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**RIGHT TO DEVELOPMENT**

**Report of the Working Group on the Right to Development  
on its sixth session**

**(Geneva, 14-18 February 2005)**

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

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## **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 analysing 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. In its decision 2004/249, the Economic and Social Council, taking note of Commission resolution 2004/7, approved the decision of the Commission to extend for one year the mandate of the Working Group and to convene its sixth session before the sixty-first session of the Commission for a period of 10 working days; of those 10 working days, 5 were to be allocated to the high-level task force established within the framework of the Working Group, and the Working Group in turn was to meet for a period of 5 working days to consider the findings and recommendations of the task force and further initiatives in accordance with its mandate.

3. The high-level task force on the implementation of the right to development convened its meeting in Geneva from 13 to 17 December 2004 and submitted its conclusions and recommendations contained in its report (E/CN.4/2005/WG.18/2, sect. III) for the consideration of the Working Group.

4. Accordingly, the Working Group on the Right to Development convened its sixth session in Geneva from 14 to 18 February 2005 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**

5. The sixth session of the Working Group was opened by the Deputy High Commissioner for Human Rights. In her opening address, she welcomed the recent progress made under the auspices of the Working Group, focusing on the practical ways, both nationally and internationally, to implement the right to development. She pointed out that the evolution in the understanding of the concept of development had reinforced the notion that people should be at

the heart of the debate and the primary focus of attention. She called for more action at the national level for the implementation of the right to development, in accordance with the emphasis placed by the Declaration on the Right to Development on the primary responsibility of States and the indivisibility of all human rights. She pointed out that the timely attainment of the Millennium Development Goals was a very important step in implementing the right to development, as they reflected the moral and political commitment of the international community. She invited the Working Group to reflect on how to contribute substantively to meeting the ambitions of the United Nations Millennium Declaration and reiterated the commitment of the Office to support the Working Group in this regard.

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

6. At its first meeting, on 14 February 2005, the Working Group re-elected by acclamation H.E. Mr. Ibrahim Salama (Egypt) as Chairperson-Rapporteur. In his statement following the election, the Chairperson-Rapporteur emphasized the need to continue to move from conceptual to operational issues in the implementation of the right to development. He pointed out that the complexity of the issues under the discussion on the right to development required a new approach, such as the one embarked upon by the task force. Commending the high quality of debate at the high-level task force, he pointed out that it provided an opportunity to bring together the human rights community, on one hand, and the development, trade and financial community, on the other. Referring to the report of the High-level Panel on Threats, Challenges and Change (A/59/565 and Corr.1), he emphasized that the Working Group could contribute positively to the major reform agenda on policy coherence and development cooperation.

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

7. Also at its first meeting, the Working Group adopted the agenda of the sixth session on the basis of the provisional agenda (E/CN.4/2005/WG.18/1/Rev.1), as amended. The agenda as adopted is contained in annex I.

### **D. Attendance**

8. Representatives of the following States members of the Commission on Human Rights attended the meetings of the Working Group: Argentina, Armenia, Australia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

9. The following States were also represented at the Working Group: Albania, Algeria, Andorra, Angola, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Chile, Colombia, Croatia, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, El Salvador, Estonia, Ghana, Greece, Haiti, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mauritius, Morocco,

Myanmar, Malta, New Zealand, Nicaragua, Norway, Oman, Panama, Philippines, Poland, Portugal, Republic of Moldova, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, Uganda, Uruguay, Venezuela, Viet Nam and Zambia. The Holy See and Palestine were also represented.

10. The following United Nations bodies were represented: United Nations Development Programme (UNDP) and United Nations Populations Fund (UNFPA).

11. The following specialized agencies were represented: Food and Agriculture Organization of the United Nations (FAO), International Monetary Fund (IMF), United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Bank.

12. The following intergovernmental organizations were represented: African Union, European Commission, League of Arab States, Organization for Economic Cooperation and Development (OECD) and Organization of the Islamic Conference.

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

#### **General status**

Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations (CONGO), Europe-Third World Centre, Franciscans International and International Council of Women.

#### **Special status**

Indigenous World Association, International Federation of University Women, International Service for Human Rights, International Young Catholic Students, New Humanity and Women's International League for Peace and Freedom.

