



## General Assembly

Distr.  
GENERAL

A/HRC/4/47\*  
14 March 2007

Original: ENGLISH

---

Human Rights Council  
Fourth session  
Item 2 of the provisional agenda

### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

#### **Report of the Working Group on the Right to Development on its eighth session (Geneva, 26 February – 2 March 2007)**

**Chairperson-Rapporteur: Mr. Ibrahim Salama (Egypt)**

#### **Summary**

The present report, submitted pursuant to Human Rights Council resolution 1/4, contains the summary of the proceedings, as well as the conclusions and recommendations of the eighth session of the Working Group on the Right to Development, for the consideration of the Human Rights Council.

---

\* Reissued for technical reasons.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 5	3
I. ORGANIZATION OF THE SESSION .....	6 - 17	4
A. Opening of the session.....	6	4
B. Election of the Chairperson-Rapporteur .....	7	4
C. Organization of work and adoption of the agenda .....	8	4
D. Attendance .....	9 - 16	4
E. Documentation .....	17	5
II. SUMMARY OF THE PROCEEDINGS .....	18 - 45	6
A. Consideration of the report of the high-level task force on the implementation of the right to development and consideration of next steps (agenda items 4 (a) and (b))	18 - 40	6
B. Consideration of the reports of the United Nations High Commissioner for Human Rights .....	41- 42	10
C. Address of the High Commissioner for Human Rights ....	43 - 45	11
III. CONCLUSIONS AND RECOMMENDATIONS.....	46 - 59	11
A. Conclusions .....	48 - 52	12
B. Recommendations .....	53 - 59	13
 <b>Annexes</b>		
I. Agenda .....		15
II. Criteria for periodic evaluation of global development partnerships from a right-to-development perspective .....		16
III. Comments submitted by Groups and Member States .....		18
IV. List of documents .....		20

## **Introduction**

1. In its decision 1998/269, the Economic and Social Council, taking note of Commission on Human Rights resolution 1998/72, endorsed the Commission's recommendation to establish a follow-up mechanism to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, initially for a period of three years. The mechanism included the establishment of an open-ended Working Group with a mandate: (a) to monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analyzing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration; (b) to review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development; and (c) to present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including advice to the Office of the United Nations High Commissioner for Human Rights (OHCHR) with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development.
2. At its fifth session, in February 2004, the Working Group on the Right to Development agreed to recommend to the Commission on Human Rights that it establish a high-level task force on the implementation of the right to development, within the framework of the Working Group, in order to assist it in fulfilling its mandate as reflected in paragraph 10(a) of Commission resolution 1998/7. At its seventh session in January 2006, the Working Group agreed to recommend to the Commission to extend the mandate of the Working Group and the high-level task force for a further period of one year (see E/CN.4/2006/26, paras. 76 and 77).
3. In its resolution 1/4, the Human Rights Council decided to renew the mandate of the Working Group for a period of one year, requested the high-level task force to meet with a view to implementing the relevant recommendations contained in the report of the seventh session of the Working Group, and requested the Working Group to meet for a period of five working days in the first three months of 2007, to consider the findings and recommendations of the task force and further initiatives in accordance with its mandate.
4. The third session of the high-level task force on the implementation of the right to development took place in Geneva from 22 to 26 January 2007 and submitted its conclusions and recommendations contained in its report (A/HRC/4/WG.2/TF/2) for the consideration of the Working Group.
5. The Working Group on the Right to Development convened its eighth session in Geneva from 26 February to 2 March 2007 to consider the report of the task force and further initiatives in accordance with its mandate.

## **I. ORGANIZATION OF THE SESSION**

### **A. Opening of the session**

6. The eighth session of the Working Group was opened by Ms. Kang Kyung-wha, Deputy High Commissioner for Human Rights. In her opening address, she welcomed the sustained focus by the Working Group and the high-level task force on the operational dimensions of realizing the right to development. The Deputy High Commissioner recognized the adoption by the Working Group of the criteria for periodic evaluation of global partnerships, as a milestone in the right to development process. In this context, she pointed out the positive and encouraging responses to this initiative, including from the Human Rights Council and multilateral development and financial organizations. She expressed her deep appreciation to institutional members of the task force, such as the World Bank, the United Nations Development Programme (UNDP) and the United Nations Conference on Trade and Development (UNCTAD), which had made noticeable and positive contributions to the work. In relation to the report submitted by the task force, she noted the excellent work undertaken on the operationalization and progressive development of the criteria.

