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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 NINTH SESSION
(Geneva, 18-22 August 2008)**

Chairperson-Rapporteur: Mr. Arjun Sengupta (India)

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Introduction

1. The open-ended Working Group on the Right to Development convened its ninth session in Geneva from 18 to 22 August 2008, in accordance with Human Rights Council resolution 4/4.¹
2. The Working Group was established by the Commission on Human Rights, in its resolution 1998/72, and by the Economic and Social Council, in its decision 1998/269, 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.
3. The high-level task force was established by the Commission, in its resolution 2004/7, and the Economic and Social Council, by its decision 2004/249, at the recommendation and within the framework of the Working Group, in order to assist it in fulfilling its mandate. In its resolution 2005/4, the Commission requested the task force to examine Millennium Development Goal 8, on a global partnership for development, and to suggest criteria for its periodic evaluation with the aim of improving the effectiveness of global partnerships with regard to the realization of the right to development.
4. The Council, in its resolution 4/4, and the General Assembly, in its resolution 62/161, endorsed the road map for implementation of the mandate of the high-level task force, as outlined in the report of the Working Group on its eighth session (A/HRC/4/47, paras. 52 to 54).

I. ORGANIZATION OF THE SESSION

A. Opening of the session

5. The Chairperson-Rapporteur, Arjun Sengupta (India), opened the ninth session of the Working Group. In his statement, the Chairperson-Rapporteur recalled that the right to development was now accepted as a composite human right involving corresponding obligations for duty-bearers for its phased realization. The pilot application of the criteria in relation to Millennium Development Goal 8 represented a great opportunity to understand and decide,

¹ The ninth session was originally scheduled for 25 to 29 February 2008, but was postponed and rescheduled (see A/HRC/8/8).

through consultation, the different values attached to the different rights and best possible methods of implementation. He believed that the Working Group and the high-level task force had demonstrated a pragmatic approach, which was required in helping to develop social consensus and infusing the process with clear goals, checklists and a road map. It was an approach rightly welcomed by the Council. He emphasized that the process required continuing political support in order to confront challenges which lay ahead, such as the extension of the development discourse beyond Millennium Development Goal 8 and the formulation of binding obligations, whether in the form of a legally binding instrument, a set of guidelines or a code of conduct.

B. Organization of work and adoption of the agenda

6. At its first meeting, on 18 August 2008, the Working Group adopted the agenda of the ninth session on the basis of the provisional agenda (A/HRC/WG.2/9/1/Rev.1) (see annex I).

C. Attendance

7. The list of attendance is contained in annex II.

D. Documentation

8. The Working Group had before it the provisional agenda (A/HRC/WG.2/9/1/Rev.1) and the report on the fourth session of the high-level task force, held in Geneva from 7 to 15 January 2008 (A/HRC/8/WG.2/TF/2).

II. SUMMARY OF PROCEEDINGS

A. Consideration of the report of the high-level task force on the implementation of the right to development and consideration of next steps

9. Cuba made a general statement on behalf of the Non-Aligned Movement, with which China associated itself. It stressed that the fourteenth summit of the Non-Aligned Movement, held in Havana in September 2006, called for the elevation of the right to development to the same level and on a par with all other human rights and fundamental freedoms, as well as to its full operationalization through the elaboration of a convention. This concept had been repeatedly reaffirmed by the international community, including by the General Assembly in its resolution 62/161. More than 20 years have passed since the adoption of the Declaration on the Right to Development. Nevertheless, the gap between developed and developing countries continues to widen owing to the effect of a number of obstacles: the impact of globalization, unfair trade rules and practices, inadequate international cooperation, reductions in and failure to comply with official development assistance (ODA) commitments, debt burdens and lack of democracy in decision-making in international trade, financial and monetary institutions. These obstacles must be comprehensively addressed by the international community if it wants to move the right to development from conceptual debate to full operationalization. The Non-Aligned Movement believes that Millennium Development Goal 8 embodies important features of international cooperation and holds the key to meeting the other seven Goals.

