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Consolidation of findings of the high-level task force on the implementation of the right to development

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I. Introduction

1. The present document consolidates the findings of the high-level task force on the implementation of the right to development, submitted pursuant to a request by the Working Group on the Right to Development (A/HRC/12/28, para. 44).
2. In 2004, when the task force was established, the Working Group decided that it should examine (a) the 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 (E/CN.4/2004/23, para. 49). The task force decided that it would consider the issue of best practices within the scope of the other two mandated themes, to facilitate a focus in its discussions and analyses.
3. In 2005, the Working Group requested the task force to examine Millennium Development Goal 8, on a global partnership for development, and to suggest criteria for its periodic evaluation with the aim of improving the effectiveness of global partnerships with regard to the realization of the right to development (E/CN.4/2005/25, para. 54 (i)).
4. In 2006, the Working Group adopted the right to development criteria and requested the task force to apply them, on a pilot basis, to selected partnerships, with a view to their operationalization and progressive development, and thus contributing to mainstreaming the right to development in policies and operational activities of relevant actors at the national, regional and international levels, including multilateral financial, trade and development institutions (E/CN.4/2006/26, para. 77). Application of the criteria continued for the period 2007–2009 (A/HRC/4/47, para. 53; A/HRC/9/17, para. 41 and A/HRC/12/28, para. 46).
5. The conclusions and recommendations present the task force's assessment of the potential value of developing criteria from the perspective of its basic approach of assisting the Working Group to move the right to development from political commitment to development practice, thus paving the way to its suggestions for further work as outlined in the report on its sixth session (A/HRC/15/WG.2/TF/2, paras. 75–88).

II. Summary of main findings

6. The greatest challenge for the implementation of the right to development, in theory and practice, is to reconcile a holistic vision of human rights, implying indivisible and interdependent norms aimed at maximizing the well-being of all individuals and peoples, with development, which requires sound economic policies that foster growth with equity. It is easier to affirm their mutually reinforcing nature in principle than to apply this principle to decisions of policy and resource allocation.
7. Development implies establishing policy priorities and addressing trade-offs in resource allocations and benefits, intra- and inter-temporally, consistent with human rights, in processes and outcomes. In an increasingly interdependent world, States and non-State actors help to shape these priorities and trade-offs. The primary responsibility of meeting priorities and ensuring enjoyment of human rights still rests with States, through national policy and commitments under international arrangements. These broad concepts underlie the following summary of findings.

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

8. The Millennium Development Goals represent a measurable set of human development milestones, the attainment of which is critical to building a more humane, inclusive, equitable and sustainable world, as envisaged in the Millennium Declaration. The achievement of the Goals has been variously constrained by threats to peace and security, environmental degradation, policy inadequacies and poor governance, and lack of a supportive external environment for the improvement of conditions for developing countries in terms of international trade, debt sustainability and internationally agreed levels of aid.

9. Four distinctive features of human rights, including the right to development, pose challenges to the implementation of the Goals: (a) specific and explicit inclusion of universally recognized and legally binding human rights standards in strategies for meeting the Goals; (b) indivisibility and interdependence of human rights in formulating coherent policies and holistic development strategies in addressing the Goals; (c) clearly defined accountability mechanisms through judicial or other means at the national and international levels, which are participatory, accessible, transparent and effective; and (d) mobilization of civil society to use the human rights framework in participating in and monitoring development efforts, towards achieving the Goals in a rights-based manner.

10. Policymakers and development practitioners need a clear and rigorous mapping of the Goals against relevant international human rights instruments in order to mobilize, strengthen and sustain efforts to implement them at the national and international levels. Such a framework should draw upon the work of treaty bodies and special procedures in informing strategies and policies to implement the Goals.¹ Significant advances in realizing the Goals and the right to development require effective action to strengthen institutional capacities, bridge information gaps, address accountability failures and give them local content and national ownership.

11. Beyond mapping human rights obligations with the Goals, policymakers and development practitioners need practical tools, including guidelines and objective indicators, to help translate human rights norms and principles into processes like social impact assessments. In 2005, the task force examined a seminar paper on indicators for assessing international obligations in the context of Goal 8 (E/CN.4/2005/WG.18/TF/CRP.2) and shared the consultant's view that the framework to monitor that Goal was inadequate from the perspective of the right to development, for reasons including its lack of quantitative indicators, time-bound targets, appropriate measures to address current policy challenges and ownership of the development process. It agreed on the need for a conceptual framework on indicators of human rights to measure conduct of policies for the realization of human rights and international responsibility.

12. The task force has favoured the creation and operation of research and advocacy groups applying human rights principles and gender dimension to development, which would proactively inform and participate in the formulation and implementation of the Millennium Development Goals in the context of country development strategies, including Poverty Reduction Strategy Papers. It has also encouraged a participatory approach in allocation of social sector expenditures in public budgets.

¹ Since the task force formulated this finding, OHCHR has published *Claiming the MDGs: A Human Rights Approach*, United Nations, New York/Geneva, 2008; and UNDP published a primer, *Human Rights and the Millennium Development Goals: Making the Link*, Governance Centre, Oslo, 2007.

13. When unexpected shocks put poor and vulnerable populations at risk, efforts to achieve the Goals may require temporary use of institutional measures encompassing social safety nets, such as well-targeted transfers and subsidies. From a right to development perspective, the issue of institutional and financial capacity to support social safety nets, particularly in the context of addressing effects of external shocks on the well-being of people, entails an international dimension. In such situations, the multilateral trade and development institutions should take steps to support national efforts to facilitate and sustain such measures.

14. Social safety nets correspond 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 an instrument of the International Labour Organization. In times of crisis and in chronic poverty, States must ensure, with the help of international cooperation when necessary, that everyone enjoys economic, social and cultural rights. Failure to do so would be detrimental to attaining the Goals and implementing the right to development. Although this conclusion was formulated by the task force in December 2004, it is even more relevant in the wake of the global financial crisis of 2008.

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

15. The need for social impact assessments in informing policy decisions and addressing the dislocative impact of new policies was highlighted at the fifth session of the Working Group and the preceding high-level seminar (E/CN.4/2004/23/Add.1), as important in implementing the right to development at national and international levels. The task force considered broadening the concept and methodology of assessments to explicitly include human rights and to identify possible complementary policies for implementing the right to development in the global context (E/CN.4/2005/WG.18/2, paras. 23–24).

16. Such assessments provide 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 is potentially useful in bringing about policy coherence at both the national and international levels, and in promoting adherence to human rights standards, as required by the right to development.

17. Impact assessments are still evolving as a means of determining the consequences of specific interventions in a society and have only recently been extended to examine the impact of trade agreements on people's well-being. Caution is required in undertaking such assessments, as the complex dynamics of economic transactions do not always lend themselves to clearly defined causation analysis.

