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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Working Group on the Right to Development on its thirteenth session (Geneva, 7–11 May 2012)**

*Chairperson-Rapporteur:* Tamara Kunanayakam (Sri Lanka)

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## I. Introduction

1. The open-ended Working Group on the Right to Development was established by the Commission on Human Rights in its resolution 1998/72 and the Economic and Social Council in its decision 1998/269 with a mandate 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 analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration; 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 to present for the consideration of the former Commission on Human Rights (subsequently the Human Rights Council) 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. The Human Rights Council, in its resolution 9/3, decided to renew the mandate of the Working Group until it completes the tasks entrusted to it by the Council in its resolution 4/4, and that the Working Group would convene annual sessions of five working days and submit its reports to the Council.

3. The Working Group accordingly convened its thirteenth session in Geneva from 7 to 11 May 2012.

## II. Organization of the session

4. The High Commissioner for Human Rights opened the session and underlined that justice, dignity and freedom from fear and want were the central tenets of the Declaration on the Right to Development. Human rights must be regarded as indispensable assets and indeed as the foundations of a global partnership for development that aimed at achieving the well-being of all people without discrimination. The full integration of the right to development into all areas of the work of the United Nations system and of international financial and trade institutions, as well as its major processes, such as the follow-up to the Fourth United Nations Conference on the Least Developed Countries (LDC IV), the thirteenth session of the United Nations Conference on Trade and Development (UNCTAD XIII), the United Nations Conference on Sustainable Development, the quadrennial comprehensive policy review and the post-2015 development agenda, was important. She pointed out that the politicization, the polarization and the impasse in the intergovernmental debate on the right to development had to end. A common objective should be to create a practical and operational framework for the implementation of the right to development, so as to realize the potential of that right with open, sustained engagement, including by encouraging the participation and input of a wider constituency.<sup>1</sup>

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<sup>1</sup> For the full text of the High Commissioner's statement, see [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12120&LangID=e](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12120&LangID=e).

5. At its first meeting, on 7 May 2012, the Working Group re-elected by acclamation Tamara Kunanayakam (Sri Lanka) as Chairperson-Rapporteur and adopted its agenda (see annex I) as well as its programme of work.

6. In her opening statement, the Chairperson-Rapporteur recalled the mandate of the Working Group and the deliberations that had taken place at the previous session, and referred to the intersessional informal consultations. Expressing the hope that the twenty-fifth anniversary of the adoption of the Declaration on the Right to Development would provide inspiration to move forward, to confront and eliminate the obstacles in the way of its implementation, and to help translate commitments into practical action and enable its realization, she underlined the importance of forging a vision and purpose in moving forward and making progress in considering, revising and refining the right to development criteria and operational sub-criteria. The Chairperson-Rapporteur pointed out that in the light of the historical, cultural, social and economic specificities and backgrounds among countries it was natural that there would be differences of opinion and interpretation. She appealed to delegations to continue the discussions in a constructive spirit and atmosphere with a view to adopting conclusions and recommendations by consensus, following past practice.

7. Prior to the adoption of the agenda and programme of work, there was discussion about the use of the Declaration on the Right to Development as a basis against which to evaluate the criteria and operational sub-criteria developed by the high-level task force on the implementation of the right to development (A/HRC/15/WG.2/TF/2/Add.2), as well as on consideration of the indicators elaborated by the task force in discussions on the criteria and operational sub-criteria. In that context, the European Union stated that it would be making comments on the indicators when discussing the sub-criteria. Egypt (on behalf of the Non-Aligned Movement) stated that the mandate of the Human Rights Council referred to the criteria and sub-criteria, not to indicators, which should not be on the table for consideration. This position was supported by Senegal (on behalf of the African Group) and Cuba.

8. In that regard, the Chairperson-Rapporteur recalled her consultation on 30 April 2012 with the coordinators of the regional and political groups, at which it was agreed that the Working Group would commence with consideration of all the criteria, followed by the sub-criteria. She added that, on the issue of indicators, one group of States had felt that the indicators should be addressed by the Working Group, while another had pointed out that the Working Group had no mandate to do so, although it would be open to examining the possibility of adapting the language in such a manner as to subsume certain indicators under the category sub-criteria, if that was considered appropriate.