10. France made a general statement on behalf of the European Union, Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Liechtenstein, Ukraine, Moldova, Armenia and Georgia. The European Union remains firmly committed to the realization of the right to development and fully supports the road map agreed to at the eighth session of the Working Group and endorsed by the Council in its resolution 4/4. The European Union believed that States had the responsibility to create internal conditions favourable to their development and to cooperate on an international level to eliminate obstacles to development. It welcomed the work of the high-level task force in further refining the criteria in the light of lessons learned from their application and with a view to making them more applicable and widely acceptable. Extension of the criteria to target 8.E of Millennium Development Goal 8 (access to affordable essential drugs in developing countries) was also welcomed in that it would allow a right to development review of the trade dimension of intellectual property rights and health. It could also incorporate the work of the World Health Organization (WHO), the United Nations Development Programme (UNDP), the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the World Bank and public-private partnerships involved in the pharmaceutical industry, aiming to help around 2 billion poor people lacking access to life-saving and health-supporting medicines. In conclusion, the European Union supported the recommendations of the fourth session of the task force, which were aimed at further improving the quality of the criteria.

11. Egypt, speaking on behalf of the Group of African States, endorsed the statement of the Non-Aligned Movement. It believed that Council resolution 4/4 reaffirmed the importance and centrality of the right to development and made its realization and operationalization one of its key objectives and a fundamental part of its mandate. The resolution constituted a strong vote of confidence in the Working Group and its task force, recognizing the progress it has helped achieve in recent years in the debate on the right to development, including the definition of the principles underpinning the right to development, as well as the identification of the numerous elements covered in this right. The African Group welcomed the continued focus of both the task force and the Working Group on Millennium Development Goal 8. Furthermore, it made a number of observations with regard to the implementation and operationalization of the right to development, periodic evaluation of various partnerships, the need to make the criteria concrete, technical missions and Millennium Development Goal target 8.E.

12. Pakistan made a general statement on behalf of the Organization of the Islamic Conference. It noted that the achievement of the Millennium Development Goals was fundamentally a test of global partnerships for development, with a direct bearing on all other Goals. The Organization expressed concern that many of the Goal targets were yet to be realized, including those under Goal 8. The work of the Working Group was of critical importance in taking the right to development approach for progressive and sustainable development, as well as in pursuing Millennium Development Goals, to put growth and development on a long-term sustainable track. The need was expressed for greater participation of developing countries in international economic and financial decision-making, identification of new sources of financing for the poor and the removal of constraints arising out of aspects of intellectual property rights, tariff barriers and technology control regimes. By narrowing its focus on evaluating specific partnerships, the Working Group should not lose sight of the bigger picture.

13. Thailand, in associating itself with the statement by the Non-Aligned Movement, encouraged the high-level task force to use a realistic and pragmatic approach in applying the criteria to various partnerships. In relation to targets 8.A to 8.F of Millennium Development Goal 8, it proposed that the task force obtain support from the United Nations and other international agencies instead of engaging in a new dialogue with other regional or subregional organizations. Apart from Goal 8, the global partnership should also cover other thematic areas, such as education, health and food.

14. China, supporting the statement of the Non-Aligned Movement, emphasized the lack of progress in attaining modest aspirations of achievement for development as set out in the Declaration on the Right to Development. It proposed a greater emphasis on the issues of trade, technology transfer and debt, as they were more important for developing countries and would target the criteria better. Furthermore, China stated that the clear aim of the right to development and the Millennium Development Goals was to support States and peoples by removing obstacles to development, both nationally and internationally. Therefore, the Working Group and the task force, in further enhancing the criteria, should focus on how to achieve the right globally and not focus on particular issues or impose human rights preconditions.

15. Switzerland supported the report of the task force in relation to its analysis of partnerships. In particular, it found the cooperation of relevant partners a positive indicator for the future work of the task force in analysing new partnerships. The delegation fully endorsed the recommendations of the task force at its fourth session.