#### **Roster**

Association of World Citizens, International Federation of Rural Adult Catholic Movements and World Peace Council.

### **E. Documentation**

14. 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 II.

## **II. SUMMARY OF THE PROCEEDINGS**

### **A. Address by the High Commissioner for Human Rights**

15. At its third meeting, on 15 February 2005, the High Commissioner for Human Rights addressed the Working Group. In her statement, the High Commissioner welcomed signs of purposive engagement and a gradual convergence of positions among the various actors as human rights and human development shared a common purpose: to secure the freedom,

well-being and dignity of all people everywhere. She pointed out that development with social justice could not be achieved in the absence of respect for human rights and that the development process had to be anchored in enforceable human rights and the relevant political, legislative and administrative institutions to ensure that the benefits of that process reached the poor and the most vulnerable. She stressed that the development process needed to create and sustain genuine entitlements that spanned all aspects of the life of the poor - economic, social and cultural, as well as the civil and political.

16. The High Commissioner emphasized that development was not only within the primary responsibility of States but also a matter of collective responsibility demanding international cooperation and constructive global partnerships. Pointing out that the moral and ethical motivations concerning collective responsibility for development were not always translated into concrete actions, she underscored the need to ensure that collective action based on genuine partnerships and cooperation was mobilized to overcome development challenges and to create the necessary conditions for effective and sustainable local action. She encouraged delegates to continue to identify and address strategies that could make the attainment of the Millennium Development Goals a reality and thereby contribute to the realization of the right to development. The High Commissioner reiterated the commitment of the Office to provide full support to the Working Group in its efforts to further the implementation of the right to development.

#### **B. Consideration of the report of the high-level task force on the implementation of the right to development**

17. The Chairperson of the high-level task force on the implementation of the right to development, Ellen Johnson-Sirleaf (Liberia), introduced the report of the task force (E/CN.4/2005/WG.18/2). The mandate given to the task force by the Working Group was to consider the following issues, reflecting both national and international perspectives, for its analysis and recommendations to the Working Group: (a) obstacles and challenges to the implementation of the Millennium Development Goals in relation to the right to development; (b) social impact assessments in the areas of trade and development at the national and international levels; and (c) best practices in the implementation of the right to development. In considering its mandate, the task force decided that it should consider the issue of best practices within the scope of the other two mandated themes, so as to facilitate a focus in its discussions and analysis. She described the process of deliberations as collaborative, engaging, constructive, and characterized by a commitment to a common vision and participation, particularly highlighting the active engagement of representatives of the international financial institutions.

18. Delegations welcomed the first meeting of the task force, its approach and focus on best practices. It was seen as a positive development which could further contribute to the work of the Working Group. There was a general understanding that the choice of topics for future sessions of the task force should be guided by their potential to add value from the perspective of the right to development, and that the next session of the task force should focus on one topic only. A suggestion was made to elaborate a list of topics to be considered by the task force in future.

19. The active engagement of international financial institutions in the work of the task force was much appreciated as they contributed to the quality of its outcomes. Their commitment to mainstream the right to development in their work was welcomed, especially since some of the recommendations needed to be implemented by, or in cooperation with, these international trade, development and financial institutions. Some delegations noted that more active participation could be sought from some of the international institutions. One representative called for a closer involvement of civil society and non-governmental organizations, especially those from developing countries, to share their experience and good practices.

20. Several delegations welcomed conclusions of the task force, inter alia that sound policies to ensure growth with equity were needed, which echoed the development experience of their countries, as well as genuinely additional resources over and above official development assistance (ODA) for debt relief. It was suggested that such national policies and strategies should be guided by the application and observance of core principles of the right to development identified by the Working Group, such as equality, participation, accountability, non-discrimination and international cooperation. Several delegations also emphasized the need to employ a multipronged approach, at both national and international levels, to continuously address constraints in the attainment of the Millennium Development Goals. These were identified by the task force as including: threats to peace and security; environmental degradation; policy inadequacies and poor governance; and a lack of a supportive external environment encompassing poor conditions of international trade for developing countries, unsustainable levels of debt and the failure to meet the internationally agreed target for ODA. Several delegations also shared the concern of the task force at the trend referred to in the Secretary-General's report on the implementation of the United Nations Millennium Declaration, which identified a group of countries, mainly in sub-Saharan Africa and least developed countries in other regions, that "are far from making adequate progress on most of the goals" (A/59/282, para. 41). In this context, the need to strengthen institutional capacities, bridge the information gaps and address the accountability failures to implement the Millennium Development Goals and to give the Goals the necessary local content and national ownership was highlighted. One delegation pointed to the need for resolute steps to be taken in order to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations that impeded the implementation of the right to development.