9. At the session, the Working Group focused on a first reading of the criteria proposed by the task force, collecting views thereon and on refinements to the proposed criteria, as well as proposals for additional criteria. For that purpose, the Working Group had before it two conference room papers (A/HRC/WG.2/13/CRP.1 and 2) containing, respectively, submissions received from Governments, groups of Governments and regional groups, and submissions from other relevant stakeholders, including United Nations agencies, funds and programmes and institutions, as well as other relevant multilateral institutions and forums. The papers were prepared by the secretariat pursuant to Human Rights Council resolution 19/34.

### **III. Summary of proceedings**

#### **A. Opening statements**

10. Senegal, speaking on behalf of the African Group, pointed out that developing countries had used the framework of international negotiations to promote the right to

development and to place development at the centre of all efforts of the international community. Resistance to the implementation of the right to development could be due to a misconception of the application of that right at the international level, creating a North-South divide. The responsibility for development fell on the international community. The effects of the multiple crises could have a unifying rather than dividing effect on both developed and developing countries. There was a need to cooperate to deliver the right to development to the entire human family. The right to development allowed the delivery of other rights, namely economic, social, cultural, civil and political rights, and the reversal of unjust trends in history. In that regard, the mission of the Working Group was, more than ever, vital, and any attempt to politicize the issue, or complacency, would undermine its mandate and threaten the implementation of the right to development. The mandate was to review, redraft and approve the criteria and operational sub-criteria, bearing in mind the centrality of the Declaration on the Right to Development, which encompasses both collective and individual rights, as well as the need to find a proper balance between the national and international dimensions of the right to development, and to ensure the implementation of the right to development by international organizations with the ultimate goal of adopting a legally binding instrument on the right to development.

11. The European Union reiterated its commitment to achieving sustainable development and working towards freedom, accountability and good governance. This was reflected in the European Union policy on global challenges, which recognized that human rights and development were closely interlinked and key to achieving the Millennium Development Goals. One of the basic objectives of the European Union was to ensure that economic growth and development went hand in hand with good governance, environmental sustainability, and empowerment of women. Reference was made to the report of the High-level Panel on Global Sustainability, entitled “Resilient people, resilient planet: a future worth choosing” (A/66/700), which included elements that could guide the future work on the right to development, such as the Panel’s recognition that sustainable development was fundamentally a question of people’s opportunities to influence their future, claim their rights and voice their concerns. Democratic governance and full respect for human rights were key prerequisites for empowering people to make sustainable choices. The right to development was based on the indivisibility and interdependence of all human rights, the multidimensional nature of development strategies and the individual as the central subject of development. The right to development required the full realization of all human rights and a mix of policies to create an enabling environment for individuals. The right-to-development criteria, sub-criteria and indicators should be formulated in a way that they can be applied to all countries, since the right to development should be enjoyed by all human beings, without discrimination. The European Union stated its belief that, given the nature of the right to development as a composite right, the elaboration of a new international legal standard of a binding nature was not the most appropriate means to operationalize the right to development.

12. Egypt, on behalf of the Non-Aligned Movement, underlined that the international community was at a critical moment, with multiple crises and people taking to the streets demanding a reversal of social injustice. The calls were not limited to human rights, but extended to demands related to development. The right to development was at the intersection between human rights and development and could serve as a platform to push forward development goals. There were stereotypes; however, in reality the right to development did not reflect a North-South divide—it was about individuals and populations in both developed and developing countries. It was not only about aid but also about the creation of a national and international enabling environment for development. In this regard, it was stressed that States had the obligation and duty to cooperate with each other. It was important to capture the comprehensive nature of the right to development: the centrality of the right to development emanates from its nature as a bridge between human

rights and development. Recalling the mandate of the Working Group, the speaker noted that the drafters of the Declaration had realized the legal protection gap with regard to the right to development, which still existed today. That called for the establishment, within the United Nations system, of a mechanism to evaluate how the United Nations system incorporated the right to development in its work. As the Working Group continued to work on the refinement and final endorsement of the criteria and sub-criteria, those standards should evolve into a basis for the consideration of an international legal standard of a binding nature through a collaborative process of engagement.