18. Policymakers and development practitioners could only benefit from social impact assessments that have integrated human rights standards and principles into their normative framework and methodology. While several institutions have initiated work on social impact assessment methodologies, the approach of OECD and the World Bank have provided a useful analytical framework, including indicators for measuring empowerment, which take human rights into account.² Assessments can only be effective if there is

² See Network on Poverty Reduction, *Promoting Pro-Poor Growth: Practical Guide to Ex Ante Poverty Impact Assessment*, OECD, Paris, 2007; World Bank, Poverty Reduction Group and Social Development Department, *A User's Guide to Poverty and Social Impact Analysis*, Washington D.C., 2003; and Social Development Department, *Social Analysis Sourcebook: Incorporating Social Dimensions into Bank-Supported Projects*, Washington D.C., 2003. (available from www.worldbank.org/socialanalysissourcebook).

genuine demand, ownership and availability of appropriate quantitative data and the will of the authorities to apply the findings of relevant analysis.

19. The right to development framework makes it imperative that the application of social impact assessments result in the identification of the dislocative effects of adopted policies on the poor and most vulnerable, and provide corresponding remedial measures. States should be encouraged to undertake independent assessments of the impact 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 in the preamble to the Marrakesh Declaration establishing the World Trade Organization (WTO). Despite the limited experience, human rights impact assessment would add further value, given the normative content of the right to development.³ States should also consider special and differential treatment provisions under the WTO agreements with a view to enhancing their effectiveness as instruments to harmonize human rights and multilateral trade requirements.

C. Global partnerships

20. Millennium Development Goal 8, with its focus on international cooperation, is a framework consistent with international responsibilities outlined in the Declaration on the Right to Development. Following the Working Group recommendations, the task force engaged in constructive dialogue and collaboration with multilateral institutions responsible for development aid (paras. 23–38), trade (paras. 39–45), access to medicines (paras. 46–55), debt sustainability (paras. 56–60) and transfer of technology (paras. 61–66).

1. Development aid

(a) *Economic Commission for Africa/Organization for Economic Co-operation and Development-Development Assistance Committee: Mutual Review of Development Effectiveness in the context of the New Partnership for Africa’s Development*

21. Development aid figures prominently among the means essential, particularly for some developing countries, to attain the Millennium Development Goals, and in related commitments made at the 2001 Doha round, the 2002 Monterrey Consensus, the 2005 Gleneagles G-8 summit and the 2009 London G-20 summit.

22. The Mutual Review of Development Effectiveness in the context of the New Partnership for Africa’s Development (NEPAD) broadly complies with several right to development criteria, especially regarding national ownership, accountability and sustainability, and can build upon and elaborate related processes in the context of the Cotonou Agreement between the European Union and African, Caribbean and Pacific countries, the African Peer Review Mechanism and Bretton Woods processes, such as Poverty Reduction, Strategy Papers (A/HRC/4/WG.2/TF/2, para. 64). The task force shared the consultant’s assessment that the key challenges for African partners included lack of peace and security and economic growth, corruption, which continued to undermine socio-

³ “The right to development is clearly also relevant in this context, but has not been the subject of any discussion in the context of impact assessment, possibly because of a lack of clarity on how to define its substantive content.” J. Harrison and A. Goller, “Trade and human rights: what does ‘impact assessment’ have to offer?”, *Human Rights Law Review*, vol. 8, No. 4 (2008), pp. 587–615.

economic growth and development, and capacity gaps in governance institutions (E/CN.4/2005/WG.18/TF/3, para. 31).

23. There is less congruence with criteria relating to the incorporation of human rights in national and international development policies. The governance component of the Mutual Review is a useful entry point, and the process should integrate regionally determined and owned human rights standard-setting instruments (African Charter on Human and Peoples' Rights and protocols thereto), and the OECD Action-Oriented Policy Paper on Human Rights and Development (A/HRC/4/WG.2/TF/2, para. 64). It is necessary to make clear references to human rights instruments and cover all human rights. The review should complement the African Peer Review Mechanism.⁴

24. The process of preparing Mutual Review reports provided opportunities to improve the framework and integrate concepts derived from the right to development and rights-based approaches to development. The task force accepted the consultant's assessment that "action frontiers" and "performance benchmarks" should be more specific, useful to policymakers and clearly connected to existing commitments. The inclusion of benchmarks informed by human rights and other treaties could strengthen the review's contribution to the right to development. Often, the Mutual Review framework does not appear to be informed by existing standards in the field (A/HRC/8/WG.2/TF/CRP.5, para. 53).

25. The Mutual Review could undertake evaluations of the extent to which OECD and African countries have lived up to specific commitments in each area, summarizing and providing an analysis of the existing monitoring work rather than seeking to replicate it. The mechanism does not focus specifically on the poor and most marginalized. This defect should be remedied through integration into its questions, Millennium Development Goals, concerns about non-discrimination and vulnerable groups, especially in disadvantaged regions and non-dominant ethnic groups, as well as rural populations, women, children and the disabled (A/HRC/8/WG.2/TF/CRP.5, paras. 55–56).

26. The value of the Mutual Review for the right to development lies in the effectiveness of the accountability mechanism and in enhancing the negotiating position of African countries with regard to aid effectiveness. The task force remains concerned that many dimensions of the right to development, such as explicit reference to human rights, a focus on gender and priority for the vulnerable and marginalized populations, were not adequately addressed. The task force also concludes that policy priorities should be revised in the light of the increased needs of African countries owing to the failure of the Doha round and the current financial crisis (A/HRC/12/WG.2/TF/2, para. 64).

(b) *Paris Declaration on Aid Effectiveness*

27. The Paris Declaration on Aid Effectiveness, a non-binding document on ways to disburse and manage official development assistance more effectively, did not establish a formal global partnership, but rather created a framework for bilateral partnerships between donors and creditors, and individual aid recipient countries. It is thus indirectly relevant to Goal 8. The Working Party on Aid Effectiveness, housed and administered by the OECD-Development Assistance Committee and supported by the World Bank, has sought to provide a mechanism to address asymmetries in power and to give more voice to developing countries and civil society representatives since the third High-Level Forum on Aid Effectiveness, held in Accra in 2008.

⁴ A/HRC/8/WG.2/TF/CRP.2, para. 14 (d). Subsequently, OECD published *Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges*, The Development Dimension Series, OECD, Paris, 2006; *DAC Action-Oriented Policy Paper On Human Rights And Development*, OECD, Paris, 2007; and *DAC Update "Human Rights and Aid Effectiveness"*, OECD, Paris, 2007.

28. Although human rights are not mentioned in the Paris Declaration, they are referred to twice in the Accra Agenda for Action, and some of its principles are consistent with the right to development support for ownership and accountability. However, several of its indicators and targets prior to the Accra Forum appeared to work against the right to development and erode national democratic processes. The task force welcomed the willingness of OECD to adjust these deficiencies. Human rights, including the right to development, should be explicitly included as goals in the Paris Declaration and ministerial declarations. An additional review and evaluation framework with corresponding targets and indicators should be included, according to which the results of the declaration should be assessed in terms of its impact on the right to development, human rights and the Millennium Development Goals (A/HRC/8/WG.2/TF/CRP.7, paras. 86–87).