16. Following these general statements, Stephen Marks, Chairperson-Rapporteur of the high-level task force, made a substantive presentation of the report on the fourth session of the task force (A/HRC/8/WG.2/TF/2). The report contained the detailed conclusions of the evaluation of each of the identified partnerships, namely, the African Peer Review Mechanism; the ECA/OECD-DAC Mutual Review of Development Effectiveness; the Paris Declaration on Aid Effectiveness; and the Cotonou Agreement between the European Union and African, Caribbean and Pacific countries. In this respect, he stressed that the task force's approach to evaluation of the partnerships was not aiming at producing a "scorecard", but rather at engaging in a cooperative process to test the criteria by applying them in a dialogue with partnerships. With regard to the evolution of the criteria, the task force had learned from experience that the application of the criteria provided the empirical basis for their progression and refinement. Mr. Marks further explained that the task force had decided to slightly revise and reorder the criteria in preparation for making them more analytically and methodically rigorous and capable of serving as empirically-based tools to be used to improve the effectiveness of global partnerships in the realization of the right to development. The task force required additional time and resources to work with the complex web of global partnerships while ensuring their geographical and thematic expansion. In conclusion, Mr. Marks acknowledged that the right to development was broader than Millennium Development Goal 8, but the task assigned to the task force was to work with partnerships as defined in that objective. It would therefore follow the guidance of the Working Group in achieving a thematic balance within Goal 8. He endorsed the widely shared view that, like other human rights, progress in realizing the right to development needed to be defined in a framework that focused on structure, process and outcome, hence the grouping of the criteria as they appear in annex II to the task force report.

17. Following the above presentation, the Working Group made comments on (a) the work of the task force on the four existing partnerships; (b) additional partnerships, including geographic and thematic expansion; (c) the evolution of the criteria; and (d) the time frame for implementation of the road map. Representatives of the African Group, the African Union, Algeria, Argentina, Bangladesh, Barbados, Brazil, Cuba (on behalf of the Non-Aligned Movement), Egypt, Ethiopia, France (on behalf of the European Union), India, Pakistan (on behalf of the Organization of the Islamic Conference) and non-governmental organizations (3D and Friedrich Ebert Foundation) took the floor.

18. In relation to the task force's review of the African Peer Review Mechanism, on which a number of delegations commented, Mr. Marks clarified that the references in the task force report to specific civil and political rights were included in order to reflect a wide range of issues raised in the discussions, but they must be seen in the broader context of the full examination of the Mechanism. On the broader issue of making judgements, Mr. Marks acknowledged that the mandate of the task force was ambiguous: it was assisting the Working Group in its mandate "to monitor and review progress (...) in promotion and implementation of the right to development" and developing criteria for "periodic evaluation with a view to improving the effectiveness of global partnerships", which clearly involves evaluation, while at the same time its engagement with partnerships was not to be a basis for judging them. He recommended continuing assessments on the basis of dialogue and cooperation, not accusation, and welcomed suggestions that the task force should undertake consultations prior to any technical mission with the secretariat of the Mechanism or other partnerships in order to determine in advance how the mission could be of use to the partnership in question, while allowing the task force to test and improve the criteria.

19. Barbados commented that, with regard to the Cotonou Agreement, dialogue with the recipient countries would be useful to determine how the partnership was working, not only with regard to the human rights components of the agreement, but also whether issues such as access to technology, enhanced market access and the channelling of appropriate developmental support and assistance to countries and sectors, which may be affected by a loss of preferential access, were being addressed. It was suggested that the task force should liaise with the Caribbean Community secretariat or the Caribbean Regional Negotiating Machinery on this issue before any field visits.

20. During the discussion on thematic expansion referred to in paragraph 85 of the task force report, several speakers supported the proposals to expand thematically to other issues under Millennium Development Goal 8, such as access to affordable essential medicines, debt relief, trading and financial systems, the transfer of technology, and intellectual property. For thematic expansion, preference was expressed to evaluate global or north-south partnerships rather than regional, bilateral or south-south partnerships, as the former would allow the task force to examine the wider implications of thematic issues across the world. Comments were also made on the value of thematic evaluation of bilateral or regional partnerships as they also had thematic components.