13. Cuba emphasized that the right to development was a universal and inalienable right of individuals and peoples, and remained a priority for the country. There was a need for a favourable environment and international cooperation. Despite many efforts by developing countries, progress was hampered due to international barriers, including major protectionist barriers, unfair trade and failure to observe official assistance agreements. The economic, trade and financial embargo imposed by the United States of America against Cuba constituted a massive and systematic violation of human rights and the right to development. There were many incongruences and inconsistencies in the right-to-development criteria and operational sub-criteria as elaborated by the task force. Cuba opposed any attempt to reinterpret the right to development or to introduce progressivity; the purpose was to make the Declaration operational. Wars and the bellicosity of the United States and NATO-allied Governments constituted the most immediate and present threat to the right to development. Without peace there could be no development and without development there could be no peace. Disarmament was needed to free up resources for development. There was a need to fight underdevelopment, hunger and disease, and a need for armies of teachers and doctors, not armies sowing fear.

14. The United States underlined the need for more shared consensus on the definition and nature of the right to development. It stated its belief that the right-to-development criteria, sub-criteria and indicators provided potential common ground to advance work on the right to development. The United States supported the overall structure set forth by the task force, comprising goals and their component parts with benchmarks of progress, much the same way the Millennium Development Goals were structured around goals, targets and indicators, and ultimately all three components had to be considered as a package. It would be important to draw on expert guidance, as the process continued, to involve civil society and the private sector. Furthermore, there was a need to ensure that the criteria, sub-criteria and indicators complemented, rather than duplicated, the statistics of development and statistical agencies and the work done to monitor the Millennium Development Goals. The speaker underscored that the Working Group should focus on the human person as the right holder, as well as affirm the universality of human rights and that the State had the primary obligation to protect and promote human rights.

15. Morocco stressed that the Declaration on the Right to Development provided for a balanced sharing of national and international responsibilities in the area of development. States as well as the international community had a common moral obligation to make the right to development a priority in order to emancipate people from need and vulnerability and to address the growing gap between developed and developing countries. While States had the primary responsibility to create favourable conditions for the realization of the right to development, the international community had to fully assume its responsibility through, *inter alia*, cooperation and development assistance.

16. Pakistan pointed to recent developments at the international economic, financial and energy fronts, which called for increased and mutually beneficial cooperation. It supported all efforts aimed at transposing the right to development from the conceptual domain to operational reality. The elaboration of the right-to-development indicators was not within the mandate of the task force and lacked legal basis; however, Pakistan remained open to

all suggestions that could be helpful and instrumental in operationalizing the right to development. The right-to-development criteria and operational sub-criteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development. The Working Group should avoid entering into a debate on the scope, definition and dimensions of the right to development: it should work towards building an enabling environment at the international level for the sustainable development for all.

17. Algeria emphasized that the spirit of the Declaration on the Right to Development remained topical. Recent social movements, which were the consequences of the financial, food, energy and climate crises, attested to the need to defend the ideas in the Declaration. Although States had primary responsibility for the achievement of the right to development, the Declaration also required international solidarity and cooperation. The right to development was the right of peoples and individuals to the constant improvement of their well-being and to a national and global environment favourable to just, equitable, participatory and human-centred development, respectful of all human rights. The right-to-development criteria and sub-criteria developed by the task force did not meet all the needs of developing countries, and failed to translate the whole spirit of the Declaration, which should provide the benchmark for operationalizing the right to development. Algeria expressed the view that the criteria, once adopted, should form the basis for the effective operationalization of the right to development and allow the adoption of a legally binding instrument, the ultimate purpose of which would be the effective realization of the right to development.

18. Switzerland welcomed efforts towards the effective implementation of the right to development, provided they were in accordance with the Declaration on the Right to Development, the Vienna Declaration and Programme of Action, the Universal Declaration of Human Rights and the two International Covenants on Human Rights. The right to development could bring human rights and development closer together and was yet another means to promote the universality, indivisibility, interdependence and interrelatedness of all human rights. Switzerland recalled the primary responsibility of States to realize the human rights of persons within their national jurisdictions and to create national and international conditions favourable to the realization of the right to development. The realization of the right to development should focus on promoting a human rights-based approach and policy consistency, coherence and coordination at all levels and strengthening the global partnership for development. Switzerland was not in favour of developing a binding instrument on the right to development. The criteria, corresponding operational sub-criteria and indicators could be used in the elaboration of a comprehensive set of standards which could lead to the adoption of a political commitment in the form of guidelines. More emphasis should be paid to the environmental dimension as key to sustainable development.

