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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 sixteenth session (Geneva, 27 April, 1-4 September 2015)*

Chair-Rapporteur: Zamir Akram (Pakistan)

* The present report was submitted late in order to reflect the outcome of the resumed sixteenth session of the Working Group on the Right to Development, which concluded on 4 September 2015.



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I. Introduction

1. The open-ended Working Group on the Right to Development was established pursuant to Commission on Human Rights resolution 1998/72, initially for a period of three years, to meet for a period of five working days each year, with a mandate to: monitor and review progress made in the promotion and implementation of the right to development, as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration; 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 present for the consideration of the Commission a sessional report on the deliberations of the Working Group, including advice to the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 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. The Commission also decided that an independent expert should be appointed by its Chairman, initially for a period of three years, with a mandate to present to the Working Group at each of its sessions a study on the current state of progress in the implementation of the right to development, taking into account, *inter alia*, the deliberations and suggestions of the Working Group (see Economic and Social Council decision 1998/269).

2. In its resolution 2000/5, the Commission welcomed the consensus reached between all parties on the need for the Working Group to convene in two sessions, of five days each, before the fifty-seventh session of the Commission.

3. In its resolution 2003/83, the Commission decided to renew the mandate of the Working Group for one year and to convene it, for a period of 10 working days, to consider the outcome of a two-day high-level seminar on effective strategies for mainstreaming the right to development in the policies and operational activities of the major international organizations/institutions, to be organized by the United Nations High Commissioner for Human Rights within the 10 working days allocated to the Working Group.

4. In its resolution 2004/7, the Commission decided to renew the mandate of the Working Group for one year, to meet for 10 working days. It also endorsed the recommendation of the Working Group at its fifth session to establish, for an initial period of one year, a high-level task force on the implementation of the right to development, within the framework of the Working Group and in accordance with the terms of reference defined by it, to assist it in fulfilling its mandate as set out in paragraph 10 (a) of Commission resolution 1998/72, and to allocate to the task force 5 of the 10 working days allocated to the Working Group.

5. In its resolution 4/4, the Human Rights Council endorsed the road map outlined in paragraphs 52 to 54 of the Working Group's report on its eighth session, including a request to the high-level task force to consolidate its findings and present a revised list of right to development criteria along with corresponding operational subcriteria and outline suggestions for further work, including aspects of international cooperation not covered until then (see A/HRC/4/47, para. 54). The Council decided that the criteria, as endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development, and that, upon completion of the above phases, the Working Group would take appropriate steps to ensure respect for and practical application of those standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve

into a basis for the consideration of an international legal standard of a binding nature, through a collaborative process of engagement (see Human Rights Council resolution 4/4).

6. In its resolution 9/3 and in successive resolutions,¹ most recently its resolution 24/4, the Human Rights Council reiterated the tasks entrusted to the Working Group in its resolution 4/4. The Council decided to renew the mandate of the Working Group until it had completed those tasks, and that it should convene annual sessions of five working days. The Council also decided to renew the mandate of the high-level task force until the eleventh session of the Working Group, in 2010, and that the task force would convene annual sessions of seven working days.

7. In its resolution 12/23, the Human Rights Council tasked the Working Group to consider, revise and endorse the right to development criteria and corresponding operational subcriteria.

8. In its resolution 21/32, the Human Rights Council welcomed the launching in the Working Group of the process of considering, revising and refining the draft right to development criteria and operational subcriteria. In the same and subsequent resolutions,² the Council decided to convene a two-day informal intersessional intergovernmental meeting of the Working Group with a view to improving its effectiveness at its subsequent sessions; and decided to consider extending the meeting time of the Working Group, as appropriate.

9. In its resolution 27/2, the Human Rights Council requested the Chair-Rapporteur to draft a framework for improving the effectiveness and efficiency of the Working Group on the Right to Development, and reiterated its decision to consider extending the meeting time of the Working Group, as appropriate.

10. The Working Group held two days of informal intersessional meetings on 16 February and 24 April 2015, and convened its sixteenth session in Geneva on 27 April and from 1 to 4 September 2015.