21. At the request of the Working Group, two representatives from WHO briefed it on the work of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property and Millennium Development Goal target 8.E. It was acknowledged that target 8.E represented a complex thematic area in itself, as it included intellectual property, financial

assistance, technology transfer, procurement and pricing, research and development, international cooperation, local capacity-building and many issues that no one partnership covered. Consequently, the Working Group agreed that a desk review would be conducted of the Intergovernmental Working Group global strategy and plan of action, seeking clarifications where necessary from the Intergovernmental Working Group, with particular attention to the monitoring and evaluation process within the global strategy. The plan of action matrix was also considered a good example of a specific and consolidated approach to monitoring. The Working Group further agreed that more than one partnership should be studied to allow a broader basis for the task force to elaborate the criteria in relation to target 8.E, while taking into account the work of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In this context, views were exchanged on the values of studying the Global Fund to Fight AIDS, Tuberculosis and Malaria, UNITAID, the Special Programme for Research and Training in Tropical Diseases and the Global Alliance for Vaccines and Immunization Alliance.

22. With regard to technology transfer, considered of particular importance in a number of interventions, a representative of the United Nations Conference on Trade and Development (UNCTAD) gave a briefing on the work of the Commission on Science and Technology for Development, a subsidiary body of the Economic and Social Council. She outlined the substantive themes of the Commission for the next five years, including themes relating to the building of an information society, with a view to narrowing the digital divide, and to examining the implications of science and technology for development. Issues relating to technology transfer would be a part of these themes, but not the focus of the whole exercise. As potential partnerships for the task force to evaluate, other interventions suggested the Development Agenda of the World Intellectual Property Organization (WIPO), which included a set of 45 recommendations to enhance the development dimensions of the Organization's activities, and the Clean Development Mechanism, which was mentioned as the most successful multilateral environmental agreement in the United Nations system, with a very good incentive mechanism. The Working Group agreed that the task force should examine first the Clean Development Mechanism, and then the WIPO Development Agenda, if the time frame and circumstances permitted, given that the workplan of WIPO might not fit in with the timeline of the task force's work.

23. In a later discussion, in response to the remark made by Canada that technology transfer was not the language used in Millennium Development Goal 8, which referred instead to making available the benefits of technology, especially information and communications (target 8.F), the Chairperson-Rapporteur pointed out that it had been the understanding of the Working Group at its previous sessions and at the ninth session that "technology transfer" was a general term that included the specific references in Millennium Development Goal 8 and discussions around additional partnerships had been interpreted accordingly.

24. The issue of external debt was another area of global partnership that drew strong support in terms of thematic expansion. Reference was made to the Heavily Indebted Poor Countries Initiative, the Multilateral Debt Relief Initiative and the Inter-American Development Bank as options for task force evaluation in this area. With respect to the review of the Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative, it was suggested that the task force approach the International Monetary Fund (IMF) and the World Bank. With regard to the

task force's reference to the Inter-American Development Bank, Argentina and other delegations expressed the view that debt should be examined as a global issue rather than a regional one, and that it was important to evaluate a global partnership in relation to that subject.

25. In response to a query regarding the lack of reference in the task force report to the target of Millennium Development Goal 8 relating to trading and financial systems, Mr. Marks explained that the issue of trade was partially dealt with in the review of the Cotonou Agreement and in examining economic partnership agreements. Financing development was also covered by the task force, which hoped that the criteria developed in that respect would be relevant in evaluating trade and finance.

26. Concerning geographical expansion, the task force recommended a dialogue with MERCOSUR with a view to broadening the work of the task force thematically and regionally, as the modus operandi of this partnership combined trade, development and human rights issues. It was requested that the task force send a formal invitation to MERCOSUR to consider entering into a dialogue and the scope of such a dialogue, on the contributions of this partnership to the realization of the right to development and to the criteria refinement.

27. Commenting on the progressive development and refinement of the criteria, a number of delegations, including Cuba (on behalf of the Non-Aligned Movement), Egypt (on behalf of the African Group) and Pakistan (on behalf of the Organization of the Islamic Conference) expressed concern that there was too much emphasis on national obligations and responsibilities, while the principles of international cooperation and assistance were neglected. They requested an expansion of the scope to cover international cooperation, international trading and financial systems, including free trade agreements, official assistance for development, debt relief, elimination of poverty, technology transfer, capacity-building and other issues identified in Millennium Development Goal 8.