19. China stressed that the right to development was an inalienable human right and that its implementation was of great importance for all countries, but especially developing countries. Various factors, such as crises and instability, led to a worsening of the environment for achieving the right to development, and the task of achieving the Millennium Development Goals was more arduous than before. There was a need to strengthen international cooperation, to realize the Millennium Development Goals as well as the objectives of the Declaration on the Right to Development. Financial support, transfer of technology, debt relief and market access could help developing countries to achieve autonomous development. The democratization of international conditions as well as the formulation of sound national policies could help eliminate poverty and protect all human rights. There was a need to eliminate international disputes through dialogue and consultation, to refrain from using sanctions and pressure and to avoid politicizing

discussions of the right to development. China noted that the right-to-development criteria and sub-criteria needed further improvement and, in this regard, appreciated and supported the efforts undertaken by Egypt, on behalf of the Non-Aligned Movement.

20. Nepal noted that the realization of the right to development, as an individual as well as a collective right, called for an enabling environment for development at the national and international levels. Full and unconditional recognition of the right to development on par with other internationally recognized human rights should guide the revision of the right-to-development criteria and operational sub-criteria. As all human rights are indivisible, universal and inalienable, a balanced and coherent approach should be employed to ensure responsibility at all levels for the pursuit of all human rights in a holistic manner. Mainstreaming the right to development in overall development initiatives, policies and practices at all levels was paramount for its effective realization. Without the creation of a just and predictable enabling environment underpinned by a suitable international legal framework, the right to development risked remaining unfulfilled. There must be a focus on addressing the special needs of developing countries, in particular the least developed countries, who are suffering from structural problems and the effects of external events and crises. Hence, the realization of the internationally agreed development goals must remain an important component of efforts to realize the right to development.

21. Côte d'Ivoire emphasized that developing countries had been using the Declaration to promote development. There was a lack of understanding of what the right to development meant at the international level. Furthermore, the dichotomy between creditor and debtor nations undermined a balanced exchange. The responsibility for the realization of the right to development fell on the entire international community, and solidarity and international cooperation in line with the spirit of the Declaration were essential to fulfilling the right to development. There must be a balance in national and international responsibility and that should be reflected in a legally binding instrument on the right to development.

22. Bangladesh stressed that its engagement with human rights issues was based on the premise that all human rights are equal, indivisible, interdependent and mutually reinforcing. The right to development was about mainstreaming and implementing development-oriented policies at all levels, in order to improve the capacity of States to ensure the full enjoyment of all human rights. The recurring economic crises had re-emphasized the relevance of the right to development and the need for its realization. Globalization had created an interdependent world, implying collective and shared responsibility and the need for a balance between the national and international dimensions. Efforts of developing countries had been restrained by impediments at the international level which were beyond their control. The global economic governance had to generate effective international cooperation for sustainable growth and development. Participation in the global decision-making process was also vital. It was also important to take into account the social, economic and cultural realities and differences among countries and the environmental vulnerabilities of countries.

23. The Bolivarian Republic of Venezuela emphasized that the guaranteeing of other human rights was not possible without the realization of the right to development. There was a need to make progress in the consolidation of the principles of solidarity, complementarity and mutual responsibility, with due respect for the sovereignty of peoples and genuine international cooperation free from conditionalities. The global crisis caused by neoliberal capitalism and policies enacted by global powers undermined peoples' enjoyment of the right to development. The failure to deliver on official development assistance commitments, to relieve countries from the debt burden and to transfer technology pointed to the need for a fair international order. Refining the right-to-development criteria and operational sub-criteria should pave the way to design norms



which would lead to an international legally binding instrument that reflects the principles, the equilibrium and the elements contained in the Declaration on the Right to Development.

