives, among them, their lengthy conditionality requirements, lack of effective debtor country ownership, lack of additionality and a narrow conception of debt sustainability. Elaborating on the latter point, he stressed that the two initiatives under discussion excluded many heavily indebted and poor middle-income countries on the

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<sup>2</sup> The representative alluded to a more detailed analysis available in the proceedings of a conference on debt relief and beyond, organized by the World Bank in 2008, drawing on contributions from 31 experts. See Carlos A. Primo Braga and Dörte Dömeland (eds.), *Debt Relief and Beyond. Lessons Learned and Challenges Ahead*, the World Bank, Washington, D.C., 2009.

grounds that their debts were sustainable, and that the framework for assessing debt sustainability was based on the primacy of debt service and did not include an assessment of the needs to realize human rights or the Millennium Development Goals. Other important challenges, such as the effect of global climate change, have not been sufficiently addressed.

54. The independent expert presented and discussed several ideas to enhance the effectiveness of debt relief initiatives with regard to their contribution to poverty reduction and the fulfilment of human rights, including the need for debt relief strategies to be revisited, the extension of the initiatives to developing countries not meeting the Heavily Indebted Poor Countries threshold, the increase of financial flows to poor countries in the form of grants rather than loans, the design of a binding international framework for responsible lending and borrowing, improvement of the independence and credibility of debt sustainability assessments, regulation of the activities of “distressed debt” or “vulture funds” to reduce their potential to diminish debt relief gains, and far-reaching reforms of the global economic system (such as reform of the international financial institutions to reinforce transparency, accountability, democratic decision-making and respect for human rights, and the design of a globally managed exchange rate system).

55. In the ensuing discussion, Nico Schrijver queried how the assessment of the contribution of debt relief initiatives to achieving economic and social development, especially in the context of the Millennium Development Goals, could incorporate human rights standards. Raymond Atuguba underscored the potential of the right to development criteria to play a positive role by helping to restore some balance with regard to the bargaining power of borrowers and creditors, which would allow for non-financial and economic concerns to be taken into account fully in their dealings.

56. UNCTAD supported the concerns raised by the independent expert, reiterated that human rights did not feature prominently in IMF and World Bank policy formulation, and queried whether the ways and means to address these concerns would be adequate in future lending decisions.

57. The IMF representative responded to queries and remarks, and commented on several statements made by the independent expert in his presentation. He acknowledged some of the points made by the expert such as the need for financing beyond debt relief to reach the Millennium Development Goals. He also identified and explained some of the constraints faced by the institution in addressing the issues highlighted, including the current mandate of IMF and available resources, which are set by the international community, particularly Member States.

58. The representatives of IMF and the World Bank outlined the progress already made towards openness to discussing how human rights concerns relate to their activities. Both expressed willingness to continue to work with relevant stakeholders on these issues.

59. At that point, The Chairperson-Rapporteur remarked that the reliance on article 3, section 5, of the Articles of Agreement to exclude human rights as a political consideration had been abandoned by the World Bank for some time, and that the task force had benefited from the active engagement of its institutional member from the bank, which had led to a special issue of a publication of the World Bank Institute,<sup>3</sup> on which a Global Forum was based. Moreover, the current member of the task force from the bank is also a member of the Development Assistance Committee human rights task team of the Organization for

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<sup>3</sup> Joseph K. Ingram and David Freestone (eds.), “Human rights and development”, *Development Outreach*, World Bank Institute, Washington, D.C., October 2006.

Economic Cooperation and Development and has regularly updated the task force on the human-rights related work of the bank.

60. In the interactive session with observers, Spain, on behalf of the European Union, expressed support for the Heavily Indebted Poor Countries initiative, which had made significant progress, and outlined its efforts, as both donor and creditor, to address the issue of debt relief. Egypt, speaking on behalf of the Non-Aligned Movement, recognized that international financial institutions are constrained by their mandates to deal explicitly with human rights, but stressed that the aim is to draw from the experiences of those institutions to draft and refine the criteria and sub-criteria in a comprehensive way. Egypt emphasized that debt relief only focuses on poverty reduction, but the issue of development is much broader, and includes health, education and many other areas. Egypt concluded by advocating for a stronger voice for developing countries in the decision-making process of international financial institutions.