### **B. Election of the Chairperson-Rapporteur**

7. At its first meeting, on 26 February 2007, the Working Group re-elected by acclamation Mr. Ibrahim Salama (Egypt) as Chairperson-Rapporteur. In his statement following the election, the Chairperson-Rapporteur of the Working Group stated that the right to development was moving into an era of clarity, implementation and added value through innovative tools. He pointed out that the expanding range of actors participating in the right to development debate, the deepening involvement of relevant United Nations agencies and international financial institutions, and the support of the Secretariat, were factors that had contributed to the success of the third session of the task force. He highlighted, inter alia, the already proven usefulness of identified criteria for periodic evaluation of Millennium Development Goal 8 in mainstreaming the right to development; the consensual approach and political commitment supporting the work; the need for additional time and resources for the work of the task force; and that the right to development was not a panacea that could solve all world problems, but that could certainly contribute to making the world a safer and more just and prosperous place for all people.

### **C. Organization of work and adoption of the agenda**

8. At its first meeting on 26 February 2007, the agenda of the eighth session of the Working Group was adopted on the basis of the provisional agenda (A/HRC/4/WG.2/1). The agenda as adopted is contained in annex I.

### **D. Attendance**

9. Representatives of the following member States of the Human Rights Council attended the meetings of the Working Group: Algeria, Argentina, Bangladesh, Bahrain, Brazil, Canada, China, Cuba, Ecuador, Finland, France, Germany, Ghana, Guatemala, India, Italy, Japan, Jordan, Malaysia, Mauritius, Mexico, Morocco, the Netherlands, Nigeria, Pakistan, Poland, Republic of

Korea, Romania, the Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland, and Zimbabwe.

10. The following States were also represented at the Working Group: Afghanistan, Albania, Australia, Austria, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Chile, Congo, Croatia, the Democratic People's Republic of Korea, Denmark, Dominican Republic, Egypt, El Salvador, Greece, Haiti, Honduras, Hungary, Iraq, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Madagascar, Mauritania, Nepal, New Zealand, Norway, Oman, the Philippines, Portugal, Rwanda, Serbia, Slovakia, Slovenia, Spain, Sudan, Sweden, Thailand, Timor-Leste, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), and Holy See.

11. The following non-member States were represented as observers: the Holy See, Palestine.

12. The following United Nations bodies were represented: United Nations Development Programme (UNDP), United Nations Conference on Trade and Development (UNCTAD), United Nations Environment Programme (UNEP), United Nations Children's Fund (UNICEF).

13. The following specialized agencies were represented: Food and Agriculture Organization of the United Nations (FAO), International Monetary Fund (IMF), World Bank, World Trade Organization (WTO).

14. The following intergovernmental organizations were represented: African Union, International organization of la Francophonie, Organization for Economic Cooperation and Development (OECD).

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

- General status: Europe-Third World Centre, Franciscans International, New Humanity, World Federation of Trade Unions;
- Special status: Amnesty International, Anti-Racism Information Service, Asian Indigenous and Tribal Peoples Network, Coalition against Trafficking in Women, Indian Council of South America, International Commission of Jurists, International League for the Rights and Liberation of Peoples, International Service for Human Rights, Union of Arab Jurists;
- Roster: Friedrich Ebert Foundation, Institute for Planetary Synthesis, International Federation of Rural Adult Catholic Movements, Third World Network, World Association for the School as an Instrument of Peace.

16. The following academic institutions and other organizations were also represented: London School of Economics, University of New South Wales; 3D Trade-Human Rights-Equitable Economy, Human Development Organization Sri Lanka.

## **E. Documentation**

17. The Working Group had before it a number of pre-session and background documents to inform its deliberations. A complete list of documents is attached at annex IV.

## II. SUMMARY OF THE PROCEEDINGS

### A. Consideration of the report of the high-level task force on the implementation of the right to development and consideration of next steps (agenda items 4(a) and (b))

18. Algeria made a general statement on behalf of the Group of African States. Referring to resolution 60/251 of the General Assembly, it underscored the centrality of the right to development in the framework of promoting and protecting human rights and its importance in relation to the mandate of the Human Rights Council. The Group of African States reaffirmed that only a non-fragmented approach, including equitable international trade rules and responses to energy, raw material and debt burden issues, could reduce the growing gap between developing and developed countries. In a framework of fighting poverty, the Group of African States called for international cooperation exclusive of conditionality. In relation to the future work of the task force, the African Group recommended examining questions contributing to the elaboration of a convention on the right to development.