24. The United Kingdom of Great Britain and Northern Ireland reiterated that the right to development could not be considered in isolation but was closely linked to the realization of all human rights. The criteria should strike a more equal balance between State action at the national and international levels; take full account of the indivisibility of all human rights, recognizing that progress has to be made in basic civil and political rights in order to create an environment in which the right to development can be implemented; and be formulated in a way that respects the universal character of the right to development. The United Kingdom proposed that there should be a detailed discussion involving experts of each criterion, incorporating their sub-criteria and indicators, so as to ensure that each is rigorously tested and that States have the opportunity to consider in detail the implications for national policies and practices. The United Kingdom further emphasized the need to consider all criteria, sub-criteria and indicators as a package. The next step should be translating policy discussion into concrete action. The United Kingdom did not support the development of a legally binding instrument but remained open to exploring other options, including guidelines or voluntary principles; training and education; exploring how human rights regimes incorporated the right to development into their work; and the provision of technical assistance or sharing of best practices.

25. Honduras reaffirmed its commitment to the realization of the right to development. In its view, the Millennium Development Goals constituted the consensus of the international community and prioritized actions to achieve the goals aimed at in the Declaration on the Right to Development. The realization of the right to development required collective action, in addition to national actions, for which strategies for international cooperation were essential. Honduras viewed the right to development as a process which was not essentially about economic growth but about the effective realization of all human rights. The right to development should not be seen exclusively in its individual dimension, but in its dual dimension as an individual right and the right of nations to achieve full development.

26. Brazil attached great importance to the process and to finding a way to move forward, with a view to achieving concrete results. The right to development was not about a North-South divide, but was a concern to all. The speaker underlined in that context the key notion of common and differentiated responsibilities, agreed in the 1992 Rio Declaration on Environment and Development, in recognition of different levels of development among countries. However, the lack of development could not be used as an excuse for human rights violations. The right to development was connected with all human rights but it was not only the duty of States; more emphasis had to be placed on international cooperation. Brazil suggested that the Working Group should identify and address the obstacles to the implementation of the right to development.

27. The Indian Council of South America, speaking on behalf of the Indigenous Peoples and Nations Coalition and the International Council for Human Rights, stressed that individual and collective rights were vitally important to the realization of the right of peoples to self-determination and were paramount attributes that had to be applied when working towards eliminating, for all peoples, injustices based on discrimination and in operationalizing the right to development. In its view, States often selectively reduced the scope and application of the right to development because they perceived that it applied only to their interests and not to the right of peoples. Indigenous peoples must be given an equal voice. The parameters of the nature of collective rights could not be designated only for States, but also for peoples who aspired to exercise their international right to self-determination. The Indian Council emphasized that the right of peoples to self-determination was a necessary component in the operationalization of the right to

development. It called upon the Working Group to allow for peoples to enjoy fair, open and equal participation in the debate and an equal voice in the process.

28. Centre Europe-Tiers Monde referred to three major obstacles to the realization of the right to development: the lack of realization of the right of peoples to self-determination; unbalanced macroeconomic policies; and the lack of coordination within the United Nations system. In its view, the criteria and operational sub-criteria contained very interesting elements, however, they overlooked the failure of the market economy, which was unable to eradicate hunger and poverty and exacerbated instability. Subjected to structural adjustment programmes, many people had no say as regards their future. At their best, the criteria and operational sub-criteria were dead letters unless there was genuine change in finance and the markets.

## **B. Review of progress in the implementation of the right to development: consideration, revision and refinement of the right-to-development criteria and operational sub-criteria**

29. At its second, third, fourth, fifth, seventh and eighth meetings, from 7 to 10 May, the Working Group considered and revised the right-to-development criteria.