28. Cuba (on behalf of the Non-Aligned Movement) requested the task force to develop the criteria in a manner that reinforced the international dimension of the right to development, including the external obstacles to development faced by States which limit their capacity to ensure the full implementation of all human rights for all, notwithstanding that the lack of development may not be invoked to justify abridgement of international human rights law obligations assumed by States.

29. In response to the request by the Chairperson-Rapporteur of the Working Group for specific comments on the criteria contained in annex II to the task force report, some delegates shared a view that the criteria had conceptual problems and their formulation lacked clarity. It was also suggested that they could be more concrete and practical so that they could help to measure progress. It was also noted that the criteria should not expect all partnerships to have been conceived to advance human rights or the right to development in particular. Some of the criteria, such as the extent to which a partnership establishes priorities that are responsive to the needs of the most vulnerable and marginalized segments of the population, with positive measures to realize their human rights, were said to be difficult to apply to all the partnerships.

30. The European Union, Switzerland and other delegations believed that the process and the work of the task force were proceeding in the right direction, and commended the work of the

task force in revising and reordering the criteria with a view to enhancing their relevance and applicability to global partnerships for development, both geographically and thematically. The European Union expressed its interest in the task force criteria expert meeting.

31. Welcoming the comments made by the delegations, Mr. Marks assured the Working Group that their observations would certainly be taken into account in the further refinement of the criteria. In relation to the perceived focus on the national dimension of the right to development, he made a few clarifications on the sources of the criteria, referring to the Declaration on the Right to Development, the priority concerns that emerged through discussions in the Commission on Human Rights and in the present Working Group, as well as the points raised in the reports of the independent expert on the right to development. Mr. Marks acknowledged that the methodology of drafting the criteria was reactive rather than methodical and stressed the need to think afresh with experts who had relevant experience in measuring progress towards complex development goals, through qualitative and quantitative indicators and criteria. In response, Cuba (on behalf of the Non-Aligned Movement) recalled that there were other important provisions of the Declaration on the Right to Development that had not yet been reflected in the criteria, and requested the task force to do so, especially those relating to the international dimension of the right to development.

32. A question was asked as to whether the criteria were meant to be generally and globally applicable to all partnerships or whether there was a need to devise different criteria for different themes and regions. Mr. Marks replied that the task force looked to the Working Group to address the ambiguity of whether the criteria were to be applicable to all kinds of partnerships or to particular areas of partnership.

33. Mr. Sengupta suggested five main themes from which the criteria could be drawn: (a) whether the partnership contributes to development with equity; (b) whether it promotes the right without violating any other right through a process of progressive realization; (c) whether the duty-bearers and duties are identified nationally and internationally; (d) whether there is a mechanism of monitoring and review, nationally and internationally, and whether appropriate indicators have been developed or can be developed; and (e) whether the process is consistent with equity, non-discrimination, participation, transparency and accountability.

34. At the request of Cuba (on behalf of the Non-Aligned Movement), the secretariat provided the Working Group with the provisional time frame for implementation by the task force of the road map, which took into account the proposed additional partnerships to be evaluated by the task force. It was clarified that the road map, endorsed by the Council in its resolution 4/4, foresaw 2009 to cover the third phase, implying that the consolidated findings of the task force would be presented to the Working Group at its annual session in June 2010. Considering the explanation provided by the secretariat, the Working Group agreed to request the Council to extend accordingly the mandate of the task force in order to enable it to complete its tasks within the framework of the three-phase road map mentioned above.

B. Address of the acting United Nations High Commissioner for Human Rights

35. In her address, Kyung-wha Kang, acting United Nations High Commissioner for Human Rights, underlined the progress made by the Working Group in maintaining a sustained focus on the operational dimensions of the realization of the right to development through Millennium

Development Goal 8, a framework compatible with the international responsibilities contained in the right to development. She underlined the importance of maintaining the consensus reached at the previous session of the Working Group as a demonstration of the political will of Member States to move the right to development from the realm of rhetoric to real practice. In recognizing the unique combination of the political will of Member States and the expertise of experts and institutional members, she expressed confidence that the Working Group would produce a consensus outcome towards further operationalization of the right to development, building on the achievements made in past sessions.