29. The Paris Declaration focuses on aid effectiveness and not explicitly on development outcomes. It is therefore less useful as a framework for enhanced development effectiveness, human rights realization, gender equality and environmental sustainability (A/HRC/8/WG.2/TF/CRP.1, para. 14). The main causes of ineffective aid (that is, tied aid and unpredictability of aid income) are not properly addressed and pose a significant problem from a right to development perspective, particularly in the light of the ownership of partner countries and policy coherence (A/HRC/4/WG.2/TF/2, para. 66). Progress has been made, however, in untying aid of OECD-Development Assistance Committee donors since the Paris Declaration of 2005. Right to development criteria and human rights precepts and practice could reinforce the declaration's principles of ownership and mutual accountability, to which more importance was attached by the Accra Agenda for Action. Progress in improving the predictability of aid flows (albeit considerably less than in untying aid) also deserves attention. Several major donors have recently moved to medium-term programming of their aid programmes with priority partner countries, thus enhancing the medium-term predictability of aid commitments. Similar progress is required in the predictability of aid disbursements.

30. The right to development can add value to aid effectiveness by framing the debate without overemphasizing aid efficiency or introducing conditionality language (A/HRC/8/WG.2/TF/CRP.1, para. 19). There is considerable congruence between the principles of aid effectiveness and those underlying this right. By focusing on ownership and commitment, ensuring the removal of resource constraints and providing an enabling environment, the right to development helps developing countries to integrate human rights into development policies. While there is synergy between the principles of country ownership and mutual accountability and the right to development, their implementation and assessment could result in a disregard for other principles of the right to development without complaint mechanisms or other means of redress (A/HRC/8/WG.2/TF/CRP.7, para. 85).

31. The focus of right to development principles is resonant in the Paris Declaration and increases the relevance of applying the criteria to the evaluation of global partnerships. While ownership is a key principle in the Declaration, country experiences indicate the need for more progress towards aligning aid with national priorities, ensuring that aid is untied and using country systems for procurement and financial management (A/HRC/8/WG.2/TF/CRP.7, para. 86; A/HRC/8/WG.2/TF/CRP.1, para. 20). Here, the Accra Agenda took steps to remedy certain shortcomings of existing development cooperation partnerships by stressing country ownership, encouraging developing country Governments to take stronger leadership on their own development policies and to engage with their parliaments and citizens in shaping those policies. The agenda creates space for domestic procedures and processes and is intended to reduce reliance on donor-driven systems that undermine domestic accountability in recipient countries.

(c) African Peer Review Mechanism

32. The task force acknowledged the relevance to the right to development of the Declaration on Democracy, Political, Economic and Corporate Governance, adopted in 2002 by the Assembly of Heads of State and Government of the Organization of African Unity. The declaration and the African Peer Review Mechanism could be used to monitor progress in the implementation of the right to development (E/CN.4/2005/WG.18/TF/3, para. 31).

33. The African Peer Review Mechanism is a unique process that enables the assessment and review of African governance through a South-South partnership. It preserves the autonomy of States and opens them to scrutiny, introducing benefits and incentives that can strengthen domestic accountability. It can provide implementable criteria for measuring development progress and considerable space for participation by civil society.

34. The task force acknowledged proposals to revise the mechanism's questionnaire guiding country self-assessments and the process of reviewing reports. Such revision should aim at downsizing and making it a more efficient tool for assessment; harmonizing with other processes, such as Poverty Reduction Strategy Papers; and explicitly incorporating human rights criteria.

35. The mechanism's process could also be improved with regard to follow-up and implementation of the programme of action. The focus on making recommendations to Member States and ensuring their implementation is an entry point to introduce elements of the right to development, while developing clear prioritization, measurable indicators, better integration into existing development plans, broad-based policy review and monitoring of development progress.

36. As part of reforms of African Union structures, more collaboration between the African Peer Review Mechanism, NEPAD and the African Union would enhance the effective integration of work under the mechanism with African human rights institutions, particularly the African Commission on Human and Peoples' Rights, thus supporting the realization of the right to development under article 22 of the African Charter on Human and Peoples Rights (A/HRC/8/WG.2/TF/2, para. 54).

2. Trade*(a) African, Caribbean and Pacific countries and European Union Partnership Agreement and Economic Partnership Agreements*

37. The Cotonou Agreement contains mechanisms for both positive (incentives, additional assistance) and negative (sanctions, suspending aid) measures of European Union-African, Caribbean and Pacific human rights policies. The right to development is not mentioned explicitly in the Cotonou Agreement, nor in subsequent Economic Partnership Agreements between the European Union and regional groupings among African, Caribbean and Pacific countries.

38. The task force suggested that more attention be paid to the mutually-reinforcing obligations of the Cotonou Agreement and right to development criteria, and favoured monitoring benchmarks in subsequent agreements. Continued special and differential treatment of African, Caribbean and Pacific countries, and recognition of the need for country specific adjustment, compensation and additional resources for trade capacity-building, independent monitoring and evaluation were also favoured (A/HRC/8/WG.2/TF/2, para. 64). Non-tariff barriers to trade, such as overly restrictive sanitary and phytosanitary measures, technical barriers and rules of origin procedures, were a matter of concern. Although the human rights clauses of the agreement were increasingly

viewed as conditionalities, punitive measures, such as the withdrawal of trade preferences, may at times be justified in response to human rights violations. A positive approach may, however, contribute structurally to realizing the right to development. Positive measures to create an enabling environment may include trade diversification, aid for trade, support for trade unions and institutional capacity-building (A/HRC/12/WG.2/TF/2, para. 23).

39. There were apparent gaps and shortcomings in transparency and consultation with partner Governments and civil society actors. Human rights are part of economic partnership agreements because of the overall applicability of relevant provisions in the Cotonou Agreement.

40. The conclusion and ratification of economic partnership agreements and the revision of the Cotonou Agreement should be transparent and involve parliamentary scrutiny and consultation with civil society (A/HRC/12/WG.2/TF/2, para. 66). Consultations on the second review of the Cotonou Agreement, planned for 2010, present an opportunity to appraise its human rights provisions and consider proposals consistent with right to development criteria. The task force was concerned that regionalization through the agreements risked eroding the general negotiating position of weaker trading partners, and supporting their development efforts should therefore be a priority (A/HRC/12/WG.2/TF/CRP.1, para. 69).

41. The task force noted problems of coherence among the various complex European Union and European Commission policies, particularly with regard to how to deal with human rights and transparency in the context of the political dialogue under article 8 of the Cotonou Agreement and the conclusion of economic partnership agreements. The general human rights provisions in the agreement should in practice be broadened to reflect the indivisibility of human rights by extending coverage to economic, social and cultural rights, as provided in its preamble.