30. Prior to the substantive review of the criteria, the Chairperson-Rapporteur reported on the outcome of the informal consultations that she had held with Governments, groups of Governments, regional groups and other relevant stakeholders, including United Nations agencies, funds and programmes and institutions, as well as civil society and non-governmental organizations, pursuant to Human Rights Council resolution 19/34. The consultations focused on the way forward and the methodology to be adopted by the Working Group for its consideration, revision and refinement of the right-to-development criteria and operational sub-criteria. During the informal consultations with Member States, the two main divisive points concerned the methodology to be followed in the revision of the criteria and operational sub-criteria, and whether or not indicators should be addressed and to what extent. During the consultations with United Nations agencies, clarity and guidance was requested of Member States on the role expected of them. It was suggested that a mechanism be established for their structured and effective engagement. During consultations with non-governmental organizations, it was expressed that the criteria and sub-criteria lacked accurate human rights language and that they should reflect the multidimensional character of the right to development, and not be reduced to economic, social and cultural rights alone. It was also expressed that there was a lack of emphasis on international solidarity. The methodology for formulating criteria and sub-criteria and the need to use the Declaration on the Right to Development as a basis were also stressed. Emphasis was also placed on giving due prominence to the right of indigenous peoples to self-determination in any work involving the implementation of the right to development.

31. In the ensuing discussion, Egypt, on behalf of the Non-Aligned Movement and along with Cuba, reaffirmed the view that the Declaration on the Right to Development should be the basis against which the criteria and operational sub-criteria should be considered, revised and refined, and that there was no legal foundation for the elaboration of indicators. The European Union, Switzerland, the United States and Japan underlined that the criteria, sub-criteria and indicators elaborated by the task force should form the basis for future discussions, which should also involve expert input from relevant United Nations bodies and other international organizations, non-governmental and civil society organizations, academic and research institutions, and other stakeholders.

32. Thereafter, the Chairperson-Rapporteur presented a short summary of the submissions received from Governments, groups of Governments, regional groups and

other relevant stakeholders, including United Nations agencies, funds and programmes and institutions, as well as other relevant multilateral institutions and forums. She pointed out that the submissions varied in their orientation, the extent of specificity and the level of detail. There were varied views on how national and international responsibilities were reflected in the criteria and operational sub-criteria. Some submissions pointed out that they were weighted towards national responsibilities, thereby ignoring the global challenges faced by developing countries, whereas others found that the criteria should strike a balance between State action at the national level and international cooperation, emphasizing that the primary responsibility for the promotion and protection of all human rights, including the right to development, lay with the State. A few submissions pointed to the need to emphasize equality and non-discrimination, as well as to the lack of emphasis on vulnerable groups. One submission observed that the right to development could not be realized through the meeting of social and economic indicators alone; progress must also be made in basic civil and political rights in order to create an environment in which the right to development can be properly implemented. Views were also expressed that the attributes, criteria and sub-criteria were limited to Millennium Development Goal 8 and lacked appropriate human rights language. As to the nature of the expected outcome, the Non-Aligned Movement aimed at the elaboration of an international instrument on the right to development of a legally binding nature. It noted, however that it was open to exploring other options to facilitate progress, which may include the development of guidelines. The European Union pointed out that the Working Group could develop appropriate instruments, such as templates, checklists or voluntary guidelines, as a means of implementing and assessing progress in the implementation of the right to development. Submissions from United Nations agencies focused primarily on aspects related to their particular fields of competence and mandate. In a joint statement, non-governmental organizations provided comprehensive remarks and suggestions in relation to the criteria and sub-criteria.

33. The criteria discussed by the Working Group were as follows: promote constant improvement in socioeconomic well-being; maintain stable national and global economic and financial systems; adopt national and international policy strategies supportive of the right to development; establish an economic regulatory and oversight system to manage risk and encourage competition; create an equitable, rule-based, predictable and non-discriminatory international trading system; promote and ensure access to adequate financial resources; promote and ensure access to the benefits of science and technology; promote and ensure environmental sustainability and sustainable use of natural resources; contribute to an environment of peace and security; implement national development strategies and plans of action on the basis of a participatory and transparent process; establish a legal framework supportive of sustainable human-centred development; draw on relevant international human rights instruments in elaborating development strategies; ensure non-discrimination, access to information, participation and effective remedies; promote good governance at the international level and effective participation of all countries in international decision-making; promote good governance and respect for rule of law at the national level; provide for fair access to and sharing of the benefits of development; provide fair sharing of the burdens of development; and eradicate social injustices through economic and social reforms. Comments and drafting suggestions would be included in a conference room paper.