61. The representative of IMF, while drawing attention to the need for the Executive Board to determine whether and how human rights issues may enter into the work of the Fund and how to give more voice to developing countries, expressed satisfaction with the dialogue with the task force, and suggested that such dialogue continue in order to explore further concrete ideas of how to strengthen the linkages between all human rights, including the right to development and IMF activities. The representatives of both IMF and World Bank stressed that it is for Governments to decide how to sustain their commitment to the right to development when they sit on the boards of international financial institutions.

#### **D. Right to development criteria and corresponding operational sub-criteria**

62. Introducing the presentation of the consultant study on the criteria by Susan Randolph and Maria Green (A/HRC/15/WG.2/TF/CRP.5), the Chairperson-Rapporteur recalled that their report had been preceded by an expert meeting in January 2009 (see A/HRC/12/WG.2/TF/CRP.7) and had been examined in detail at another expert meeting in December 2009 (see A/HRC/15/WG.2/TF/CRP.4). He stressed that the consultants' paper was an independent study and did not reflect the views of the task force, which would draw on its findings, along with other materials it had accumulated on the criteria.

63. In her presentation, Ms Randolph identified three key questions: (a) what are we measuring? (b) why are we measuring? and (c) how are we measuring? The purpose of the first question was to identify the rights holders and duty bearers, as well as the normative content of the right to development. She characterized this right as one of both peoples and individuals, which entails obligations of all States, regardless of their level of development, towards those both within and outside their jurisdiction; and the obligations of States acting collectively. With regard to the specific normative content of the right to development, the study defined the general overarching principle of this right as the improvement in the well-being of individuals and peoples, while the general obligation was defined as an enabling environment for development.

64. With regard to the second question, Ms. Randolph asserted that the right to development, when more fully operationalized through assessment tools, could contribute to international development practice and, accordingly, foster more rapid gains in global development. Emphasizing the strong influence of what is measured on development practice, she stated that the right to development criteria can offer a standard against which international policies, institutions, programmes and processes could be assessed.

65. The third question was addressed by reviewing the criteria, sub-criteria and indicators to tackle the essential features of the right to development, Millennium

Development Goals and other priority concerns of the international community. The study followed the approach of OHCHR by identifying structural, process and outcome indicators with universal and contextual relevance. The selection of indicators was guided by a number of criteria, such as the validity, reliability, international and inter-temporal comparability, the availability of data by subgroup, the scope of indicators considered and the databases searched and assessed.

66. In the discussion that followed, members of the task force commended the quality, comprehensiveness and methodological rigour of the study. Mr. Schrijver queried whether the criteria should evolve into a set of standards or guidelines and who would monitor them, and underlined the fact that due regard should be given to any possible overlap with ongoing work by international institutions, treaty monitoring bodies and the Human Rights Council. Flavia Piovesan asked how the criteria could be applied to international organizations and drew attention to the particularity of the right to development in comparison to other human rights in terms of duty bearers, which are States acting individually and collectively, and rights holders, who are peoples and individuals. Ms. Fukuda-Parr suggested that the task force should consider what exactly is meant by measurement, and whether the aim was to obtain measurement or criteria, that is, the framework by which to measure. She stressed the need to clarify these two concepts, and stated that a coherent approach to develop indicators was to start with identifying what should be measured. Mr. Atuguba underlined the importance of the right to development as the “mother of all rights” entailing individual rights and global responsibilities. The Chairperson-Rapporteur emphasized that the objective of the task force was to develop usable, comprehensive and coherent tools at manageable proportions to assess the implementation of the right to development.