42. The Cotonou Agreement provides for impact assessments. These should ideally take into account human rights, including right to development considerations and criteria both in trade and development cooperation, thus enhancing space for development monitoring benchmarks, as suggested by African, Caribbean and Pacific countries and also voiced by European Parliament members.

3. Access to essential medicines

(a) Intergovernmental Working Group on Public Health, Innovation and Intellectual Property

43. The Intergovernmental Working Group on Public Health, Innovation and Intellectual Property was established by the World Health Assembly in 2006 to develop a global strategy and plan of action for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries, promote innovation, build capacity, improve access and mobilize resources. It is specifically concerned with target 8-E on access to essential medicines. Through the Global Strategy and Plan of Action, adopted by the World Health Assembly in 2008, it seeks to facilitate access by the poor to essential medicines and promote innovation in health products and medical devices. The incentive schemes aim to delink price from research and make health products cheaper and more easily available (A/HRC/12/WG.2/TF/CRP.1, para. 26).

44. The task force stressed the potential synergy between the strategy and plan and the right to development (A/HRC/12/WG.2/TF/CRP.1 para. 27). Although these documents could not be amended, there is leeway to introduce right to development principles in the interpretation of the principles and elements and implementation of the strategy and plan (A/HRC/15/WG.2/TF/CRP.2, para. 11). The task force found congruence between the eight

elements designed to promote innovation, build capacity, improve access, mobilize resources and monitor and evaluate implementation of the strategy itself, and duties of States to take all necessary measures to ensure equality of opportunity for all in access to health services, pursuant to article 8.1 of the Declaration on the Right to Development.

45. The task force acknowledged the reference in the strategy and plan to the constitutional commitment of the World Health Organization (WHO) to the right to health, but regretted that reference to article 12 of the International Covenant on Economic, Social and Cultural Rights had been deleted. It was noted with concern that the strategy and plan do not caution against adoption of Trade-Related Aspects of Intellectual Property Rights (TRIPS)-plus protection in bilateral trade agreements, or refer to the impact of bilateral or regional trade agreements on access to medicines. Nevertheless, these documents contain elements of accessibility, affordability and quality of medicines in developing countries, corresponding to the normative content of the right to health. In accordance with general comment No. 17 of the Committee on Economic, Social and Cultural Rights, States parties should ensure that their legal or other regimes protecting intellectual property do not impede their ability to comply with their core obligations under the rights to food, health and education (E/CN.4/2005/WG.18/TF/3, para. 67; A/HRC/12/WG.2/TF/2, para. 74). Regarding accountability, the monitoring, evaluation and reporting systems of actions of Governments, as primary duty-holders, and of industry were consistent with right to development criteria, although improvements could be made to the indicators. Regarding the role of the pharmaceutical industry, the task force and WHO saw the potential of exploring with stakeholders the Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines and the right to health. On participation, provisions for web-based hearings, regional and inter-country consultations, direct participation of non-governmental organizations and experts, and funding to enable attendance of least-developed countries were commended.

(b) *Special Programme for Research and Training in Tropical Diseases*

46. While not explicit in its vision, the Special Programme for Research and Training in Tropical Diseases has an implicit commitment to human rights and the Millennium Development Goals. Its overall aim is to deliver research and implement practical solutions to many of the world's neglected diseases. Consistent with right to development criteria, recent projects are community-driven in that communities decide how a particular medicine will be used and distributed, check compliance with quality and quantity standards, and ensure record-keeping. These community-driven interventions increase the distribution of some drugs, lead to better public services and contribute to political empowerment and democratization, all contributing to the realization of the right to development (A/HRC/12/WG.2/TF/CRP.1, para. 25).

47. The impact of the programme on innovation through research and development regarding infectious diseases has been limited owing to underfunding and the high price of medicines (A/HRC/12/WG.2/TF/2 para. 79). Concurrently, the governance structures of newer private foundations and non-governmental organizations do not provide for accountability to the public at large. It is of concern that global efforts for financing initiatives to fight diseases of the poor heavily depend on sources outside public institutions and public accountability systems.

48. The task force concluded that the Special Programme's strategy is rights-based as its core feature is empowerment of developing countries and meeting needs of the most vulnerable. Transparency and accountability could be strengthened, particularly as concerns contractual agreements with pharmaceutical companies regarding pricing and access to medicines, broadening scope of independent reviews for mutual accountability. The Programme's efforts to design and implement relevant programmes in ways that reflect

right to development principles and explicitly use a right to health framework were welcomed.

(c) *The Global Fund to Fight AIDS, Tuberculosis and Malaria*

49. The Special Programme and the Global Fund to Fight AIDS, Tuberculosis and Malaria share a common objective to fight major diseases afflicting the world's poorest people. Both attempt to improve access to health and equitable development, and their procedures are generally participatory and empowering. Elements in the right to development criteria, which the task force considered particularly relevant to the work of the Global Fund, include equity, meaningful and active participation and the special needs of vulnerable and marginalized groups (A/HRC/12/WG.2/TF/CRP.1, para. 20).

50. The impact of the Global Fund on national capacity to control the three diseases was especially relevant to the context of Goal 8. Transparency, commitment to good governance and sensitivity to human rights concerns were emphasized as characteristics of the Global Fund, albeit with some limitations in its programming.

51. The Fund programmes are generally consistent with right to development principles, although it does not take an explicit rights-based approach. The task force also noted the challenges of monitoring mechanisms for mutual accountability. The Fund has a vital role to play in developing a more enabling international environment for both health and development and contributing to the policy agenda for promoting public health, human rights and development.

Debt Sustainability

52. Borrowing under conditions of sustainable debt is an important form of international cooperation through which developing countries acquire appropriate means and facilities to foster their comprehensive development, pursuant to article 4 of the Right to Development Declaration. Target 8-D of Goal 8 calls for the international community to deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term.

53. The task force observed that the poverty afflicting least-developed countries is exacerbated by an unsustainable debt burden and that the billions of dollars they paid in debt servicing obligations divert a large part of scarce resources from crucial programmes of education, health and infrastructure, severely limiting prospects for realizing the right to development (A/HRC/12/WG.2/TF/2, para. 87). A State's obligation to service national debt must balance national human development and poverty reduction priorities consistent with its human rights obligations and the need to maintain the sanctity of contracts in the financing system (E/CN.4/2005/WG.18/TF/3, para. 63).

54. Heavy debt burdens pose major obstacles for a few low-income developing countries in achieving the Goals and meeting obligations on economic, social and cultural rights. While debt-relief initiatives contribute to the right to development, debt cancellation alone is insufficient, and must be accompanied by enhanced State capacity, governance, respect for human rights, promotion of equitable growth and sharing the benefits thereof (A/HRC/12/WG.2/TF/2, para. 88).