34. The representatives of the World Trade Organization and the United Nations Conference on Trade and Development as well as civil society and non-governmental organizations took active part in the review of the criteria by providing inputs, comments and contributions, which were appreciated by delegates.

## IV. Concluding remarks

35. After the adoption of the conclusions and recommendations (paras. 39 to 47 below), Egypt (on behalf of the Non-Aligned Movement) expressed its appreciation that work had started on the criteria, and for the positive spirit, despite some difficulties with regard to the conclusions and recommendations. It was stressed that extra meeting time was required to work on the criteria and operational sub-criteria and to fulfil the mandate provided by the Human Rights Council. The speaker recalled Human Rights Council resolution 19/34, in which the Council stressed that the criteria and corresponding operational sub-criteria, once endorsed, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development.

36. Senegal (on behalf of the African Group) commented on lessons learned during the session, which were simple; the persistence of differences during the discussions illustrated, unfortunately, the divisive manner in which the right to development was addressed and implemented. But the African Group remained confident that with a constructive spirit, the differences could be overcome, noting the potential which emanated from the discussions. The speaker reiterated four points: the centrality of the Declaration on the Right to Development; the international and national dimensions of the implementation of that right; the fact that it contained collective and individual rights; and the comprehensive nature of such a right comprising civil, political, economic, social and cultural rights. He stressed the need to bear in mind the billions of people in countries of both the South and the North, among the 7 billion comprising humanity, who were awaiting the right to development to improve their daily lives. The speaker concluded by stating that it was regrettable that no agreement could be reached on the non-substantive proposal to allocate an extra week to the Working Group, from its next session, to deal with the currently insufficient time for addressing the work on criteria and operational sub-criteria.

37. Bangladesh pointed out that while the Non-Aligned Movement had demonstrated full sincerity, this was not the same for other countries. There was a need to move the process forward and hope that in the future the Working Group would be able to fulfil its mandate in a positive spirit. Cuba expressed regret over the conclusions and recommendations, which in its view were weak. It called on partners to engage constructively in future sessions and noted that Cuba was open to consultations and to engage constructively during the next session. China shared the same views as the Non-Aligned Movement and the African Group, and added that more time was required to fulfil the mandate. Pakistan also noted the positive spirit at the Working Group, but also added that more time was required to move forward with the work, including during the inter-sessional period, but unfortunately there was no consensus on that point. Thailand similarly added that the Working Group had to be realistic about the time available for the consideration of the criteria and that there was a need for genuine dialogue.

38. The European Union stated that it would continue to engage actively and constructively as it did in the current session in support of progress in the work of the Working Group.

## V. Conclusions and recommendations

**39. At the final meeting of its thirteenth session, on 11 May 2012, the Working Group on the Right to Development adopted, by consensus, its conclusions and recommendations, in accordance with its mandate established by Commission on Human Rights resolution 1998/72.**

## A. Conclusions

40. The Working Group took note of documents A/HRC/WG.2/13/CRP.1 and CRP.2 containing detailed views and comments submitted by Governments, groups of governments, regional groups and other relevant stakeholders, including United Nations agencies, funds and programmes and institutions, as well as other relevant multilateral institutions and forums, in fulfillment of the conclusions and recommendations agreed at its twelfth session.

41. The Working Group expressed appreciation to all those who contributed with their submissions and inputs.

42. The Working Group welcomed the presentation made by the Chairperson-Rapporteur of the Working Group and commended her for the able stewardship in guiding the deliberations of the Working Group.

43. The Working Group welcomed the participation of the High Commissioner for Human Rights at its opening session, which attested to her commitment and that of her Office to promoting and protecting the realization of the right to development and to enhancing support from relevant bodies of the United Nations system for that purpose, consistent with General Assembly resolution 48/141.

44. The Working Group welcomed the launching of the process of considering, revising and refining the draft criteria and the corresponding operational sub-criteria contained in document A/HRC/15/WG.2/TF/2/Add.2, with the first reading of the draft criteria.

45. The Working Group acknowledged the need to further consider, revise and refine the aforementioned draft criteria and corresponding operational sub-criteria, as mandated by the Human Rights Council in its resolution 19/34.