II. Organization of the session

11. In his opening statement,³ the United Nations High Commissioner for Human Rights noted that economic and political power dynamics were shifting. Poverty, mass unemployment, growing inequality within and between countries, environmental degradation, an out-of-date international economic order, unsustainable patterns of consumption and production, armed conflicts, violent extremism and terrorism were all working to undercut global efforts to advance peace and security, human rights and development, which all came together in the right to development. He referred to the Sustainable Development Goals, which reflected the substantive content of several human rights obligations, including the right to development. OHCHR had been working to integrate all human rights, including the right to development, into the post-2015 development agenda and the two other main international development processes in 2015, namely the Third International Conference on Financing for Development Conference, in Addis Ababa, and the twenty-first session of the Climate Change Conference, in Paris in December. In 2016, the international community would mark the thirtieth anniversary of the Declaration on the Right to Development. Anniversaries provided an opportunity to

¹ Human Rights Council resolutions 12/23, 15/25, 18/26 and 19/34.

² Human Rights Council resolutions 24/4 and 27/2.

³ The full text of the statement of the United Nations High Commissioner for Human Rights is available from www.ohchr.org/EN/Issues/Development/Pages/16thSession.aspx.

look back at past achievements, to reflect on lessons learned and to evaluate what had gone well and where progress was lagging. Welcoming the initiative aimed at making the Working Group more effective and efficient, he called upon the Working Group to reflect critically on its methods of work and to assess whether they were adequate to the task of making the Working Group relevant in today's world, including in the context of the implementation of the Sustainable Development Goals and targets. In going forward, it was of utmost importance for the Working Group to consider and agree on efficient and effective working methods that would help equip the international community to cope with the ever-increasing challenges to the realization of the right to development.

12. At the first meeting of the Working Group, on 27 April 2015, the election of the Chairperson-Rapporteur was postponed and the session adjourned. The Working Group resumed its session on 1 September 2015 and elected by acclamation Zamir Akram (Pakistan) as Chair-Rapporteur. In his opening statement, the Chair-Rapporteur noted that he was taking up the position with a mixture of trepidation and optimism: trepidation because of the tortured history of the Working Group; optimism because the world was changing, which opened up possibilities for progress. We could no longer think of the world in compartments or live in silos. Technology had broken down the barriers of the past and we now lived in a global village, where islands of prosperity could no longer exist in a sea of poverty. The Chair-Rapporteur emphasized his commitment to making progress towards the implementation of the Declaration on the Right to Development and to discharging his responsibilities impartially, objectively and pragmatically.

13. The Chair-Rapporteur noted that our globalized world had an upside and a downside. Today there were rich people in poor countries and poor people in rich countries. That was because the benefits of globalization were not evenly distributed between and within States. Moreover, natural disasters, droughts, migration, climate change, stock market fluctuations, health emergencies, pandemics and even terrorism did not recognize borders or the rich or the poor; or the developed or the developing. We were "all in it together" and we all had a stake in creating a better, more peaceful and secure world. Our collective future depended on that. It was against that backdrop that we must collectively embark on the journey towards realizing a better life for all in the "global village".

14. The Chair-Rapporteur observed that that could only be possible if we shed the paradigms of the past. We needed to break out of our ideological straitjacket and take a practical, pragmatic and realistic approach to the issue of human development for all. It was not a question of idealism but of survival. We either sank or survived together.

15. It was high time that we moved to implement the right to development as a human right and not remain divided on how that was to be achieved. Because there could be no human rights if we failed to meet human needs. We must, therefore, strive to promote all human rights — civil and political rights as well as economic, social and cultural rights — including the right to development. That basic truth was recognized in the Charter of the United Nations and in the existing body of human rights law.

16. The Chair-Rapporteur was also encouraged by the agreement on the Sustainable Development Goals in New York. The implementation of those agreed goals and targets on the ground would require concrete national measures and sustained international cooperation in all three dimensions of the Sustainable Development Goals: economic, social and environmental. It would provide a considerable boost to the implementation of the right to development. Achieving sustainable economic development, promoting social justice and protecting the environment for present and future generations were not purely aspirations; they were integral components of the right to development, with corresponding rights and duties.

17. Therefore, it was incumbent upon all States to overcome the deadlock that we were confronting in implementing that right. The opportunities were there, as never before, to do so. We must work in a spirit of cooperation and compromise for the effective implementation of that inalienable right. The Chair-Rapporteur sincerely believed that the thirtieth anniversary of the Declaration on the Right to Development in 2016 was an opportunity to express our determination and to overcome our differences in order to implement the fundamental principles of the declaration.