19. Cuba, on behalf of the Non-Aligned Movement (NAM), reasserted the importance and centrality of the right to development in the mandate of the Human Rights Council and stressed that, since the adoption of the Declaration on the Right to Development, 20 years ago, very little had been shown in terms of implementation of this right by the international community. In the current globalization context, NAM underscored inter alia the lack of autonomy of developing countries as regards decision-making to formulate development policies suitable to their realities; unfair trade rules and practices that restrict market access and allow for export subsidies; a decrease in and failure to comply with commitments to official development assistance and transfer of technology and heavy debt burdens, as a factor of permanent decapitalization of developing countries. Referring to the Declaration on the Right to Development, NAM reaffirmed the duty of States to cooperate for the creation of conditions conducive to realizing the right to development. In this context, it called for international cooperation that is not subject to conditionality, nor be treated as a matter of charity. The instrumental nature of Millennium Development Goal (MDG) 8 in realizing the other seven Goals was underlined. In the context of the work of the task force on the criteria for periodic evaluation of global development partnerships from a rights-to-development perspective, NAM called for the identification of gaps in the consideration of the various partnerships and contributing to the elaboration of a convention on the right to development, in line with the General Assembly resolution 61/169.

20. In a general statement on behalf of the European Union (EU), the candidate countries Turkey, Croatia and The former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia, and the European Free Trade Area (EFTA) country Norway, member of the European Economic Area, as well as Ukraine and the Republic of Moldova, Germany reaffirmed the firm commitment of the EU to the realization of the right to development. The EU underscored the primary responsibility of States for the promotion and protection of all human rights, including the right to development; responsibility to create internal conditions favourable to their development, and to cooperate at an international level in eliminating obstacles to development. The EU reiterated its support to the work of the task force, and welcomed the development of innovative instruments and indicators, as reflected in the consideration of the African Peer

Review Mechanism and providing useful guidance for the implementation of the right to development. The development by the task force of an initial implementation checklist in relation to the criteria was welcomed (A/HRC/4/WG.2/TF/2, annex III). The EU noted elements of clarification of responsibilities between developing countries and development partners (such as questions 1-4, and 14-15) and important linkages to a human rights-based approach to development, such as non-discrimination, inclusion of vulnerable groups and principles of transparency and accountability (e.g. questions 8, 9, 11, 16, 17). The EU recommended the examination of sample bilateral partnerships, and also partnerships based on a formal legal agreement on development cooperation. By focusing on identified rights, such as rights of the child and gender aspects, the EU expressed the view that the Working Group could contribute to conceptualizing implementation strategies for particular human rights in the field of development cooperation.

21. Following these general statements, the Working Group had the opportunity to make general comments on the report of the high-level task force (A/HRC/4/WG.2/TF/2). Argentina, Bangladesh, Canada, China, Indonesia, New Zealand, Republic of Korea, South Africa and Thailand made opening statements on issues relating to the realization of the right to development and on the report of the task force. Delegations commended the work of the task force, and welcomed its focus on the operative aspects of the right to development and its examination of partnerships applying identified criteria. Specific proposals were made to expand the coverage and evaluation of partnerships. The categorization of criteria into structure/enabling environment, process and outcome, was seen as useful structured approach to reflect the multiple dimensions of the criteria and enhance their applicability. Regarding the initial checklist identified by the task force, several delegates considered it to be preliminary, partial and non-exhaustive. Views in favor of the adoption by the Human Rights Council of a universal periodic review that covers the right to development were expressed.

22. In the afternoon meeting, a substantive presentation of the report of the high-level task force was done by the Chairperson of the task force, Mr. Stephen Marks. In his introductory remarks, Mr. Marks noted that, after a first report focusing on impact assessments and MDGs in general and a second on developing criteria for assessing global partnerships as defined by Goal 8 from the perspective of the right to development, the third report covers the task force's first attempt to apply the 15 criteria to three such partnerships.