21. Several delegates recognized the need for seeking ways to advance developing partnerships, as highlighted in Millennium Development Goal 8 on developing a global partnership for development. Some delegations pointed out that recent developments had contributed positively towards creating an international environment conducive to the implementation of the development agenda, which gave positive impetus to the deliberations of the Working Group. Several delegations welcomed the efforts made by the task force to clarify linkages between human rights and the Millennium Development Goals and suggested that further attention be given to this issue, taking into account corresponding international human rights instruments as well as relevant work of the treaty bodies and special procedures of the Commission. That should help to identify a framework for the assessment of international commitments and obligations not only with respect to the Millennium Development Goals but also global conference outcomes such as the Monterrey Consensus.

22. Several delegates recognized the primary responsibility of the State for the realization of the right to development; however, the complementary role of international cooperation and that of international organizations were indispensable. It was stressed that national and international responsibilities should be realized simultaneously, as the Declaration on the Right to Development did not give priority to one before the other. One delegation suggested that the need for appropriate balance between national policy space and international disciplines and commitments should be examined from the perspective of the right to development. The same delegation suggested that the work of the high-level task force in identifying areas of concerted international action for the full realization of the right to development would be facilitated by considering the following which, in the view of that delegation, were constituents of the right to development: (a) the right to adequate financing for development; (b) the right to equitable global trade rules; (c) the right to fair access to knowledge and technology; (d) the right not to be subjected to discriminatory treatment in the global economy on the basis of political or other non-economic reasons; and (e) the right to effective participation in international economic decision-making.

23. One representative of a non-governmental organization suggested that the Working Group should develop a standard process of collecting and distributing best practices in development policies and international cooperation. Such a compendium of practices should include a focus on issues such as ownership, empowerment and participation of individuals, particularly women, indigenous peoples and other vulnerable groups. Another representative of a non-governmental organization expressed the hope that the Working Group would also address the right to development in the context of indigenous peoples, including issues of their self-determination and sovereignty over natural resources. Several participants also highlighted the importance of including women's rights and gender equality as core concepts in the discussions on the right to development.

24. Following the general debate, the Working Group considered, paragraph-by-paragraph, the conclusions and recommendations contained in the report of the task force (E/CN.4/2005/WG.18/2, sect. III) in order to take stock of views and to inform the formulation of the conclusions and recommendations by the Working Group.

### **C. Consideration of the report of the United Nations High Commissioner for Human Rights**

25. The Working Group had before it the annual report of the High Commissioner for Human Rights on the right to development (E/CN.4/2005/24), which was introduced by the secretariat. The report outlined the activities undertaken by OHCHR, separately and jointly with other partners, with regard to the implementation of the right to development, as requested in recent resolutions of the General Assembly and the Commission on Human Rights and in the conclusions of the Working Group on the Right to Development on its third and fifth sessions (E/CN.4/2002/28/Rev.1, sect. VIII.A and E/CN.4/2004/23, sect. III.A).

26. The presentation by the secretariat highlighted the activities undertaken since the last session in response to specific requests made by the Commission. These related to: (a) providing support to the Working Group and related activities such as the organization of the high-level seminar on the right to development entitled "Goal partnership for development" (Geneva, 9 and 10 February 2004) and the high-level task force on the implementation of the



right to development (Geneva, 13-17 December 2004), including preparation of background papers for those events; (b) supporting the Sub-Commission on the Promotion and Protection of Human Rights in its work on the concept document establishing options for the implementation of the right to development and their feasibility, including the commissioning of five studies contributing to that issue; and (c) undertaking activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, with particular focus on the Millennium Development Goals as an important step towards the realization of the right to development. The Office had also focused its work on developing practical approaches to integrate human rights into development policies and practices by issuing a publication, *Human Rights and Poverty Reduction: A Conceptual Framework* (HR/PUB/04/1), as well as continued work on finalizing guidelines on that topic.