III. CONCLUSIONS AND RECOMMENDATIONS

36. On the basis of the discussions in the Working Group, the Chairperson-Rapporteur prepared and circulated a draft text for the conclusions and recommendations of the Working Group at its ninth session. The draft text was subsequently discussed, negotiated and amended by delegations. At its final meeting, on 22 August 2008, the Working Group adopted, by consensus, its conclusions and recommendations.

37. After the adoption of the conclusions and recommendations, several States and groups presented explanations of their positions with regard to the conclusions and recommendations. France (on behalf of the European Union) and Canada clarified that “other aspects” (para. 38) also included good governance, democracy and the rule of law at the domestic level. Cuba (on behalf of the Non-Aligned Movement) stated that “relevant provisions” in Council resolution 4/4 (para. 41) referred to those leading to an “internationally legally binding convention”. In addition, it emphasized that “other aspects” referred to an ODA commitment of 0.7 per cent of gross national product, establishing a new international economic order and a fair economic system, as well as good governance and democracy at the international level, including in the functioning of international trade, financial and monetary institutions. Egypt, aligned with the Non-Aligned Movement, added that “other aspects”, such as good governance, democracy and the rule of law, should apply at both the national and international levels, and that “other instruments” also included the African Charter on Human and Peoples’ Rights. Canada interpreted Council resolution 4/4 as in no way predetermining that the outcome of the Working Group’s efforts would be an international instrument on the right to development. In addition, Canada specified that the phrase “transfer of technology” should be interpreted as set out in Millennium Development Goal 8. Japan referred to the workplan as recommended by the Working Group and indicated that, as resources were not inexhaustible, they earnestly hoped that the task force would carry out its work in an appropriate manner, without any additional budgetary implications.

A. Conclusions

38. The Working Group expresses its appreciation to the high-level task force on the implementation of the right to development for the work it has carried out in accordance with its mandate. The Working Group takes note of the report of the high-level task force and of its observations regarding the three development partnerships considered at its third session, and the preliminary assessment of the Cotonou Agreement between European Union and African, Caribbean and Pacific countries. The Working Group agrees that the next phase should cover further dialogue and follow-up with the four identified global development partnerships and pilot

applications of the criteria. Phases II and III should also allow the task force to examine additional thematic and regional areas under Millennium Development Goal 8, including technology transfer, debt relief, international cooperation and other aspects.

39. The Working Group finds that the ongoing application of the criteria through a dialogue with the institutions responsible for the identified partnerships contributes to the improvement of the criteria and to promoting the implementation of the right to development.

40. The Working Group regards the present reordering of the criteria, in annex II to the task force report, as an intermediate stage and anticipates a significant refinement in phase III, including providing operational sub-criteria.

B. Recommendations

41. **The Working Group recommends that the task force give priority to improving the criteria in the light of the lessons learned from their application and taking into account the Declaration on the Right to Development and other relevant international instruments as well as the views expressed by States at the current session, with a view to submitting, at the end of phase III, a revised list of criteria that serve the purposes set out in all relevant provisions of Council resolution 4/4.**

42. **In order to achieve the desired level of quality of the criteria, the Working Group requests the task force to draw on the necessary expertise to (a) make the criteria analytically and methodologically rigorous; (b) provide empirically-oriented tools to those involved in implementing development partnerships; and (c) ensure that they cover Millennium Development Goal 8, including target 8.A and other aspects not covered to date by the task force.**

43. **The Working Group recommends the following workplan for the task force for the period 2008-2010:**

In phase II (2008)

The task force will:

(a) Continue dialogue with the African Peer Review Mechanism, the ECA/OECD-DAC Mutual Review of Development Effectiveness, the Paris Declaration on Aid Effectiveness and the Cotonou Agreement between African, Caribbean and Pacific countries and the European Union, including through technical missions, if necessary, subject to prior consultation;