67. The quality of the study was appreciated by several institutional members. UNCTAD commented that, in the light of the ongoing debate on whether a legally-binding document should be developed, the aim of the report takes great strides towards a consensus approach. The United Nations Educational, Scientific and Cultural Organization referred to the view of some stakeholders that the right to development is achieved when all other rights are achieved, and suggested an approach that considers indicators for all other rights. WTO made detailed observations on the content of the study and enumerated issues on which its views differed from the latter’s findings. It noted that the TRIPS agreement had a broad potential, based on the understanding that all players should play an active role. With regard to innovation and technology transfer, WTO saw this relationship as mutually supportive. Its comments focused mostly on the relation between TRIPS-plus mechanisms and public health concerns, as reflected in indicators developed by the consultants. WIPO suggested that a possible fourth question would be “who will do the measurement”? It also stressed the importance of the independence of those using the criteria for evaluation purposes and the challenge of measuring development accurately and effectively in quantitative and qualitative terms.

68. The delegations commenting on the study included those of the African Union, Bangladesh, Egypt on behalf of the Non-Aligned Movement, India, Mauritius, the Philippines, South Africa, Spain on behalf of the European Union, and the United States of America. Several speakers highlighted the collective responsibility dimension of the right to development, particularly in creating an enabling environment for development, and commented on how the criteria, sub-criteria and indicators could be translated into a legally-binding instrument on the right to development. In this respect, some delegations emphasized the significance of providing criteria and operational sub-criteria to embark on norm-setting and operationalizing the right to development. In reaction to these comments, other delegations expressed the view that the right to development was an ever evolving concept with aspects that would always be shrouded in ambiguity and controversy. In their view, the State is the cornerstone of the international community and the duty bearer for all

rights, and therefore the national level of implementation should be given more consideration.

69. In response, Ms. Randolph clarified certain issues, and suggested that some comments should be deliberated by the task force and the Working Group. Regarding remarks on the multiplicity of indicators across organizations, she agreed that there could be harmonization. Development is a vast area; and while some argue that there are too many indicators, others claim that several issues remain unaddressed. She clarified that the term “obligation” was used in the normative rather than the legal framework, and that the term “collective rights” was used to address situations where States act collectively within the framework of an international organization.

## V. Conclusion

70. **The conclusions of the task force in relation to its dialogue with institutions concerned with access to essential medicines, technology transfer and debt relief are contained in an addendum to the present report (A/HRC/15/WG.2/TF/2/Add.1), in the context of the consolidation of its findings on all aspects of its mandate. Its conclusions regarding the value of this dialogue for the right to development criteria and corresponding operational sub-criteria are reflected in another addendum (A/HRC/WG.2/TF/2/Add.2).**

## VI. Recommendations

71. As the task force completes the three-phase workplan assigned to it by the Working Group, it wishes to give careful consideration to the request from that body that it outline suggestions for further work, including aspects of international cooperation not covered until then, for the consideration of the Working Group at its eleventh session (A/HRC/12/28, para. 44). In formulating these suggestions, the task force has a single objective in mind, namely, to assist the Working Group in developing effective means and methods of implementing the right to development. The suggestions relate to (a) further action on the criteria; (b) thematic areas of international cooperation for consideration; and (c) mainstreaming the right to development.

### A. Further action on the criteria

#### 1. Circulation of the criteria for comments

72. The criteria, sub-criteria and indicators have gone through a process of refinement, fed by the lessons learned from their test-pilot application to selected global partnerships and professional research and analysis. The formulation of the criteria has benefited from the comments and suggestions made by the institutional members of the task force, but could be improved by further professional vetting. It is therefore proposed that the criteria list be sent to Governments, relevant international and national agencies responsible for trade and development, academic centres and civil society organizations for their comments and suggestions for improvement, including more recent and relevant data sources.

#### 2. Preparation of a reporting template

73. The application of criteria under any procedure, whether on an ad hoc or a standing basis, cannot be carried out until the enumeration of criteria and indicators

is transformed into a template that allows reporting countries or institutions to enter the required information in a convenient format, adapted according to the particular characteristics of the users. The validity and usefulness of the template should be pilot-tested with partnerships in the areas the Working Group might wish to select. That process could afford an opportunity to adjust the criteria further to achieve greater comprehensiveness and accuracy. One approach to pilot-testing the reporting template could include collecting data on the policies and practices of several States or of arrangements of particular development objectives; a blind analysis could then be made of the results. This approach would ensure the objectivity of the tool and the eventual elaboration of recommendations to bring policies and practices into greater conformity with the right to development without bias. Without such a tool, the task force is concerned that judgements regarding what may or may not contribute to the right to development run the risk of being speculative or politically motivated.