27. During the discussion, delegations welcomed the activities outlined in the report and commended the secretariat for the organization of the first meeting of the high-level task force. Several delegations welcomed in particular the ongoing work of the Office to elaborate on linkages between human rights and the Millennium Development Goals. Delegations also expressed their interest in the work on rights-based approaches to poverty reduction as well as in the areas of women's rights, democracy, good governance and the rule of law. The inter-agency cooperation under, inter alia, the United Nations Development Group (UNDG), the joint HURIST programme with UNDP and the implementation of action 2 of the Secretary-General's United Nations reform agenda was also welcomed.

28. The Chair expressed his gratitude for the involvement and commitment of the Office of the High Commissioner and acknowledged the high level of support provided by the secretariat.

#### **D. Consideration of the way forward**

29. Under this item, presentations were made by delegations of two Member States. The representative of the United Kingdom of Great Britain and Northern Ireland made a presentation on two recent initiatives under its presidency of the Group of seven (G-7)/Group of eight (G-8) that were aimed at increasing resources available to developing countries for meeting the Millennium Development Goals. One was a new debt initiative that would offer 100 per cent multilateral debt relief, which would amount to the cancellation of US\$ 80 billion of debt owed to the IMF, the World Bank and the African Development Bank, over the next 10 years. That offer was open to all low-income developing countries and not only limited to the Heavily Indebted Poor Countries (HIPC)s, with the mutual commitment that the debt relief would be used for poverty reduction. The other initiative related to a proposal to establish an International Finance Facility (IFF). Under that initiative, the long-term donor commitment to contribute to IFF would be used to leverage additional funds from the international capital markets, to enable an additional US\$ 50 billion to be raised every year in development assistance between now and 2015 to meet the Millennium Development Goals. There would be a mutual commitment on the part of donors, whose pledges would be legally binding and subject to high-level financing condition; and on the part of recipients, to meet a fundamental condition of good governance. The IFF principles had already been applied in a new pilot financing facility for immunization from preventable diseases, involving a group of donor countries and a private foundation.

30. The representative of Ghana, on behalf of the African Group, presented the proposals being considered under the World Trade Organization (WTO) related to enhancing the effectiveness of its special and differential treatment provisions. The African Group welcomed the recommendation of the high-level task force on the special and differential provisions, in view of the current context of the Doha negotiations in which little progress had been made so far on proposals related to enhancing those provisions. The representative emphasized that the SDT provisions were important for developing countries to protect and nurture their infant industries and to guard against external shocks to which many developing countries, particularly the land-locked, small-island and net-food-importing countries, were vulnerable. In order to enable developing countries to realize the right to development, measures to enhance the effectiveness of the special and differential treatment provisions should take into consideration such factors as supply-side constraints and detailed and complex rules of origin which made it costly and administratively burdensome for developing country exporters to claim preferential rates and duties.

31. Delegations expressed appreciation for both presentations, and in the general discussion that followed, a number of questions were raised. The representative of the World Bank welcomed the fact that the task force had recognized the importance of debt sustainability for poor developing countries in order to reach the Millennium Development Goals and underlined the need for low-income countries to strengthen their institutional capacities. He suggested that the Working Group should adopt a holistic view regarding the financing needed by developing countries to achieve the Millennium Development Goals by emphasizing the need to increase the overall level of net transfers to poor developing countries, including ODA, debt relief, trade and private capital flows.

### **III. CONCLUSIONS AND RECOMMENDATIONS**

32. Based on the discussions in the Working Group, the Chair prepared and circulated his draft text for the conclusions and recommendations of the sixth session of the Working Group. The draft text was subsequently discussed, negotiated and amended by delegations. At its final meeting, on 18 February 2005, the Working Group adopted the conclusions and recommendations. It also took note of the following positions of delegations, which were not meant to block consensus by the Working Group: Japan reserved its position on trade and debt relief, but joined the consensus; Australia, Canada and the United States of America dissociated themselves from the consensus.

33. Several other delegations welcomed the final text proposed by the Chair, which, in their view, took into account different views and positions expressed by the participants. The Chair concluded the session by stating that the conclusions and recommendations adopted by the Working Group represented a genuine common ground of understanding among participants for moving forward towards the practical implementation of the right to development.