55. Debt relief provided by the Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative have resulted in the writing off of more than \$117 billion of unpayable debt, which clearly contributes to realizing the right to development, particularly articles 2 (3), 4 and 8 of the Declaration, by allowing debt service payments to be reallocated to stimulate and invest in infrastructure and a range of social purposes, assuming required resources are generated domestically or through international cooperation (A/HRC/12/WG.2/TF/2, para. 89). Further consideration should be given to

how this right can be incorporated into development financing mechanisms, in particular through increased attention by both lender and borrower to the principles of participation, inclusion, transparency, accountability, rule of law, equality and non-discrimination. The task force agreed with the Bretton Woods Institutions that, while debt relief frees up resources that can be used for development objectives, it needs to be complemented by additional financing if the Goals are to be reached (A/HRC/15/WG.2/TF/2, para. 52).

56. Giving developing countries greater voice and representation and improving democratization, transparency and accountability of international financial institutions would help realize the right to development. Policies of these institutions are determined by the same States that have committed elsewhere to the right to development (as well as to legally-binding obligations on economic, social and cultural rights) and therefore have shared responsibility for acting in the global financial system in accordance with the right to development (A/HRC/15/WG.2/TF/2, para. 64).

5. Transfer of technology

(a) *Development Agenda of the World Intellectual Property Organization*

57. The assessment of the Development Agenda of the World Intellectual Property Organization (WIPO) highlighted the significant connections between intellectual property rights and the right to development. Comprising 45 recommendations, the agenda, adopted in 2007, is a key contemporary global initiative towards realizing the right to development. Intellectual property is a policy tool serving the important public and developmental purpose of providing incentives for investing in new technology. But it can also have a negative consequence on the diffusion of technology, since the temporary monopoly it creates can restrict the sharing of the benefits of technology. The Development Agenda does not include any reference to human rights or the right to development, but contains many provisions that could respond to the imperatives of this right. The task force supports the recommendation of the agenda, that intellectual property policies be considered within the context of national economic and social development priorities; that close cooperation be sought with other United Nations agencies involved in the development dimensions of intellectual property (in particular the United Nations Conference on Trade and Development (UNCTAD), the United Nations Environment Programme (UNEP), WHO, the United Nations Industrial Development Organization (UNIDO), the United Nations Education, Scientific and Cultural Organization (UNESCO) and other relevant international organizations, especially WTO);⁵ and that advice be provided on the use of flexibilities in the Agreement on TRIPS.⁶ These factors are crucial to a comprehensive and human-centred development approach. The agenda also includes provisions for the protection of traditional knowledge and folklore, transparency, participation and accountability.

58. Implementation of the Development Agenda is in its initial stage. Towards implementation consistent with the right to development, the task force recommends greater attention to policy research, to develop innovative approaches to mainstream development objectives into intellectual property policy rather than simple transfer of intellectual property systems to developing countries; greater collaboration with development agencies, especially those of the United Nations system and civil society; and the development of a monitoring and evaluation system. The task force reiterates the importance of the implementation of article 66.2 of the TRIPS agreement, which is one of

⁵ Recommendation 40.

⁶ Recommendation 14.

the few legal obligations on developed countries to establish incentives for technology transfer to least developed countries.

(b) *Clean Development Mechanism*

59. The task force recognized the value of the Clean Development Mechanism to the climate change dimension of the right to development and for target 8-F of Goal 8 insofar as the transfer of green technology can enhance the prospects for sustainable development in developing countries. Although there is no specific reference to human rights in this Mechanism, from a rights-based approach, it includes elements of equity, participation, empowerment and sustainability, which all underscore its relevance to promoting the right to development and importance of close monitoring of these elements to ensure that it makes a positive contribution to this right (A/HRC/12/WG.2/TF/2, paras. 83 and 85).

60. The criticisms levelled against the mechanism in literature include its emphasis on emissions reductions without preventing or minimizing the negative impact on human rights of peoples and communities and inequitable distribution of mechanism projects to only a few developing countries like Brazil, China and India, reflecting the direction of foreign direct investment flows (A/HRC/15/WG.2/TF/2, para. 39). The decision on the mechanism made at the Copenhagen meeting of the parties to the Kyoto Protocol also introduced steps to promote equitable distribution, although further training and capacity-building activities in developing countries are required. Some mechanism projects do not generate real emissions reductions. Other shortcomings from the right to development perspective include increasing delays in the rigorous approval process and lack of transparency, equity, non-discrimination, participation and accountability, although several measures had recently been taken to improve the methodology and approval process, including steps to enhance transparency. As a market mechanism, it has been more effective in reducing mitigation costs than contributing to sustainable development and green technology transfer.

61. Some human rights concerns could be addressed when adopting greenhouse gas mitigation and climate change adaptation measures, for example, through environmental and social impact assessments on outcomes of mechanism projects and a more transparent and participatory process through better communication with stakeholders and providing affected stakeholders with the possibility of recourse where required procedures have not been properly followed or outcomes violate the human rights of communities.

62. Despite the criticisms, the mechanism remains important for greenhouse gas mitigation and promoting sustainable development and technology transfer. It should be reinforced by enhancing its effectiveness, ensuring its social and environmental integrity, and incorporating a right to development perspective. Negotiations for a new climate change agreement in Mexico in 2010 will provide an opportunity to include such right to development components into the mechanism.

III. Conclusions and recommendations: from political commitment to development practice

63. The essential message of the above consolidated findings of the task force is that, while only Member States can move the right to development from political commitment to development practice, we, in our capacity as experts, can draw relevant lessons for the international community from detailed examination of how this right is considered by numerous actors and processes of development. The lessons we have drawn relate to the strengths and weaknesses of the Millennium Development Goals, structural impediments to economic justice, the resistance to addressing trade and lending from a right to

development perspective, the imperative and pitfalls of measurement tools, the ambiguity of “global partnership”, the lack of policy coherence and incentives to move from commitment to practice, and the necessary balance between national and international responsibilities. These reflections provide the rationale for the suggestions for future work contained in the report on the sixth session of the task force (A/HRC/15/WG.2/TF/2, paras. 74–88).

A. Strengths and weaknesses of the Millennium Development Goals

64. It has been frequently noted that, even before the current global financial crisis, the Millennium Development Goals were not likely to be realized, especially in sub-Saharan Africa. Nevertheless, from the right to development perspective, the mobilization of resources and the political commitment of United Nations agencies and Governments was a positive development in priority setting, indirectly relevant to the right to development but formally delinked from the Millennium Summit commitment to “making the right to development a reality for all”. It can be argued that the existence of poverty on the scale we know it today is a flagrant violation of the right to development. A breakdown of the Goals into sectoral targets is consistent with the underlying approach of the right to development to acknowledge that poverty is a broader concept than not having enough income and requires, as stated in article 8 of the Declaration on the Right to Development: “equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income”.

65. The task force is also aware that the Goals are divorced from a human rights framework. The United Nations High Commissioner for Human Rights has drawn attention to this gap and focused on their interrelationship by disseminating charts on the intersection, and published an exhaustive analysis on how human rights can contribute to the Goals, as has the United Nations Development Programme (UNDP) (E/CN.4/2004/23/Add.1). The task force completes its task as Member States and international agencies are reviewing the entire architecture of the Goals, specifically at the high-level meeting in September 2010 to review progress towards them as well as other international development goals. This seems a propitious occasion for the Working Group to introduce concerns expressed by the task force and to ensure that the new structure for focused attention to meeting the most urgent needs of developing countries is more consistent with the right to development.