23. The African Peer Review Mechanism (APRM) is by African States for African States and thus difficult to characterize as an MDG 8 global partnership. The task force sought to measure the success of APRM and was assisted in this task by a member of the APRM Panel of Eminent Persons, a member of the APRM Secretariat and the Executive Secretary of Ghana's APRM Governing Council. The focus on governance and accountability and the degree of local ownership and outreach to civil society in the case of Ghana were remarkable. The APRM also demonstrates the potential advantage of integrating the normative framework of the African Charter on Human and Peoples' Rights and the Declaration on the Right to Development into the review process; the potential advantage of developing a transparent process for dealing with country follow-up to shortcomings the review process might uncover and to improving the response of regional and international partners to opportunities to advance the right to development among participating countries.

24. Regarding the Economic Commission for Africa (ECA)-Organization for Economic Cooperation and Development/Development Assistance Committee (OECD/DAC) Mutual Review of Development Effectiveness in the context of the New Partnership for Africa's Development (NEPAD), the task force welcomed OECD's plan to issue its Action-Oriented Policy Paper on human rights and development (DCD/DAC(2007)15/FINAL) and the strategic shift towards greater civil society participation; however, the Mutual Review would gain by explicit attention to human rights including the right to development.

25. In the Paris Declaration on Aid Effectiveness, the task force noted the value to be gained from greater attention to ownership, to gender equality and to the research commissioned by OECD on the systematic integration of human rights into the five major themes of aid effectiveness.

26. Mr. Marks then pointed out that the conclusions and recommendations of the task force relate to refining the periodic evaluation and extending them to the Cotonou Partnership Agreement and the World Bank Africa Action Plan. Finally, he identified continuity in the assessment process, methodological rigor, and attention to the political will of governments and other actors to take the right to development seriously, as the three conditions for the success of assessment of global partnerships from the right to development perspective.

27. Considering the recommendations in the task force report, the Working Group discussed the articulation and structuring of the criteria for periodic evaluation of global development partnerships from a right-to-development perspective and the implementation checklist (see A/HRC/4/WG.2/TF/2, annex III). Proposals were made to refer more explicitly in the criteria and checklist to, inter alia, principles of sustainable development, democracy, governance, transparency and accountability, issues on trade, aid, debt burden and technological transfer. Several delegates argued for more systematic and explicit linkages between the criteria and the checklist by subsuming the latter under the former. The view was expressed that, notwithstanding the right of each State to freely choose its own development strategy and priorities, the impacts of tied aid are not necessarily negative in all circumstances. Several delegates also expressed the view that the checklist was unbalanced between developing and developed countries. In relation to their trade component, several delegates expressed interest in considering for examination by the task force the Cotonou Partner Agreement between ACP countries and the EU. The representative of the World Bank (WB) presented the WB Africa Action Plan and outlined reasons for having it considered in light of the identified criteria, highlighting multiple aspects addressed by the plan, including on aid, trade, debt relief and role of non-State actors issues.

28. In the ensuing discussion, the Working Group considered the report of the task force and discussed: the general conclusions; the pilot application of the criteria; refinement of the criteria and other methodological considerations; follow up to the review of global partnerships; and the articulation and structuring of the criteria for periodic evaluation of global development partnerships from a right-to-development perspective and the implementation checklist.

29. Switzerland, Bangladesh, the Islamic Republic of Iran, China, Egypt, Germany, Rwanda, South Africa, Argentina, and representatives of OECD and the Friedrich Ebert Foundation (FES)



raised questions or made comments about the conclusions and recommendations of the task force report, which were addressed by the chairpersons of the Working Group and the task force.

30. It was pointed out that APRM is a South-South partnership and the Paris Declaration is a North-South partnership; some degree of skepticism was expressed as to the value of deeper analysis of these partnerships. The Chairperson of the task force explained that success of APRM should be seen by developed countries as being consistent with mutual responsibility of the developing countries, and deeper dialogue and analysis can contribute to ameliorating the functioning of these partnerships, including greater responsiveness of developed countries to the needs of developing countries.

31. Other comments highlighted the role of the task force and the Working Group in addressing the issue of policy space on the right to development and requested clarification of the reference to the “elaboration of a comprehensive and coherent set of standards to assess the implementation of the right to development” in the conclusions, and supported expansion of the role of the task force to elaborate on these standards as basis for a treaty rather than an assessment tool. Mr. Marks recalled that elaborating an international convention was not part of the mandate of task force; however, if it succeeded in creating a consensus around a set of standards on implementing the right to development with a wide enough range of partners, those standards might be widely accepted as a basis for consideration of a treaty at a later stage.

