

Submission in follow-up to HRC resolution 19/34 "The right to development"

Algeria

Introduction

Nearly twenty-six years ago, on 4 December 1986, the Declaration on the Right to Development outlined the elements guaranteeing the inalienable right of everyone to participate to, contribute to and benefit from the economic, social, cultural and political progress.

The Declaration placed the people at the center of development, rather than other actors, and set development objectives not on growth or investment, but rather on the full realization of all civil, political, economic, social and cultural rights.

The Open-ended Working Group on the Right to Development was established to monitor and review progress at national and international levels in promoting and implementing the right to development, as outlined in this founding text.

Algeria, firmly committed to realizing the right to development, attaches great importance to the work of this mechanism which it has had the honor to chair during its first three sessions.

Algeria follows closely and supports the efforts being made to implement and operationalize the right to development. Unfortunately, this issue is still pending due to the lack of political will from certain key developed countries.

Algeria considered carefully the report A/HRC/15/WG.2/TF/2/Add.2 presented in this regard by the High Level Task Force on the implementation of the right to development.

Algeria highly appreciates the science-based approach adopted by the Task Force for the operationalization of the right to development through a set of attributes, criteria and sub-criteria.

Even if they can not meet, in their current form, all the expectations of the developing countries, these attributes, criteria and sub-criteria offer a very useful worthy tools for future works including on the the implementation of the right to development.

In this perspective, Algeria wishes to put forward the following comments which might be further detailed later on :

1. The Task Force failed to translate the whole spirit the spirit and content of the Declaration on the Right to Development.

This Declaration represents the best of what the international community could achieve in terms of interpretation of the right to development. In view of the very broad consensus it received when it was adopted, this Declaration must remain the reference for any initiative of operationalization of the right to development.

As rightly pointed out in the report of the Task Force, the right to development is the right of peoples and individuals to the constant improvement of their well-being and to a national and global enabling environment conducive to just, equitable, participatory and human-centred development respectful of all human rights.

However in its proposals, the Task Force focussed more on the rights of individuals than the rights of peoples. That is why, regrettably, there is no single reference to criteria, sub-criteria and indicators for the operationalization of Article 1.2 of the Declaration on the Right to Development.

This fundamental part of the Declaration states explicitly that "The human right to development also implies the full realization of the right of peoples to self-determination, which includes the exercise of their inalienable right to full sovereignty over all their natural wealth and resources."

The right of peoples to self-determination, enshrined in the Declaration on the Right to Development and the UN Charter as well as in the two core international covenants on Human Rights and in the Vienna Declaration and Programme of Action, is the precondition for the enjoyment of all other human rights and fundamental freedoms.

Given its centrality to the realization of the right to development, and the interdependence of the different provisions of the Declaration on the right to development, this fundamental principle should be operationalized as a transverse right through, among other criteria and sub-criteria the following elements :

- Enabling environment for an effective implementation of the fundamental and inalienable right of all peoples to self-determination especially those living under colonial rule or foreign occupation.
- Universal respect for human rights and fundamental freedoms of the peoples living under colonial rule or foreign occupation.
- Preservation of cultural property in areas of armed conflict and in the occupied territories.
- Acceleration of the decolonization process for the complete elimination of colonialism.
- Full implementation of the principle of self-determination with regard to the areas which are still covered by the Programme of Action of the UN Special Committee on Decolonization, in accordance with the wish of the peoples concerned and consistent with the UN Charter and resolutions thereof.
- Payment by colonialist countries reparations for their economic, social and cultural occupation.
- Full implementation of the decisions and resolutions of UNESCO concerning the return of cultural property to the peoples who were or still under colonial rule or foreign occupation.
- Opposition to any attempt to break all or part of the national unity and territorial integrity of a State in violation of the UN Charter.

2. The right to development has two dimensions, national and international, and all States have a crucial role to play in managing and mitigating the impact of crises in interdependent world.

The Task Force focussed more on the national dimension and, thus, rather on criteria related to national responsibility.

Meeting the conditions for the realization of the right to development and sustainable efforts at the national level are largely dependent on an effective international cooperation and a favourable international economic environment.

While States are primarily responsible on ensuring their population's development, the international community is responsible too on creating a world conducive to development in a globalized era.

In this regard, the role of the international cooperation is critical in accompanying the development efforts at national level.

The principle of solidarity should find its full expression as a transverse criterion.

The mainstreaming of the right to development throughout the UN system and other multilateral fora as recommended by the Task Force is an essential element for the universalization of operationalisation of the right to development.

The OHCHR, in full and close consultation with the HRC and the UN States member, should step up its efforts in this direction.

We must not forget that developing countries are most affected by economic crises and others adverse circumstances that are often generated in the developed world.

Decades of technical and technological progress in the developed countries and immoderate exploitation of natural resources in developing countries brought the number of people suffering from malnutrition in the world at over a billion today.

Humanitarian aid certainly mitigates the immediate suffering of people living in extreme poverty, but aid to sustain development of agriculture should take over in the developing countries with food deficit.

Universal access to science and technology are prerequisites for empowering the production for development purpose in these countries.

The MDGs and the protection of developing countries from the devastating international speculation on commodities is a responsibility of the international community as a whole.

Mobilization of resources, particularly financial, is also crucial. In this context, the significant increase in flow of Official Development Assistance, in accordance with the international commitments, in line with the priorities of recipient countries, is of great importance.

The North - South and South - South cooperation should also be strengthened and sustained. Huge efforts are being made by Africa to promote a regional approach of development particularly within the framework of NEPAD in which Algeria is actively involved. Such kind of regional partnerships should be supported.

Similarly, it is important that the whole exercise of formulating criteria and sub criteria to operationalize the right to development be set in the perspective of a future binding international legal instrument in this field.

3. Finally, Algeria considers that the fundamental right to development should not be seen as an isolated concept, but as a tool by which people, individually or collectively, can take ownership of their own destiny.

Algeria reiterates its full support to the Open-ended Working Group on the Right to Development and to its Chairperson-Rapporteur.

Again, Algeria values the quality of the work of the Task Force and remains ready to contribute to additional refinement and consideration of this worthy work.

Algeria hopes that the discussions could be accelerated to allow the finalization of the criteria which will set the ground for the effective implementation of the right to development as conceived in the Declaration on the Right to Development.

Political will, flexibility and openness from all sides are the key elements for a successful future work.

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Permanente Mission of Algeria