66. The tension between macroeconomic goals and human rights cannot be resolved, however, by a general commitment to moderating certain policies it requires a partnership of the type envisaged by Goal 8. The task force shares the view “that slow action on key initiatives in the areas of aid, trade and debt will seriously reduce the likelihood of achieving the MDGs by 2015” and “continued inaction in these crucial areas of MDG 8 which impact on the possibility of achieving the other seven MDGs for most developing countries also casts doubt on the seriousness with which developed nations are addressing the global partnership embodied in MDG 8 and its inherent notion of mutual accountability and joint responsibility”.⁷ Mutual accountability and joint responsibility are at the heart of the right to development, and the shortcomings in the Goals from the right to development perspective should be addressed in the new architecture to emerge from the September meeting.

⁷ J. Vandemoortele, K. Malhotra & J.A. Lim, *Is MDG 8 on track as a global deal for human development?* UNDP Bureau for Development Policy, New York, 2003, pp. 14–15.

B. Structural impediments to economic justice

67. The concern of the right to development with structural impediments to equitable development on the global scale is frequently interpreted as a push from the “South” for transfer of resources from the “North”, often as aid flows. Failure to meet the objective of 0.7 per cent of gross national income devoted to official development assistance is frequently a proxy for failure to realize the right to development. These perceptions are misguided. Firstly, OECD countries are concerned about structural impediments to development in the context of negotiated modifications of the rules governing trade, foreign direct investment, migration and intellectual property, as well as in decisions affecting the flow of capital and labour. Their active participation in “development agendas” bears witness to this shared concern. However, the stalemate of the Doha “development” round of trade negotiations is also evidence of the limits of this commitment. The right to development suffers profoundly from the entrenched positions of parties to negotiations on development agendas. Formal commitment to the right to development cannot by itself move these negotiations to a mutually beneficial outcome.

68. Along with shared commitment, the promise of the right to development depends on an honest assessment of the approach taken to aid effectiveness. The task force welcomed the statement in the Accra Agenda for Action of recognition, that “gender equality, respect for human rights, and environmental sustainability are cornerstones for achieving enduring impact on the lives and potential of poor women, men, and children. It is vital that all our policies address these issues in a more systematic and coherent way” (see also paragraph 27 above). Realizing the right to development requires a systematic rethinking of aid effectiveness in the light of all policy implications of that statement.

69. Aid is a relatively small part of development; it has not placed recipient societies on a sustainable path of development and some even argue that it has done more harm than good.⁸ Goal 8 calls for “more generous official development assistance for countries committed to poverty reduction” the Millennium Project assumed a major role for aid,⁹ as does the Gap Task Force.¹⁰ The reference in the Declaration on the Right to Development to providing developing countries with appropriate means and facilities to foster their comprehensive development (art. 4) strongly supports the argument for increased aid. While acknowledging the limitations of aid, the task force stresses the importance of donor States keeping their commitments in the Doha Round, Monterrey Consensus, Gleneagles G-8 summit and London G-20 summit to increase assistance. The task force shares the conviction of the Accra summit, that country ownership is a key factor. The declaration defines the appropriate national development policies, which States have the right and the duty to formulate, namely those “that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom (art. 2). Furthermore, “States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and

⁸ See D. Moyo, *Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa*, Farrar, Straus and Giroux, New York, 2009; W. Easterly, *The White Man’s Burden: Why the West’s Efforts to Aid the Rest Have Done So Much Ill and So Little Good*, Penguin Press, New York, 2006. P. Collier, *The bottom billion: why the poorest countries are failing and what can be done about it*, Oxford University Press, Oxford/New York, 2007.

⁹ See “Investing in development: a practical plan to achieve the Millennium Development Goals”, UNDP, New York, 2005.

¹⁰ See “MDG Gap Task Force Report 2009; MDG8: Strengthening the Global Partnership for Development in a Time of Crisis”, UNDP, New York, 2009.

cultural rights” (art. 6). The implications of these norms for country ownership and “policy space” have not been adequately explored. They mean, at least, that a high level of responsibility falls on developing countries to ensure that they pursue policies consistent with the right to development and that they should be entitled to more international cooperation and assistance to the extent that their policies and practices reflect that responsibility. This interpretation should not be misconstrued as favouring “conditionality”, but that progress in implementing this right depends on shared responsibilities by donor and developing countries.

C. Resistance to addressing trade and debt from a human rights perspective

70. The active participation of WTO in the work of the task force, and of UNCTAD as a fully participating institutional member, assisted considerably in grappling with this issue. However, it must also be acknowledged that the task force was never asked to examine the principal institutional framework for an open trading system, WTO. Furthermore, the encouragement of the European Commission to engage the task force in examining the Cotonou Agreement and economic partnership agreements was not sustained, and the initial interest of countries in the Common Market of the South (MERCOSUR) was not followed by a formal invitation to include that partnership. Similarly, on the issue of debt, the active and highly appreciated participation of the Bretton Woods institutions as institutional members, especially in taking responsibility for organizing a special meeting of the task force on debt (A/HRC/15/WG.2/TF/2, paras. 49–64), including personal involvement of the directors of relevant divisions at the World Bank and the International Monetary Fund, were valuable for the task force to collect information but not to pilot-test criteria. On the other hand, the World Bank suggested, but the Working Group did not accept, that the task force evaluate the Africa Action Plan, a comprehensive strategic framework addressing aid, trade, debt relief and role of non-State actors supporting the development of the continent’s poorest countries (A/HRC/4/47, para. 27 and A/HRC/4/WG.2/TF/2, paras. 86–87). Similarly, the task force considered the Inter-American Development Bank, which also deals with debt, regional integration, human development and the environment. However, no explicit tasks were assigned.

71. There are no doubt good reasons for European Community and African, Caribbean and Pacific countries, MERCOSUR countries, the Inter-American Development Bank, WTO and international financial institutions to assist the task force in ways other than a dialogue on the application of right to development criteria to their own policies. The task force was frequently reminded of the legal constraints limiting potential for deeper involvement from these institutions. Such resistance did not arise with the access to medicines and transfer of technology institutions.

72. It is in the nature of the right to development that the issues addressed touch on all aspects of the global economy and domestic policy that affect development and the constant improvement of the well-being of the entire population and of all individuals. This imperative is not without tension, and resistance is inevitable from global and regional institutions created for purposes other than human rights, and national Government officials whose policies and practices would be subject to scrutiny. The Working Group will have to deal with this reality in its effort to ensure an impact of the right to development on development practice. Whether in the form of guidelines or a binding international legal document, monitoring is essential, and resistance (apart from some exceptions) will be an obstruction to implementation mechanisms for the right to development.