32. Mr. Salama pointed out that the conditions are ripe for elaborating standards for implementing the right to development and that five elements were needed for creation of normative standard: (a) a social demand; (b) precision of content (and not defining or redefining); (c) the political will to support the outcome; (d) the element of application or implementation; (e) a follow-up mechanism. He also highlighted that the key notion of this conclusion was “to facilitate” the creation of a conducive environment for elaborating on standards.

33. NAM declared for the record that a majority of States was in favour of an international legally binding instrument on the right to development, and that it should be reflected explicitly in the conclusions and recommendations of the Working Group.

34. Other delegates proposed that bilateral development partnerships be also considered by the task force. As an observer, the Friedrich Ebert Foundation proposed to conduct an evaluation of selected bilateral partnerships along the lines of the criteria and checklist of the task force.

35. A number of other comments focused on expanding the work of the task force to cover other areas in addition to aid effectiveness (e.g., trade, transfer of technology, migration, etc.) and other regions in addition to Africa (e.g., Latin America, Asia and Eastern Europe). The Chairperson of the task force stated that it was conscious of the need to focus on other regions, including Asia, Eastern Europe and Latin America and hoped that thematic expansion would be achieved by, inter alia, engaging WTO and UNCTAD more actively in the work of the task force. UNICEF presented some initiatives it had launched since the first session of the high level task force and which are directly relevant to the work of the task force, in particular analysis of debt assistance to Highly Indebted Poor Countries (HIPC) initiative and a project on social budgeting. UNEP, for its part, stressed its interest in engaging with the task force in relation to

the principle of sustainable development, given the link between development and the environment.

36. Another delegate underlined the importance of engaging civil society and ensuring the participation of the most marginalized in partnerships under review. Some delegates also underlined the importance of clarifying that the criteria equally applied to all parties to a partnership.

37. On the recommendations for a continued dialogue with the partnerships that were reviewed by the task force, and the addition of new partnerships, some delegates reiterated the fact that all the previous partnerships reviewed by the task force were related to Africa and requested that the review in the next phase of the task force activities be limited to the Cotonou partnership, without excluding the possibility of reviewing other partnerships at a later stage.

38. Several delegates and groups reiterated their position that the work of the task force contribute to an eventual elaboration of a convention on the right to development. However, other delegations and groups opposed any reference to starting work on drafting such a convention or an automatic link between the work of the task force and a convention. The Chairperson of the Working Group called upon the delegates to focus on common ground, such as the importance of the right to development and the primary objective of its implementation and realization. The Chairperson pointed out that the work of the task force was focused on precision of the content of the right to development, which would be a prerequisite for any move towards an international legal instrument on the right to development.

39. Concerning the recommendation that the task force undertake technical missions to continue the dialogue with the partnerships hitherto considered, as well as to continue the work on refining the criteria, Japan stated that it reserved its position on the possibility of undertaking such missions in the context of negotiations concerning a resolution on the right to development at the fourth session of the Human Rights Council.

40. Finally the proposal to add two days to the next meeting of the task force was supported by the Working Group, as well as the recommendation to request the Human Rights Council to renew the mandate of the Working Group and the task force for a period of two years.

## **B. Consideration of the reports of the United Nations High Commissioner for Human Rights**

41. The Working Group considered the reports of the United Nations High Commissioner for Human Rights on the right to development (E/CN.4/2006/26 and A/HRC/4/55), which were presented by the secretariat, and discussed the type of support that the Working Group and the task force would need from OHCHR for the work ahead. Both the Chairperson of the task force and the Chairperson of the Working Group expressed their deep appreciation for the high-quality level of substantive and material support and assistance provided by the Secretariat on this mandate and stated that the support of the Secretariat in continuing reviews of the previous partnerships, as well as in reviewing new partnerships, would be essential.

42. Mr. Salama also noted that the work of the task force and the Working Group would bolster the High Commissioner's own efforts to encourage implementation of the right to development in the future.