46. The Working Group also acknowledged the need to have experts' contributions and, in this context, re-emphasized the importance of engaging further the relevant United Nations agencies, funds and programmes and institutions as well as other multilateral institutions and forums, and international organizations and other relevant stakeholders.

## B. Recommendations

47. The Working Group recommended the following:

(a) To pursue, at its fourteenth session, its work on the consideration of the draft operational sub-criteria;

(b) To request the Office of the United Nations High Commissioner (OHCHR) to make available on its website and to the Working Group two conference room papers reflecting comments and views submitted during the session by Governments, groups of Governments and regional groups, as well as by other relevant stakeholders, respectively;

(c) To also request OHCHR to make available on its website and to the next session of the Working Group, in the format of two conference room papers, all further submissions by Governments, groups of Governments and regional groups, as well as inputs by other stakeholders;

(d) To further request OHCHR to make available on its website and to the Working Group, at its fourteenth session, a consolidated document of all the

conclusions and recommendations of the Working Group since its establishment in 1998;

(e) To invite the Chairperson-Rapporteur to hold informal consultations with Governments, groups of Governments, regional groups and relevant stakeholders in preparation for the fourteenth session of the Working Group;

(f) To invite the High Commissioner and to request the Chairperson-Rapporteur, with the support of OHCHR, to further their efforts to encourage the active participation in the work of the Working Group of all relevant stakeholders, consistent with paragraph 46 above.

## **Annexes**

### **Annex I**

#### **Agenda**

1. Opening of the meeting.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda and programme of work.
4. Review of progress in the implementation of the right to development: consideration, revision and refinement of the right-to-development criteria and operational sub-criteria contained in document A/HRC/15/WG.2/TF/2/Add.2.
5. Adoption of conclusions and recommendations.
6. Adoption of the report.

## Annex II

[English only]

### List of attendance

#### Members of the Human Rights Council

Angola, Austria, Bangladesh, Belgium, Chile, China, Congo, Cuba, Czech Republic, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Kuwait, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Norway, Philippines, Qatar, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

#### States Members of the United Nations

Algeria, Argentina, Armenia, Bahrain, Barbados, Brazil, Brunei, Bolivia (Plurinational State of), Bulgaria, Canada, Colombia, Côte d'Ivoire, Cyprus, Democratic People's Republic of Korea, Denmark, Egypt, Estonia, Ethiopia, Finland, France, Germany, Honduras, Iran (Islamic Republic of), Iraq, Japan, Lao People's Democratic Republic, Madagascar, Morocco, Myanmar, Nepal, Netherlands, Pakistan, Paraguay, Portugal, Republic of Korea, Singapore, Slovenia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe

#### Non-member States represented by an observer

Holy See, Palestine

#### United Nations funds, programmes, specialized agencies and related organizations

International Telecommunication Union (ITU), United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Children's Fund (UNICEF), World Trade Organization (WTO)

#### Intergovernmental organizations

African Union, European Union

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

##### *General*

Caritas Internationalis, Centre Europe-Tiers Monde, CIVICUS-World Alliance for Citizen Participation, Good Neighbors International, Indigenous Peoples and Nations Coalition,



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International Youth and Student Movement for the United Nations, ONG Hope International

*Special*

African Commission of Health and Human Rights Promoters (CAPSDH), Al-Hakim Foundation, Association Apprentissage sans Frontières, Associazione Comunità Papa Giovanni XXIII, Company of the Daughters of Charity of St. Vincent de Paul, David M. Kennedy Center for International Studies, Dominicans for Justice and Peace–Order of Preachers, Geneva for Human Rights–Global Training, I.D.E.A.L. International Initiative D’Entraide Aux Libertés, Ingénieurs du monde, New Humanity, North-South XXI, Rencontre Africaine pour la Défense des Droits de l’Homme (RADDHO), Volontariato Internazionale per lo Sviluppo (VIS), Women’s International League For Peace And Freedom

*Roster*

Association of World Citizens, Friedrich Ebert Foundation, Indian Council of South America

**Other non-governmental organizations**

Centre du Commerce International pour le Développement, International Council for Human Rights, International Federation for Human Rights (FIDH), RESO-Femmes International

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