### 3. Consultations with regional institutions

74. The Working Group may wish to encourage initiatives and senior-level consultations involving regional institutions on the integration of right to development concerns and criteria into their policies and activities, as witnessed recently in Arusha.<sup>4</sup> Such regional consultations, which might also include the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights and European human rights institutions, would allow those bodies to reflect on how their efforts to promote human rights within and in the context of their respective regions can build upon the work of the task force, particularly with regard to the effective realization of the right to development.

75. A special modality of regional consultations could be organized with the new intergovernmental human rights bodies that came into existence in 2009 under the auspices of the Association of Southeast Asian Nations (ASEAN) and the League of Arab States. The Working Group may wish to invite representatives of the ASEAN Intergovernmental Commission on Human Rights and the Arab Human Rights Committee to explore how they might incorporate right to development concerns into their future work in promoting and protecting human rights in their respective member States.

### 4. Further development of a comprehensive and coherent set of standards

76. The Working Group has expressed the intention to use the criteria to develop a comprehensive and coherent set of standards, which could take several forms. As a start, the Working Group might wish to seek information, properly analysed on existing examples used in the United Nations system, such as guidelines, codes of conduct or practice notes, and examine proposals for the structure and methods for drafting of a set of standards most suited to the right to development. A mechanism could then be put in place to formulate such a set of standards based on the criteria prepared by the task force.

77. While differing views exist with regard to the timing, content and principle of a legal instrument of a binding character, the compromise language of paragraph 2 (b) of resolution 12/23, adopted by the Human Rights Council in spite of 14 abstentions,

<sup>4</sup> The African Union Commission, OHCHR and the Economic Commission for Africa, in cooperation with the International Criminal Tribunal for Rwanda, organized a meeting on improved interaction between the universal periodic review, the African peer review mechanism and the right to development, on 23 and 24 November 2009.

has allowed the task force to work on practical efforts to promote the implementation of the right, without any expectation that the task force pronounce itself on this issue in formulating its suggestions for future work. It therefore does not make a suggestion one way or the other on the elaboration of a treaty. Task force members, in their individual capacity, have been contributing to reflections among legal scholars on this issue.<sup>5</sup> Further work on a set of standards and regional consultations could be an opportunity to explore whether and to what extent existing treaty regimes could accommodate right to development issues within their legal and institutional settings, and thereby assist the Working Group in achieving consensus on whether, when and with what scope to proceed further in this matter.

## **B. Thematic areas of international cooperation for consideration**

78. The areas covered by the task force and reviewed in the consolidation of findings in addendum 1 relate to the Millennium Development Goals in general, impact assessments, and Goal 8 partnerships in aid, trade, debt, access to medicines and transfer of technology. The task force was particularly attentive to the importance that the Working Group attached to the fight against poverty, hunger and unemployment and the continued need for financial assistance to developing countries (A/HRC/12/28, para. 46 (d)). With reference to that concern, The Non-Aligned Movement explained that it looked forward to the task force providing criteria related to hunger, poverty, unemployment and financial assistance to developing countries.<sup>6</sup> The range of issues presented in the list of criteria, sub-criteria, and indicators covers, in the view of the task force, a significant array of aspects of international cooperation not previously covered.

79. In this regard, the Working Group may wish to introduce into the high-level review of progress towards the Millennium Development Goals and other international development goals, scheduled for September 2010, the concerns identified by the task force relating to both congruencies and deficiencies of the goals from the right to development perspective.

80. Should the Working Group wish to focus attention in future on issues not covered to date, the task force suggests that it work within the priority areas defined by the international community as constituting its development agenda. A convenient starting point could be the United Nations Development Agenda, which brings together all of the commitments of world conferences since 1990.<sup>7</sup> The topics covered by the agenda are as follows:

(a) National development strategies: national ownership of country strategies; integrating economic, social and environmental policy; the enabling framework: peace, good governance and human rights; full and productive employment and decent work for all; economic policies;

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<sup>5</sup> See Stephen Marks (ed.), *Implementing the Right to Development: The Role of International Law*, Program on Human Rights in Development of the Harvard School of Public Health and Friedrich-Ebert Stiftung, Geneva, Switzerland, 2008.