D. Imperative and pitfalls of measurement of progress

73. In its report (A/HRC/15/WG.2/TF/2/Add.2), the task force explains the evolution of its efforts to develop tools for the qualitative and quantitative evaluation of progress in implementing the right to development. Some Governments are apprehensive about “indicators”, presumably concerned that domestic actions, which are the prerogative of the State, will be judged by others. As explained, the development of indicators was not an exercise in ranking or even judging countries, but rather in providing to the Working Group operational sub-criteria in the form of a set of methodologically rigorous tools that can be used in determining where progress is occurring or stalling, and the next steps for promoting implementation of the right to development.

74. It is also important to underscore the limits of measurement. Undue expectations must not be placed on indicators and benchmarks, especially if they are to lead to guidelines or a legally-binding standard. Any use of such indicators must be rigorous and strike a balance between selectivity and comprehensiveness, usability and attaining a complete representation of all obligations inherent in the right to development. The task force does not purport to provide a complete description of all obligations and entitlements entailed by this right, but rather an illustrative set of examples on which the Working Group can build.

75. The tools of measurement serve two major purposes. First, they open the way for a monitoring mechanism, informal or treaty-based. The decision regarding the preferred basis for monitoring depends on the political decisions of Governments. However, the right to development cannot be useful to alter approaches to development unless and until the actions of those responsible for development are assessed using professionally crafted tools of measurement. This is true for all development parameters, and having tools is the first step when responding to the legitimate question from development practitioners: “What do you want us to do differently?” Unless criteria and sub-criteria answer that question, the right to development is not likely to advance in the field. Second, Governments have affirmed that the right to development must be treated on a par with other human rights. Other human rights, in the practice of treaty bodies monitoring them, are assessed using indicators. Unless the right to development is subject to assessment using indicators, it will not be on a par with other human rights. A similar argument applies to including this right in the universal periodic review.

E. Ambiguity of “global partnership”

76. The Working Group requested the task force to focus mostly on the global partnership for development, as used in Goal 8, which is an ambiguous concept. The task force interpreted it to mean treaty regimes, arrangements and commitments, multi-stakeholder strategies and mechanisms, and multilateral institutions that epitomize global or regional efforts to address Goal 8 issues. None of these was established as a direct consequence of commitment to Goal 8, but tend to see themselves as contributing to that Goal. None has a mandate to promote the right to development. Nevertheless, they are among the array of right to development stakeholders and have sometimes acknowledged that this right is pertinent, but have more commonly considered it a matter of inter-agency information sharing rather than policy guidance.

77. This selection of putative right to development stakeholders and duty-bearers is the result of the Working Group requesting the task force to focus on Goal 8. The task force also considered other regional instruments that might be examined (the Association of Southeast Asian Nations Charter and Arab Charter on Human Rights, containing an explicit article on the right to development), but the States concerned considered this to be

premature (A/HRC/8/WG.2/TF/2, para. 82). If the full range of pertinent duty-bearers were to be considered, the Working Group would need to identify meaningful ways to place States in front of their responsibilities towards their own people, persons in other countries affected by their policies, and multilateral institutions whose mandates and programmes depend on the decisions of their members. The task force has sought to clarify the diverse responsibilities of partnerships thus understood in order to engage with stakeholders not hitherto part of the dialogue.

F. Lack of policy coherence and incentives to move from commitment to practice

78. A further complication of the responsibility for the right to development is that States have not translated their commitment to this right into their decision-making in these partnerships. In all 12 partnerships examined at the request of the Working Group and all others considered without an explicit mandate, none referred to the right to development in its resolutions or founding documents. It is therefore difficult to expect them to introduce right to development considerations as such in their policies and programmes.

79. The motivation to introduce right to development concerns cannot be generated without incentives. The right may be contrasted with most other strategies for development by the lack of incentives to take far-reaching measures based on political and legal commitments to it. Where there is a legal commitment, such as in Africa, States parties have, generally, not acted in any significant way nor have treaty bodies reported in detail on the fulfilment of legal obligations. African Governments do take their commitment to the right to development seriously. However, the African Commission on Human and People's Rights has not taken any significant steps to monitor this right and hold States parties accountable, with the notable exception of a very recent landmark decision concerning the violation of the right to development as a result of an eviction of an indigenous group from a wildlife reserve.¹¹ Institutions with a stake in promoting international cooperation in accordance with the right to development have not been able to modify their policies or behaviour of their partners in accord with an explicit invocation of it. Many of their policies, such as those relating to gender equality and action on behalf of vulnerable populations, contribute to the realization of this right but its value alone cannot be considered the motivation for such policies and programmes. In other development strategies, such as Poverty Reduction Strategy Papers, there are clear incentives to comply with standards and procedures, often resulting in targeted funding or debt forgiveness. The right to development can only be compelling for those who find the principles on which it is based to be compelling. The ultimate advantage of respecting this right is a more just global and national environment to ensure constant improvement of the well-being of all. However, the behaviour of decision-makers in development is rarely determined by the compelling value of an idea. This too is a matter that the Working Group should consider when determining how to move forward.

80. Beyond the power of the concept of an international (moral or legal) obligation to pursue development that is comprehensive, human-centred and respectful of human rights,

¹¹ *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, decision 276/2003 of the African Commission on Human and Peoples' Rights, February 2010, available from www.minorityrights.org/download.php?id=748. In May 2009, the Commission found the Government of Kenya guilty of violating the rights of the Endorois, an indigenous community, including their right to development, by evicting them from their lands to make way for a wildlife reserve. The African Union approved of the decision at its January 2010 meeting in Addis Ababa.

the incentive to take this right seriously should be based on evidence, on the demonstrated advantage to be gained by making explicit reference to it in specific development actions and policies. The activities reviewed in the consolidated findings above have made the first step towards generating such evidence. The task force is firmly convinced that, in spite of benign tolerance and even resistance to seeing this right as useful in development practice, the more common reaction has been one of acknowledging the congruence between the objectives of those policies and the normative content of the right to development. The next step is to generate evidence that such altered policies make a positive difference. The task force therefore urges the Working Group to consider applying the criteria through context-specific reporting templates and to collect evidence of the difference, if any, of pro-right to development actions, as recommended in the main report.¹²

G. Necessary balance between national and international responsibilities for the right to development

81. The final issue the task force wishes to address borders on the political, which is not its purview, as an expert body. However, it has examined the history of efforts to bring clarity to the concept of the right to development and is acutely aware that balancing the national and international dimensions of this right have been front and centre, because each dimension is the preference for different groups of States and because the Declaration is clear that both dimensions are essential. It is the ardent hope of the task force that these dimensions can be seen as complementary rather than conflicting. National policies must be supportive of human rights in development and redressing social injustice nationally and internationally. Equally, the failure of many nations, especially in Africa, to benefit from significant increases in the well-being of their populations is due to the unjust structures of the global economy that must be addressed through genuine development agendas, that is, negotiated and agreed modifications in terms of trade, investment and aid allowing developing countries to overcome the disadvantages of history and draw the full benefit of their natural and human resources.