34. The Working Group also took note of the discussions during the session as reflected in the draft report prepared by the Chair and decided to entrust him with the finalization of the report of the Working Group.

## A. Conclusions

35. The Working Group on the Right to Development, taking note of the agreed conclusions of its fifth session, the report of the high-level task force on the right to development submitted to its present session, and in keeping with the consensus that emerged from the interactive discussions at the present session, agrees on the importance of continued partnerships, within the framework of the Working Group, between the Commission on Human Rights and United Nations bodies, agencies, funds and programmes, multilateral financial and development institutions, and the World Trade Organization, with a view to benefiting from their experience and expertise in identifying concrete measures to implement the right to development and to mainstream it into their spheres of action, in order to progressively achieve a fuller realization of the right.

36. The Working Group recognizes that this process requires time, inclusiveness, dialogue and the constructive engagement of all concerned parties in implementation of their mutual commitments in line with the Declaration on the Right to Development. In this context, the Working Group considers that evolving, assessing and disseminating, through a broad-based collaborative effort by the various stakeholders, practical and specific measures, at the national and the international levels, for the progressive realization of the right to development is a matter of priority.

37. The Working Group recognizes with appreciation the efforts by the high-level task force leading to the adoption of its report on the implementation of the right to development and commends the collaborative approach of the experts in exploring ways of bridging the various perspectives and experiences in making constructive, operational suggestions for furthering the implementation of the right to development. The Working Group notes that in arriving at its conclusions and recommendations, it has reflected only those suggestions of the high-level task force that it would like to emphasize at present, without in any way undermining or ignoring others that have not been included at this stage. This would help in maintaining a deliberate focus in the future follow-up work emanating from the present session of the Working Group.

38. The Working Group takes note of the acknowledgement by the multilateral development and financial institutions and the expert members of the task force that a number of principles underlying the Declaration on the Right to Development guide the policies and programmes of these institutions. The Working Group encourages the continuation of this trend and considers that it serves progress in the realization of the right to development. In this context, the Working Group encourages all stakeholders - Member States, experts, development practitioners, international institutions and the civil society - to move towards a common understanding of the substantive components of the right to development regardless of the possible nuances in the use of terminology in the discussions on the right to development. The Working Group considers that such nuances have no bearing on the right to development as embodied in the Declaration on the Right to Development.

39. **The Working Group emphasizes that the right to development, as defined in article 1 (1) of the Declaration on the Right to Development, is “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”.**

40. **It recognizes that “States should undertake, at the national level, all necessary measures for the realization of the right to development” (art. 8 (1)). It further recognizes that “States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development” (art. 4 (1)).**

41. **The Working Group notes recent discussions in the United Nations Conference on Trade and Development (UNCTAD) on the concept of space for national economic policy and urges States, in pursuing that discussion, to bear in mind its relevance to the realization of the right to development.**

42. **The Working Group agrees that the implementation of the right to development requires growth with equity. Development has to be grounded in economic policies that foster growth with social justice. The Working Group recognizes that the need to build synergies between growth-oriented development strategies and human rights is a response to the growing call by people for more empowerment, more ownership and more sustainability in development efforts.**

43. **The Working Group agrees that the right to development enriches such strategies through systematically incorporating human rights and the principles of transparency, equality, participation, accountability and non-discrimination into the development processes, at both national and international levels. In this context, the right to development should guide in setting priorities and resolving trade-offs in resource allocations and policy frameworks.**

44. **The Working Group believes that mutual commitments, as part of the duty of international cooperation, can lead to specific binding arrangements between cooperating partners to meet the right to development requirements. Such arrangements can only be defined and agreed upon through genuine negotiations. The Working Group finds it useful and necessary to analyse and evaluate existing forms of agreements, arrangements and development partnerships. These partnerships should ensure national ownership of the development process.**

45. **The Working Group recognizes that development partnerships should go beyond relationships between Governments and multilateral institutions to include civil society organizations.**

46. **The Working Group recognizes the multifaceted nature of the right to development. It agrees that a rights-based approach to economic growth and development contributes to the realization of the right to development while it does not exhaust its implications and requirements at both national and international levels.**

47. The Working Group reaffirms the importance of good governance and the rule of law at both national and international levels in the implementation of the right to development. It further recognizes the importance of States' responsiveness to vulnerable and marginalized groups.