18. At its resumed first meeting, the Working Group adopted the agenda (see annex I) with revisions.

19. During the session, the Working Group commenced the second reading of the draft right to development criteria and operational subcriteria proposed by the high-level task force on the implementation of the right to development, with the purpose of refining them. The Working Group also had before it the draft framework to improve the effectiveness and efficiency of the Working Group on the Right to Development with a view to accomplishing its mandate (A/HRC/WG.2/16/2).

III. Summary of proceedings

A. General statements

20. On behalf of the Non-Aligned Movement, the Islamic Republic of Iran expressed the view that the realization of the right to development was a necessity today more than ever and that the right to development must be given the high profile it deserved. The slow pace of discussions on the right to development had resulted in its not yet being realized despite three decades having elapsed since the adoption of the Declaration on the Right to Development. The Movement called upon United Nations agencies funds and programmes to mainstream the right to development in their work. We were at the turning point of the post-2015 development agenda, when the right to development should be at the heart of the new development framework, and there was a drafting gap in that regard. The United Nations must look at where the right to development had been mainstreamed. The work of the Working Group had not led to tangible results and it should move forward towards international standards on the right to development. The Working Group should consider extending its meeting time and a proposal should be made in that regard. The international community must come together to ensure that the right to development got the priority that it deserved. Reference was made to paragraph 14 of Human Rights Council resolution 27/2, regarding the balanced and viable allocation of resources for the right to development. The Movement assured the Working Group of its full cooperation in the realization of the right to development and making it a reality for all.

21. The European Union was strongly committed to sustainable development, promoting respect for all human rights and fundamental freedoms, working towards ensuring security, conflict prevention and resolution, and encouraging good governance and accountability. The European Union reiterated its support for the right to development, on the basis of the indivisibility and interdependence of all human rights, the multidimensional nature of development strategies and individuals as the central subjects of the development process. The right to development required full realization of political, civil, economic and social rights and called for a mix of policies, to create an enabling environment for individuals, involving a wide range of actors, at different levels. Any development policy should make the human being the main participant and beneficiary of development. The European Union would continue to prove its readiness to engage constructively with the Working Group on the basis of the report of the high-level task force and its set of criteria,

subcriteria and indicators, which themselves might be used as a tool in the implementation of the right to development. The European Union expressed willingness to pursue a consensual approach to the forthcoming discussions and negotiations, in the firm belief that the Working Group could achieve a positive outcome that was acceptable to all concerned. Despite the challenges, the European Union hoped that the Working Group would go beyond mere polarization and politics, and remained confident that, through the goodwill of all concerned, the Group would concentrate on what united it rather than what divided it.

22. Speaking on behalf of the African Group and aligning itself with the Non-Aligned Movement, Algeria observed that three decades had passed since the Declaration on the Right to Development had been adopted but that there was still divergence regarding implementation. The Declaration was a touchstone that could help States to overcome issues like poverty and climate change. The consequences of food and energy crises required States to ensure that people enjoyed the right to development, but there was also a need to enhance solidarity and international cooperation. There was a need to create an environment that was conducive to fair and participative development. All rights – economic, social, cultural and political – had to be realized for all in order to overcome injustices. The African Group emphasized the need for a binding legal instrument that recognized the central place of the right to development. The African Group advocated integration of the right to development into the post-2015 development agenda and added that the New York agreement should add value to what had already been achieved. The African Group supported the extension of the meeting time of the Working Group.

23. Pakistan, on behalf of the Organization of Islamic Cooperation (OIC), stated that, in the light of a number of interconnected and interdependent challenges, the question was whether it was possible to ensure the promotion and protection of all human rights while ignoring human needs and human dignity. The realization of the right to development was crucial and significant for the realization of all other human rights and for preserving human dignity. The Declaration on the Right to Development had been adopted 29 years ago, but the international community was still struggling around the definition, scope and identification of a set of standards for the implementation of the right to development. OIC expressed the need to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. The agreement on the Sustainable Development Goals in New York should give new impetus to collective efforts in the Working Group. OIC urged OHCHR to take sufficient measures to ensure balanced and visible allocation of resources to guarantee the visibility of the right to development, in accordance with paragraph 14 of Human Rights Council resolution 27/2. OIC reiterated its recommendation to extend the duration of the Working Group's session to two weeks to provide sufficient time for early finalization of the criteria and operational subcriteria.