### **C. Address by the United Nations High Commissioner for Human Rights**

43. In her closing statement to the Working Group, the High Commissioner welcomed the constructive participation by a large number of States and institutions and she congratulated the Chairperson of the Working Group on his able leadership and guidance in the process. The Working Group's criteria for evaluating global development partnerships, in her view, offered potentially valuable tools for States, development practitioners and other relevant entities striving for more effective global partnerships.

44. She said that a focused and strategic approach, such as the one taken by the Working Group and the task force, was promising for the consolidation of the right to development as an operational concept, while minimizing the risks of "partnership proliferation", which might otherwise tax limited resources and institutional capacities at the national and international levels, and offered a workable balance between ambition and pragmatism, aiming towards impact.

45. She welcomed these challenging and positive developments, and their potential to bolster her own efforts to promote the right to development and to deepen the dialogue with multilateral and regional development, trade and financial institutions. She concluded by underlining that OHCHR would continue to provide the highest level of support to the Working Group and the task force in its work on the practical application of these criteria and in all its other efforts to advance the right to development.

## **III. CONCLUSIONS AND RECOMMENDATIONS**

**46. Based on the discussions in the Working Group, the Chairperson prepared and circulated his draft text for the conclusions and recommendations of the eighth session of the Working Group. The draft text was subsequently discussed, negotiated and amended by delegations. At its final meeting on 2 March 2007, the Working Group adopted, by consensus, its conclusions and recommendations. All regional groups and several States expressed their appreciation for the outcome of the Working Group, the able guidance by the Chairperson, the high quality of support provided by the secretariat, and the quality of work of the task force.**

**47. In conclusion, the Chairperson stated that the conclusions and recommendations adopted by consensus by the Working Group represented a major breakthrough in the right to development process, and he thanked all delegations for their contributions to this achievement. After adoption by consensus of the conclusions and recommendations, several States and groups presented explanations of their positions with regard to the conclusions and recommendations, namely the NAM, Canada, the EU, and Australia (see annex III).**

## **A. Conclusions**

**48. The Working Group takes note with appreciation of the report of the high-level task force on the implementation of the right to development, as well as the general approach that the high-level task force has outlined in applying the criteria based on the right-to-development framework to selected development partnerships, consistent with the objective to move the right to development from conceptual debates and general principles to its operationalization.**

**49. The Working Group recognizes the value-added of developing concrete implementation criteria based on the Declaration on the Right to Development and the work undertaken by the follow-up mechanism established by the Commission on Human Rights resolution 1998/72, including the current Open-ended Working Group, and applying them to the global partnership for development, as defined in Millennium Development Goal 8. The application of these criteria facilitates the incorporation by current and future partnerships of essential elements of the right to development into their respective operational frameworks, thereby furthering the implementation of the right to development and, at the same time, providing the empirical basis for progressively developing and refining these criteria.**

**50. The Working Group agrees that there is a need to take this work forward through both a deeper dialogue with the three partnerships examined by the high-level task force at its third session and the evaluation of additional partnerships dealing with other aspects of international cooperation, including trade, aid, debt, technology transfers, migration, and other issues identified under Goal 8, in a step-by-step and an analytically rigorous manner.**

**51. The Working Group recognizes that the right-to-development criteria would benefit from further review of their structure, coverage of aspects of international cooperation identified under the MDG 8 and of the methodology for their application. The current objective of such elaboration should be to enhance the criteria as a practical tool for evaluating global development partnerships from the perspective of the right to development, including by actors in the relevant partnerships themselves. In this regard, the Working Group encourages the task force to provide a consistent mapping of the criteria and relevant checklists, viewing the latter as operational sub-criteria, for the consideration of the Working Group.**

**52. The Working Group agrees that the ongoing work of the task force constitutes a process of progressively identifying and refining right-to-development standards. The experience gained from further work of the task force in applying, refining and developing the criteria would be conducive to the elaboration and implementation of a comprehensive and coherent set of standards. These standards could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement.**

## **B. Recommendations**

53. The Working Group recommends that the right-to-development implementation criteria, as adopted by the Working Group at its seventh session, be further applied to identified global development partnerships, progressively developed and refined, using the approach outlined by the task force in its report (A/HRC/4/WG.2/TF/2) and in light of the specific suggestions made at the eighth session of the Working Group.