48. The Working Group reaffirms that the realization of civil, cultural, economic, political and social rights is fundamental for the achievement and full enjoyment of the right to development.

49. The Working Group welcomes the growing acceptance of the simultaneous levels of action required at the national and international levels in the implementation of the right to development. While the importance of the responsibility of States to implement the right to development cannot be overemphasized, this does not in any way reduce the importance of international cooperation in providing an enabling environment at the international level.

#### **Millennium Development Goals**

50. The Working Group recognizes that the Millennium Development Goals represent a measurable set of human development objectives the attainment of which is critical for building a more humane, inclusive, equitable and sustainable world, as envisaged in the United Nations Millennium Declaration. It agrees that a timely attainment of the Goals is critical for the progressive realization of the right to development. In this context, the Working Group looks forward to the deliberations at the Millennium Review Summit.

51. The Working Group emphasizes the need to employ a multipronged approach, at both national and international levels, to continuously address the constraints in the attainment of the Millennium Development Goals. In this context, the Working Group agrees that it is necessary to strengthen institutional capacities, bridge the information gaps and address the accountability failures to implement the Goals, and to give the Goals the necessary local content and national ownership.

#### **Impact assessment**

52. The Working Group agrees that it is necessary to consider introducing and strengthening human rights standards and principles in undertaking impact assessments of trade and development rules and policies at both national and international levels. Such an approach is critical for the implementation of the right to development. It is also necessary in identifying those complementary measures that may be required to address adverse consequences of both national and international trade and development policy interventions.

53. The Working Group recognizes the need to identify, develop and build a consensus on suitable objective tools to support an adequate approach and methodology in undertaking human rights impact assessments for the right to development. It also agrees that there is an urgent need to build national capacity, especially statistical capacities, through technical cooperation programmes to encourage the use of human rights impact assessments and other tools in guiding public policy at the national and international levels for the implementation of the right to development.

## **B. Recommendations**

54. In making the following recommendations, the Working Group recognizes that some of them relate to the activities of other international organizations and, therefore, agrees that its role, as a part of its mandate as a follow-up mechanism to contribute to making further progress towards the realization of the right to development, is to draw the attention of those organizations to the importance of including the right to development perspective in the following:

(a) The Working Group recognizes that an unsustainable debt burden is a major obstacle for developing countries in achieving the Millennium Development Goals and in making progress in the realization of the right to development. It welcomes and encourages efforts by donor countries and the international financial institutions to consider additional ways, including appropriate debt swap measures, to promote debt sustainability for both HIPCs and non-HIPCs. It urges all concerned to recognize the importance from the perspective of the right to development of the need for HIPC initiatives and other forms of debt relief to be genuinely additional to bilateral ODA flows;

(b) In this respect, the Working Group urges all concerned to recognize the importance from the perspective of the right to development considering an increase in net transfers to developing countries that encompasses all types of external financial assistance, such as ODA, multilateral and bilateral loans, grants and debt relief, as well as of improving market access for the developing countries;

(c) The Working Group recognizes that donor countries should step up their efforts to realize the Millennium Development Goals, for which a considerable increase in ODA is essential. It reiterates that compliance with the agreed commitment of 0.7 per cent of gross national income for ODA should be a matter of priority for all donor countries;

(d) The Working Group urges all States to recognize the importance of a successful and timely conclusion to the Doha Round of trade negotiations in enabling developing countries to meet their development objectives. In this context, it emphasizes, inter alia, the importance of special and differential treatment;

(e) The Working Group recommends that States be encouraged to undertake independent impact assessments of trade agreements on the right to development, as a potentially useful instrument at the national and international levels, bearing in mind that the analysis and methods in this respect are still evolving. The Working Group encourages States to consider using these assessments in the context of all the relevant international trade forums, including the Trade Policy Review Mechanism and future trade negotiations. In this context, the Working Group emphasizes the urgent need to build appropriate capacity at national level;

(f) The Working Group recognizes the critical importance of enhancing means for the active, full and meaningful participation of women in the process of formulating policies and strategies for attaining the Millennium Development Goals and the realization of the right to development. It recommends to Member States to apply a gender

perspective to the implementation of the right to development. In this regard, it would seek to build and disseminate, through the work of the high-level task force and the Office of the High Commissioner for Human Rights, practical means, based on country experiences, to “ensure the participation of women on equal terms with men in all fields of the realization of the right to development”;