24. The Syrian Arab Republic, aligning itself with the Non-Aligned Movement, reiterated that the right to development required individual and collective efforts and involved national and international responsibilities. The delegate stressed that, despite the passage of 30 years since the adoption of the Declaration on the Right to Development and despite the adoption of the post-2015 agenda, States could benefit from the potential of the Declaration on the Right to Development. There was a need for political will, which was lacking in the Working Group, and had thus slowed down the pace of the work. Issues relating to political will must be overcome so that the Working Group could move forward and work towards a legally binding outcome and bridge legal gaps. The need to improve the participation of United Nations agencies, funds and programmes to facilitate the Working Group's work was highlighted.

25. Egypt mentioned that the right to development was universal and inalienable, with the human being the central subject and beneficiary as reflected in many international instruments. Accordingly, there was a need for the realization of the entire range of human

rights. Despite the passing of 30 years since the adoption of the Declaration on the Right to Development, the right to development was yet to be realized, because of the slow pace of discussions in that regard. As the Working Group continued to work on the refinement of criteria and subcriteria, the Group needed to work towards an international instrument on the right to development.

26. Sri Lanka, aligning itself with the Non-Aligned Movement, noted that since 2016 marked the thirtieth anniversary of the Declaration on the Right to Development, it was indeed timely to reflect on ways and means to improve the effectiveness and efficiency of the Working Group to ensure operationalization of the right to development as a priority. Pursuing a rights-based approach to the new development agenda when implementing its goals and targets would be more meaningful to individuals as it gave a sense of ownership and would also be a more pragmatic way to firm up commitment to realize development in a holistic manner, encompassing socioeconomic, cultural and political well-being for humanity. The Working Group must consider adopting a position that complemented the agreed post-2015 agenda envisaged in the document entitled “Transforming our world: the 2030 Agenda for Sustainable Development” (General Assembly resolution 70/1).

27. Ecuador, aligning itself with the position of the Non-Aligned Movement, observed that 17 years had passed since the Working Group had been created and that, while States were making various efforts, they were also facing new challenges. There was a need for more timely and collective efforts as well as a need to ensure enjoyment of the right to development, which would require a holistic approach. The right to development was a fundamental pillar of the United Nations and the work of the United Nations system, which helped in the enjoyment of all human rights and in ensuring peace. While acknowledging that there were new targets to be achieved under the sustainable development goals, it was important not to get “bogged down” with discussions from the past and instead to move forward through cooperation and solidarity. The Working Group must ensure the cooperation of all States to ensure that the sustainable development goals became a reality.

28. South Africa, aligning itself with the position of the Non-Aligned Movement and the African Group, observed that the World Conference on Human Rights had reaffirmed, in the Vienna Declaration and Programme of Action, adopted in 1993, the right to development as an inalienable right and that that consensus was reflected, *inter alia*, in the United Nations Millennium Declaration (General Assembly resolution 55/2), the 2005 World Summit Outcome (Assembly resolution 60/1) and the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want” (Assembly resolution 66/288, annex). However, the discourse had been characterized by political posturing, with a lack of tangible results. The right to development approach had added value to the Millennium Development Goals and must be central in the post-2015 development agenda framework for achieving equitable and just development for all. Guided by the outcome of the fourteenth Summit of the Non-Aligned Movement, there was an urgent need to ensure operationalization of the right to development as a priority issue through a convention on the right to development. International partnerships were essential in realizing the right to development and hence there should be collaboration with international financial institutions, multilateral trade systems and human rights agencies.

29. Brazil reaffirmed its commitment to press forward in drawing up a set of standards for the implementation of the right to development and stressed the need to achieve tangible progress. The Working Group should review its own progress in the mainstreaming of the right to development in the United Nations system and should examine modalities for the drafting of recommendations and suggestions, including with regard to technical cooperation, with a view to promoting the right to development. Measures should be taken to ensure adequate allocation of resources and time for the implementation of the right to development. There should be a redoubling of efforts to achieve concrete deliverables by

the end of 2015, revitalize the agenda and the working methods of the Working Group and address the full range of issues contained in its mandate.