(b) Give priority to the issue of access to essential medicines in developing countries (target 8.E). For this purpose, the Working Group recommends that the task force conduct a desk review of the work of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property, and apply the criteria to the Global Fund on HIV/AIDS, Tuberculosis and Malaria and the Special Programme for Research and Training in Tropical Diseases. Dialogue with these partnerships would focus on health systems, technology transfer and other dimensions of access to affordable essential drugs relevant to the right to development;

(c) Send, through OHCHR, a formal invitation to MERCOSUR to consider entering into a dialogue with the task force on the contributions of MERCOSUR to the realization of the right to development and to the development of the criteria, subject to an agreement between MERCOSUR and the high-level task force on the scope of the dialogue;

In phase III (2009)

The task force will:

(d) Study the thematic issues of debt relief (targets 8.B and 8.D) and transfer of technology (target 8.F). With respect to the issue of debt relief, the Working Group recommends that the task force engage in a dialogue with the institutions responsible for the Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative, subject to their agreement, and learning from the experience of these institutions how the criteria can be improved. Regarding technology transfer, the Working Group recommends that the task force examine the Clean Development Mechanism and the Development Agenda of WIPO;

(e) Consolidate its findings and present a revised list of right to development criteria along with corresponding operational sub-criteria and outline suggestions for further work, including aspects of international cooperation not covered until then, for the consideration of the Working Group.

44. In view of their essential role and valuable contribution, the Working Group urges the institutional members of the task force representing international financial and development institutions, including the World Bank, UNDP, IMF, UNCTAD, WTO and WHO, as well as other relevant specialized agencies, funds and programmes of the United Nations, to participate actively in the work of the task force.

45. In order to implement the work programme outlined above and keeping the time frame in mind, the Working Group recommends that the Human Rights Council extend the mandate of the task force on the implementation of the right to development until the eleventh session of the Working Group in 2010. The Working Group also recommends that the Council extend its mandate until it completes the tasks entrusted to it by the Council in its resolution 4/4.

46. The Working Group appreciates the support rendered by OHCHR to the Working Group and the high-level task force and requests that it continue to provide all necessary assistance to these bodies in implementing the work programme outlined above.

ANNEXES

Annex I

AGENDA

- 1 Opening of the meeting.
- 2 Adoption of the agenda and programme of work.
- 3 Review of progress in the implementation of the right to development: consideration of the report of the high-level task force on the implementation of the right to development (A/HRC/8/WG.2/TF/2).
- 4 Adoption of conclusions and recommendations.
- 5 Adoption of the report.

Annex II

LIST OF ATTENDANCE

States members of the Human Rights Council

Angola, Argentina, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Chile, China, Cuba, Egypt, France, Germany, Ghana, India, Indonesia, Italy, Japan, Jordan, Madagascar, Malaysia, Mexico, Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, Saudi Arabia, Senegal, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

States Members of the United Nations

Albania, Algeria, Andorra, Angola, Armenia, Austria, Barbados, Belgium, Botswana, Burundi, Colombia, Costa Rica, Cyprus, Czech Republic, El Salvador, Ethiopia, Finland, Greece, Guatemala, Haiti, Iran (Islamic Republic of), Iraq, Ireland, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Morocco, Nepal, Oman, Portugal, Romania, Rwanda, Serbia, Singapore, Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Uganda, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Non-member States represented as observers

Holy See.

United Nations funds, programmes, specialized agencies and related organizations

United Nations Development Programme, United Nations Conference on Trade and Development, United Nations Educational, Scientific and Cultural Organization, United Nations Population Fund, Food and Agriculture Organization of the United Nations, World Health Organization, International Monetary Fund, World Bank.

Intergovernmental organizations

African Union, European Union, International Organization of la Francophonie.

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

General status: Caritas Internationalis, New Humanity

Roster: Association of World Citizens, Friedrich Ebert Foundation

Other non-governmental organizations

Indigenous Peoples and Nations Coalition, NGO Committee on Development, 3D-Trade-Human Rights Equitable Economy, Covalence S.A.