<sup>6</sup> For criteria and indicators relating to each of these issues included by the task force in the table of right to development criteria and operational sub-criteria, see A/HRC/15/WG.2/TF/2/Add.2.

<sup>7</sup> *The United Nations Development Agenda: Development for All-Goals, Commitments and Strategies Agreed at the United Nations World Conferences and Summits since 1990* (United Nations publication, Sales No. 07.I.17).

(b) **Social progress:** education and training; health, combating HIV/AIDS and other major diseases; housing and shelter; water and sanitation; social protection; combating drug abuse;

(c) **Social justice and inclusion:** equity; reducing poverty; nutrition; social inclusion; gender equality, protection for children; promoting youth development; opportunities and support for older persons; recognition of indigenous peoples' rights; refugees and internally displaced persons;

(d) **Sustainable development:** sustainable consumption and production; energy; climate change; desertification; biological diversity; forests; oceans and seas; disaster reduction;

(e) **An enabling international environment:** external private financial capital flows, external borrowing and debt; official development assistance; innovative sources of finance; international trade; transfer of technology; migration;

(f) **Reducing inequality between countries:** Africa; least developed countries; small island developing States; landlocked developing countries; systemic issues; global economic governance; the Economic and Social Council; international financial and economic institutions.

81. The above issues are all relevant to the right to development. The Working Group might wish to draw upon expert advice available, for example, from the Human Rights Council Advisory Committee, in order to select areas where the opening of a dialogue with the processes already in place can be productive.

### **C. Mainstreaming the right to development**

#### **1. Strengthened support for the mandate of OHCHR and the work of United Nations system organizations**

82. The General Assembly in its resolution 48/141 mandates the High Commissioner to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose. The Assembly, in its resolution 64/172, also requested the High Commissioner, 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. It called upon the United Nations agencies, funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stressed the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives.

83. In this regard, the Working Group may wish to invite OHCHR and the stakeholders mentioned above to consider drawing upon the experience gained by the task force in their effective implementation of the above recommendations. In particular, the task force recommends the integration of the right to development into all aspects of the work of OHCHR, including in its activities at the country level.

#### **2. Making the right to development an integral part of the work of United Nations human rights bodies and mechanisms**

84. The Working Group may wish to consider recommending that treaty bodies and other relevant human rights bodies, mechanisms and procedures include the right to development, where relevant, in their work. In particular, a reporting template (see

paragraph 76 above) could be adapted to these procedures, and the bodies could include in their own reporting guidelines specific reference to the right to development and the criteria developed by the task force. This effort could focus on the criteria of particular relevance to each treaty body's monitoring function, including through their integration into the ongoing support provided by OHCHR for the work of treaty bodies in the area of indicators for human rights, as well as reporting by States parties.

85. The Working Group may also consider requesting that the right to development criteria be included in reporting under the universal periodic review. In the view of the task force, this suggestion seems useful for two reasons. First, the review process applies to all human rights; to date, the right to development has been neglected in the process. Second, the timing seems propitious in the light of both the ongoing review process and the possibility to introduce improvements in the universal periodic review once it starts its new cycle in 2011. Such an additional reporting requirement should not detract from the interactive discussion, and should involve non-governmental organizations and national human rights institutions.