54. In this context, the Working Group recommends that the task force adopt a gradual approach based on rigorous empirical analysis and constructive consolidation of its findings in a phased manner. In phase I, covering work in 2007, the task force is requested to deepen its study on the three development partnerships considered in its third session, and take up an additional partnership (mentioned in paragraph 56 below) with a view to refining the right to development criteria and corresponding sub-criteria. In phase II, covering work in 2008, the task force is requested to study additional partnerships with a view to broaden its coverage of the regions implementing development partnerships, as well as its analysis of thematic issues of international cooperation identified under MDG 8 and as agreed by the Working Group at its ninth session. Finally in phase III, covering work in 2009, the task force is requested to consolidate its findings and present a revised list of right to development criteria along with corresponding operational sub-criteria and outline suggestions for further work, including aspects of international cooperation not covered until then, for the consideration of the Working Group.

55. The Working Group recommends that the current dialogue concerning the APRM, the ECA/OECD-DAC Mutual Review of Development Effectiveness and the Paris Declaration on Aid Effectiveness be continued to elaborate on areas of potential congruence and synergy of each of these partnerships with the right to development, identify existing gaps in light of the criteria, as they exist now, as well as appropriate additional means to bridge them, and in the process progressively develop and further refine the criteria, based on actual practice. In this regard, the Working Group encourages the task force to undertake technical missions, as required, to the respective institutions involved in the implementation of these partnerships, with a view to continuing the dialogue and to further refining the criteria.

56. The Working Group recognizes the need to explore additional strategic and representative partnerships in the context of MDG 8. In this regard, the Working Group decides that priority be given initially to the Cotonou Partnership Agreement between ACP countries and the EU. Thereafter, in accordance with the work in the phases mentioned in paragraph 54 above, the Working Group recommends that further additional partnerships be examined in light of the criteria.

57. In implementing the follow-up work on operationalizing the right-to-development criteria, the Working Group recommends the continuing active participation of international financial, trade and development institutions, including the World Bank, UNDP, IMF, UNCTAD and WTO, other specialized agencies, funds and programmes of the United Nations, and relevant civil society organizations. The task force is encouraged in

**its engagement with the World Bank on Africa Action Plan, as well as UNDP with regard to its work on inclusive globalization.**

**58. In order to implement the work programme outlined above, the Working Group recommends that the Human Rights Council renew the mandate of the Working Group and the high-level task force on the implementation of the right to development for a further period of two years. During this period, it is recommended that the Working Group will continue to meet annually for five working days, as at present, and that the high-level task force will meet annually for a total of seven working days instead of the five days at present.**

**59. The Working Group appreciates the support extended by the Office of the High Commissioner for Human Rights to the Working Group and the high-level task force and requests that the Office continue to provide all necessary assistance to these bodies in implementing the work programme outlined above.**

## **ANNEXES**

### **Annex I**

#### **AGENDA**

1. Opening of the session.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda, timetable and programme of work.
4. Review of progress in the implementation of the right to development:
  - (a) Consideration of the report of the high-level task force on the implementation of the right to development;
  - (b) Consideration of next steps;
  - (c) Consideration of the reports of the United Nations High Commissioner for Human Rights.
5. Adoption of conclusions and recommendations.
6. Adoption of the report.

## **Annex II**

### **CRITERIA FOR PERIODIC EVALUATION OF GLOBAL DEVELOPMENT PARTNERSHIPS FROM A RIGHT-TO-DEVELOPMENT PERSPECTIVE**

The criteria for periodic evaluation include:

#### **Structure/enabling environment**

- (a) The extent to which a partnership contributes to creating an environment and supports a process in which all human rights are realized;
- (b) The extent to which partnerships for development promote the incorporation by all parties concerned of all human rights, and particularly the right to development, into their national and international development strategies, and the extent to which partner countries receive support from international donors and other development actors for these efforts;
- (c) The extent to which a partnership values and promotes good governance, democracy and the rule of law at the national and international levels;
- (d) The extent to which a partnership values and promotes gender equality and the rights of women;
- (e) The extent to which a partnership reflects a rights-based approach to development, and promotes the principles of equality, non-discrimination, participation, transparency and accountability;
- (f) The extent to which a partnership ensures that adequate information is available to the general public for the purpose of public scrutiny of its working methods and outcomes;
- (g) The extent to which a partnership respects the right of each State to determine its own development policies, in accordance with its international obligations;