(g) The Working Group recommends that the Commission on Human Rights consider the possibility of pursuing some of these recommendations through the other existing mechanisms of the Commission, including the Sub-Commission on the Promotion and Protection of Human Rights and special procedures, as appropriate;

(h) The Working Group recommends to the Commission on Human Rights to extend the mandate of the high-level task force for a further period of one year, in keeping with the agreed conclusions of the fifth session of the Working Group on the right to development;

#### **The high-level task force on the implementation of the right to development**

(i) The task force is requested to examine Millennium Development Goal 8, on global partnership for development, and suggest criteria for its periodic evaluation with the aim of improving the effectiveness of global partnerships with regard to the realization of the right to development;

#### **The Office of the High Commissioner for Human Rights**

(j) OHCHR is requested to undertake and make available to policy makers and development practitioners a mapping of the Millennium Development Goals against the provisions of the relevant international human rights instruments, as a means of mobilizing, strengthening and sustaining efforts to implement the Goals at the national and international levels, in a manner compatible with the right to development. Such a framework should draw upon the work of the treaty bodies and special procedures;

(k) OHCHR, in consultation with the Chair of the Working Group on the Right to Development and taking account of his consultations with relevant partners, is requested to provide an outline for a compendium on partnerships for development cooperation and other multilateral and bilateral arrangements that contribute to the implementation of the right to development, and identify common elements and best practices emerging therefrom, for the consideration of the Working Group at its next session;

(l) OHCHR is requested to provide all necessary assistance to the high-level task force in implementing the mandate given to it;

(m) OHCHR is requested to bring the conclusions and the recommendations of the high-level task force and the Working Group to the attention of relevant international institutions, including the World Bank, IMF, WTO, UNCTAD, UNDP and other United Nations agencies and programmes, as well as other regional organizations and actors, at the highest policy-making level. OHCHR is further requested to solicit their participation, at a suitable level, in the deliberations of the high-level task force.

### **Issues for the future**

55. The Working Group, recognizing that many issues have been raised and proposed for the future follow-up work on the right to development, decides to prepare a list of issues to guide its future work. The Working Group believes that such an approach is important to retain a focus in the task force in order to make progress in specific areas relevant to the implementation of the right to development. In this context, it agrees to retain the following issues raised by Member States for future consideration, with a request to the interested States to provide, in due course, relevant information establishing the value added in considering the issues in this Working Group. The following list of issues is non-exhaustive and will be amended as necessary:

(a) The issue of space for national economic policy in the implementation of the right to development;

(b) Measures and good practices to promote a participatory approach, based on human rights norms and principles, including gender perspective, in the allocation of social sector expenditures in public budgets;

(c) Examining the institutional experience, feasibility and sustainability of evolving social security nets and overall social development policies into entitlements consistent with the realization of the right to development;

(d) Exploring means of enhancing elements such as special and differential treatment provisions in making the international trade environment more responsive to the needs of implementing the right to development.

56. The Working Group also decides to allocate time at its future sessions to periodically review its recommendations and, in light of topical issues, undertake a review of its future agenda.

### **Ongoing initiatives**

57. The Working Group takes note of General Assembly resolution 59/185 regarding the concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration of the Right to Development, to be submitted to the Commission on Human Rights by the Sub-Commission on the Promotion and Protection of Human Rights, and takes further note that this document is to be submitted to the Commission at its sixty-second session.

58. The Working Group recommends that the Commission on Human Rights consider renewing the mandate of the Working Group for a further year.



**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 promotion and 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 the report of the United Nations High Commissioner for Human Rights;
  - (c) Consideration of the way forward.
5. Adoption of conclusions and recommendations.
6. Adoption of the report.

**Annex II**

**LIST OF DOCUMENTS**

<u>Symbol</u>	<u>Title</u>
E/CN.4/2005/WG.18/1/Rev.1	Provisional agenda
E/CN.4/2005/WG.18/2	Report of the high-level task force on the implementation of the right to development (Geneva, 13-17 December 2004)
E/CN.4/2005/24	Report of the High Commissioner for Human Rights on the right to development.

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