## Annex I

### Agenda

1. Opening of the meeting
2. Election of the Chairperson
3. Adoption of the agenda and the programme of work
4. Implementation of the recommendations of the Working Group on the Right to Development, endorsed by the Human Rights Council in resolution 12/23:
  - (a) Millennium Development Goal 8, target E, on access to essential medicines
  - (b) Millennium Development Goal 8, target F, on technology transfer
  - (c) Millennium Development Goal 8, targets B and D, on debt relief
  - (d) Right to development criteria and corresponding operational sub-criteria
  - (e) Consolidation of findings
  - (f) Suggestions for further work, including aspects of international cooperation
5. Adoption of the report, including conclusions and recommendations

## Annex II

### List of participants

#### Members of the task force

Raymond Atuguba (Ghana)  
Sakiko Fukuda-Parr (Japan)  
Stephen Marks (United States of America)  
Flavia Piovesan (Brazil)  
Nico Schrijver (Netherlands)

#### Institutional members

International Monetary Fund  
United Nations Conference on Trade and Development  
United Nations Development Programme  
United Nations Educational, Scientific and Cultural Organization  
World Bank  
World Trade Organization

#### United Nations special procedures

Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Cephias Lumina

#### Resource persons

Thuy Huong Ha	(The Global Fund to Fight Aids, Tuberculosis and Malaria)
Ali Jazairy	(WIPO)
Precious Matsoso	(WHO Secretariat for Public Health, Innovation and Intellectual Property)
Marcos Orellana	(OHCHR consultant)
Susan Randolph	(OHCHR consultant)
Robert Ridley	(WHO Special Programme for Research and Training in Tropical Diseases)
Daniele Violetti	(Secretariat of the United Nations Framework Convention on Climate Change)

#### Observers

##### *States Members of the Human Rights Council*

Argentina, Bahrain, Bangladesh, Belgium, Bosnia and Herzegovina, Brazil, China, Djibouti, Egypt, France, Ghana, Hungary, India, Indonesia, Italy, Japan, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Slovenia, South Africa, United States of America

##### *Other States*

Algeria, Armenia, Azerbaijan, Bulgaria, Canada, Chad, Costa Rica, Croatia, Cyprus, Czech Republic, Germany, Greece, Iraq, Malaysia, Mali, Morocco, New Zealand, Oman, Panama, Paraguay, Portugal, Serbia, Spain, Singapore, Switzerland, Sweden, Togo, Turkey, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe

*Others*

Holy See, Palestine

*International organizations*

African Union

European Union

Inter-parliamentary Union

The Global Fund to Fight AIDS, Tuberculosis and Malaria

United Nations Framework Convention for Climate Change

World Health Organization

World Intellectual Property Organization

*Non-governmental organizations in consultative status with the Economic and Social Council*

General consultative status:

Caritas Internationalis, CIVICUS: World Alliance for Citizen Participation, World Federation of Trade Unions, World Federation of United Nations Associations.

Special consultative status:

Action Internationale pour la paix et le développement dans la région des Grands Lacs, Cercle de recherche sur les droits et les devoirs de la personne humaine, Indian Movement "Tupaj Amaru", International Centre for Trade and Sustainable Development.

Roster:

Association of World Citizens, Center for International Environmental Law  
Friedrich Ebert Foundation, Indian Council of South America.

*Other non-governmental organizations*

3D – Trade, Human Rights and Equitable Economy

Indigenous Peoples and Nations Coalition

International Council for Human Rights

## Annex III

### List of documents

<i>Symbol</i>	<i>Title</i>
A/HRC/15/WG.2/TF/1	Provisional agenda
A/HRC/15/WG.2/TF/CRP.1	Technical mission report – MDG 8 target F on transfer of technology, WIPO Development Agenda, 13–17 July 2009
A/HRC/15/WG.2/TF/CRP.2	Technical mission report – MDG 8 target E on access to essential medicines, 19 and 24 June, and 16 July 2009
A/HRC/15/WG.2/TF/CRP.3	Consultant report – MDG 8 target F on transfer of technology, Climate Change and the Right to Development: International Cooperation, Financial Arrangements, and the Clean Development Mechanism
A/HRC/15/WG.2/TF/CRP.4	Report on Expert Consultation – The Criteria and Operational Sub-Criteria for the Implementation of the Right to Development, 17–18 December 2009
A/HRC/15/WG.2/TF/CRP.5	Consultant report — Right to Development Criteria and Corresponding Operational Sub-Criteria — Bringing Theory into Practice: Operational Criteria for Assessing Implementation of the International Right to Development

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