#### **Process**

- (h) The extent to which, in applying the criteria, statistical and empirically developed data are used, and, in particular, whether the data are disaggregated as appropriate, updated periodically, and presented impartially and in a timely fashion;
- (i) The extent to which a partnership applies human rights impact assessments and provides, as needed, for social safety nets;
- (j) The extent to which a partnership recognizes mutual and reciprocal responsibilities between the partners, based on an assessment of their respective capacities and limitations;
- (k) The extent to which a partnership includes fair institutionalized mechanisms of mutual accountability and review;
- (l) The extent to which a partnership provides for the meaningful participation of the concerned populations in processes of elaborating, implementing and evaluating related policies; programmes and projects;

#### **Outcome**

- (m) The extent to which policies supported by a partnership ensure 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, as required by article 2, paragraph 3, of the Declaration on the Right to Development;

(n) The extent to which the priorities set by a partnership are sensitive to the concerns and needs of the most vulnerable and marginalized segments of the population, and include positive measures in their favour;

(o) The extent to which a partnership contributes to a development process that is sustainable and equitable, with a view to ensuring continually increasing opportunities for all.

### **Annex III**

#### **COMMENTS SUBMITTED BY GROUPS AND MEMBER STATES**

##### **Explanation of position by the Non-Aligned Movement**

60. The Non-Aligned Movement interprets the phrase “international legal standard of a binding nature”, contained in paragraph 52 of the conclusions and recommendations, to mean “internationally legally binding convention.”

##### **Explanation of position by Canada**

61. Canada is pleased with the Working Group’s work at its eighth session, during which the report of the high-level task force was analyzed in depth. Canada supports the task force’s continued focus on developing criteria and other practical tools for evaluating global partnerships on a voluntary basis, as well as the proposed pilot partnerships and program of work. Canada can also support the proposed renewed mandate for a period of two years, as outlined in the recommendations section of the Working Group outcome document.

62. Canada would like to take this opportunity to reiterate that it does not believe it is appropriate for the Working Group or high-level task force to consider the development of a legally binding instrument on the right to development, as suggested in paragraph 52. It is clear from the high-level task force’s recent report that there is much work to be done on developing the criteria to support the practical implementation and operationalization of the right to development. In this context, Canada interprets paragraph 52 to not mandate the Working Group or task force to look specifically at a binding instrument, but rather that the paragraph is suggestive that, in the future, this may be an option of many that may be considered. Canada will join consensus with this understanding.

##### **Explanation of position by the European Union**

63. The EU expresses its appreciation for the outstanding work of the Chairperson of the Working Group and the Chairperson of the task force. The EU values the consensus reached at the meeting and hopes that this consensual approach will be preserved in the future. The EU would like to clarify its interpretation of paragraph 52 of the adopted conclusions and recommendations as follows: the EU joins consensus on this paragraph on the understanding that it does not imply a process leading to an international legal standard of a binding nature. Rather, the EU considers that paragraph 52 describes an open-ended process of developing criteria promoting the operational implementation of the right to development.

##### **Explanation of position by Australia**

64. Australia has serious reservations about the need for the elaboration of an international legal standard of a binding nature, and certainly does not believe that the time is now right for moving into such a process, having heard many comments from a variety of speakers during the course of the eighth session that confirmed this assessment. Australia’s interpretation of

paragraph 52 is that – while it does not preclude the possibility that a clear need for the elaboration of a legal standard of some form may in time be identified – it recognizes that the reflection of a coherent set of standards could take other forms and that one of these other forms may be found to be more appropriate than a legal standard of a binding nature. Therefore, paragraph 52 and the other adopted conclusions and recommendations correctly focus attention at this stage on the practical work of the task force. This work will serve to provide the tools and understanding necessary for taking the work on the right to development forward. It is on this understanding of paragraph 52 and the other conclusions and recommendations generally that Australia can join the consensus.

**Annex IV**

**LIST OF DOCUMENTS**

<i>Symbol</i>	<i>Title</i>
A/HRC/4/WG.2/1	Provisional agenda
A/HRC/4/WG.2/TF/2	Report of the third session of the high-level task force on the implementation of the right to development (Geneva, 22-26 January 2007)
E/CN.4/2006/24	Report of the High Commissioner for Human Rights to the sixty-second session of the Commission on Human Rights
A/HRC/4/55	Report of the High Commissioner for Human Rights to the fourth session of the Human Rights Council

-----