82. The greatest challenge that lies ahead in bringing the right to development into the realm of practice is for all States to embrace the indivisibility and interdependence of “all the aspects of the right to development” as set forth in article 9 of the Declaration on the Right to Development. Those with political reasons for favouring the international dimension and a collective understanding of the right must seek adjustments in their national policies and take the individual rights involved seriously. Similarly, those that stress that this right is essentially a right of individuals through human rights-based national policies must do their part to ensure greater justice in the global political economy by agreeing to and achieving outcomes of the various development agendas consistent with the affirmation in the Declaration that, “as a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development”.

¹² Para 73.

Annex

Reports, background papers, consultancy studies and other resource materials of the high-level task force on the implementation of the right to development

<i>Sessions and reports</i>	<i>Technical mission reports</i>	<i>Consultancy studies, background and research papers</i>
<p>Sixth session 14–22 January 2010</p> <ul style="list-style-type: none"> • A/HRC/15/WG.2/TF/2 • A/HRC/15/WG.2/TF/2/Add.1 (Consolidation of findings) • A/HRC/15/WG.2/TF/2/Add.2 (The right to development criteria and sub-criteria) 	<ul style="list-style-type: none"> • A/HRC/15/WG.2/TF/CRP.1 (WIPO Development Agenda, Geneva, 13–17 July 2009) • A/HRC/15/WG.2/TF/CRP.2 (Access to essential medicines, Geneva, 19–24 June and 16 July 2009) 	<ul style="list-style-type: none"> • A/HRC/15/WG.2/TF/CRP.3, Rev.1 (Clean Development Mechanism, by Marcos Orellana) • A/HRC/15/WG.2/TF/CRP.4 (The right to development criteria, report on expert consultation, 17–18 December 2009) • A/HRC/15/WG.2/TF/CRP.5 (The right to development criteria, by Maria Green and Susan Randolph)
<p>Fifth session 1–9 April 2009</p> <ul style="list-style-type: none"> • A/HRC/12/WG.2/TF/2 • A/HRC.12/WG.2/TF.2/Corr.1 	<ul style="list-style-type: none"> • A/HRC/12/WG.2/TF/CRP.1 (Access to essential medicines, Geneva, 12–13 November 2008) • A/HRC/12/WG.2/TF/CRP.2 (The Cotonou Agreement, Brussels, 25–26 March and 29–30 April 2009) 	<ul style="list-style-type: none"> • A/HRC/12/WG.2/TF/CRP.3/Rev.1 (The Cotonou Agreement, by Maria van Reisen) • A/HRC12/WG.2/TF/CRP.4/Rev.1 (The Global Fund to Fight AIDS, Tuberculosis and Malaria, and The Special Programme for Research and Training on Tropical Diseases, by James Love) • A/HRC/12/WG.2/TF/CRP.5/Rev.1 (WHO's Intergovernmental Working Group on Public Health, Innovation and Intellectual Property, by Lisa Forman) • A/HRC/12/WG.2/TF/CRP.6 (The right to development criteria, by Rajeev Malhotra) • A/HRC/12/WG.2/TF/CRP.7 (The right to development criteria, report on expert meeting, 27–29 January 2009) • A/HRC/12/WG.2/TF/CRP.7/Add.1 (Selected Bibliography)

<i>Sessions and reports</i>	<i>Technical mission reports</i>	<i>Consultancy studies, background and research papers</i>
<p>Fourth session 7–15 January 2008</p> <ul style="list-style-type: none"> A/HRC/8/WG.2/TF/2 	<ul style="list-style-type: none"> A/HRC/8/WG.2/TF/CRP.1 (The Paris Declaration on Aid Effectiveness, Paris, 13–14 September 2007) A/HRC/8/WG.2/TF/CRP.2 (ECA-OECD DAC Mutual Review of Development Effectiveness, Paris, 13–14 September 2007, Addis Ababa, 12–16 October 2007) A/HRC/8/WG.2/TF/CRP.3 (The African Peer Review Mechanism, Addis Ababa, 12–16 October 2007) A/HRC/8/WG.2/TF/CRP.4 (The Cotonou Agreement, Brussels, 19–21 September 2007) 	<ul style="list-style-type: none"> A/HRC/8/WG.2/TF/CRP.5 (The African Peer Review Mechanism and the ECA/OECD DAC Mutual Review of Development Effectiveness in the context of NEPAD, by Bronwen Manby) A/HRC/8/WG.2/TF/CRP.6 (The Cotonou Agreement, by James Thuo Gathii) A/HRC/8/WG.2/TF/CRP.7 (The Paris Declaration on Aid Effectiveness, by Roberto Bissio)
<p>Third session 22–26 January 2007</p> <ul style="list-style-type: none"> A/HRC/4/WG.2/TF/2 	-	<ul style="list-style-type: none"> A/HRC/4/WG.2/TF/CRP.1 (Background document on the criteria for periodic evaluation of global development partnerships from the perspective of the right to development: initial analyses of the ECA/OECD-DAC Mutual Review of Development Effectiveness in the context of NEPAD, the African Peer Review Mechanism and the Paris Declaration on Aid Effectiveness)

<i>Sessions and reports</i>	<i>Technical mission reports</i>	<i>Consultancy studies, background and research papers</i>
<p>Second session 14–18 November 2005</p> <ul style="list-style-type: none"> • E/CN.4/2005/WG.18/TF/3 	-	<ul style="list-style-type: none"> • E/CN.4/2005/WG.18/TF/2 (Preliminary concept note: high level task force on the implementation of the right to development) • E/CN.4/2005/WG.18/TF/CRP.1 (The right to development and practical strategies for the implementation of the MDG, particularly Goal 8, by Fateh Azzam) • E/CN.4/2005/WG.18/TF/CRP.2 (Millennium Development Goal 8: indicators for monitoring implementation, by Sakiko Fukuda-Parr) • E/CN.4/2005/WG.18/TF/CRP.3 (Summary of submissions)
<p>First session 13–17 December 2004</p> <ul style="list-style-type: none"> • E/CN.4/2005/WG.18/2 	-	<ul style="list-style-type: none"> • HR/GVA/TF/RTD/2004/2 (Preliminary concept note: high-level task force on the implementation of the right to development) • Background paper “Millennium Development Goals and the right to development: issues, constraints and challenges”, by A.K. Shiva Kumar • Background paper “Social impact assessment in the areas of trade and development at the national and the international level”, by Robert Howse

- “A human rights perspective on the Millennium Development Goals”, contribution to the work of the Millennium Project Task Force on Poverty and Economic Development, by Philip Alston
 - The FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the context of National Food Security
 - Mapping of the Millennium Development Goals on the relevant human rights instruments and their provisions
 - Note by the Secretary-General (A/59/565) transmitting the report of the Secretary-General’s High-Level Panel on Threats, Challenges and Change.
-