30. India noted that, despite best collective efforts, the Working Group had been mired in difficulties and had not been able to achieve its mandate. In a human rights framework, development entailed the realization of all human rights, economic, political, social and cultural. The right to development as a universal and inalienable right was recognized in the Vienna Declaration and Programme of Action (A/Conf.157/23). The right to development was an enabling instrument for empowerment that was applicable to all across the global economic spectrum. All States should work collectively towards reaching consensus on the draft right to development criteria and operational subcriteria, and Working Group discussions must not be reduced to a United Nations ritual. Sufficient time, resources and visibility should be granted to the achievement of the right to development. The thirtieth anniversary of the Declaration on the Right to Development would provide an opportunity to increase the visibility of the right to development.

31. China stressed that the right to development was a right of all human beings and essential for the enjoyment of all human rights. It was necessary to achieve a peaceful and secure international environment and a just international order. The United Nations, including OHCHR, bore an important responsibility with regard to the right to development. The Working Group had held its first session in 2000 and had made some progress in establishing criteria on the right to development. The international community should redouble its efforts to promote positive progress. The right to development was an essential guarantee, which needed to be taken from theory to practice. The thirtieth anniversary of the adoption of the Declaration on the Right to Development and the post-2015 development agenda had brought new impetus to the Working Group. The Working Group should improve its efficiency and effectiveness and put forward practical and effective recommendations to implement the Declaration on the Right to Development. It should consider the extension of the meeting time of the Working Group. OHCHR should provide strong financial and human resources to support the right to development and the Working Group.

32. The Bolivarian Republic of Venezuela, aligned with the position of the Non-Aligned Movement, added that the commitment to development required an environment that was safe, peaceful and enabling. Poverty and inequality, the products of a capitalist system, manifested in the lack of access to resources and technologies, had an impact on people and affected the implementation of the right to development, without which we would not be able to guarantee other human rights. For that reason, we needed a legally binding instrument on the right to development to guarantee its implementation and help develop criteria and subcriteria on the right to development. That would also help the sustainable development goals agenda. It was regrettable that there was not enough political will, as that had impeded the work of the Working Group in previous years. The meeting time of the Working Group should be extended in order for it to move forward in a more effective way.

33. Cuba aligned itself with the position of the Non-Aligned Movement and noted that deep economic crises affected all countries and that inequalities in trade were obstacles to the implementation of the right to development. Such obstacles exacerbated the conditions of millions who continued to live in poverty throughout the world. A minimal amount of the resources currently spent on the military and defence would change the lives of millions of people if invested in development. Embargoes affected the interests of all States and the blockade on Cuba was the main obstacle to realization of the right to development there. Cuba objected to any attempt to reinterpret the right to development and efforts to ignore the responsibilities of States in the implementation of that right. Cuba reaffirmed its

commitment to implement the right to development and its commitment to the success of the Working Group.

34. The United States of America was committed to fighting poverty and hunger and to promoting development. There was a wide-ranging policy to foster global development. It was a core pillar of United States national security and engagement policies, which included: work to elevate the status of women and girls around the world; health systems and AIDS relief programmes; the Feed the Future programme, which supported the deployment of climate-friendly technology to farmers in Africa; and a commitment to use their assistance as a multiplier and help countries to reduce dependence on foreign aid. Regarding the right to development, there were still long-standing and well-known concerns, and more clarification was needed on its scope. The right to development was a right that individuals should primarily demand from their own governments.

35. The United Kingdom of Great Britain and Northern Ireland, supporting the statement of the European Union, added that it was fully committed to supporting sustainable development. Progress had been made since the Millennium Declaration and the United Kingdom would continue to engage with the Working Group to see that the right to development was effectively implemented. The right to development should not be seen in isolation but with all other rights. The Vienna Declaration and Programme of Action and the United Nations Declaration on the Right to Development made it clear that the right to development had a role to play. The responsibility to implement that right lay exclusively with the State. The following principles for the right to development must be implemented: (a) balance State action with international cooperation; (b) all rights, civil, political, economic, social and cultural must be fulfilled; and (c) the right to development must continue to be recognized as universal; which required not merely having international policies but implementing them at the national level.

36. The United Nations Development Programme (UNDP) noted that there was an inextricable link between human development and human rights. If it was not rights-based, it was not development. As the former high-level task force on the implementation of the right to development had noted in 2010, the challenge was how to reconcile a holistic view of indivisible and interdependent human rights with development. That required that national policies be adjusted towards greater attention to human rights and ensuring greater justice in the global economy by agreeing to and achieving the various development agendas consistent with the Declaration. Development as a right was not merely an equivalent of economic growth. It was more. Sustained poverty reduction required equitable growth and also required that those living in poverty and the marginalized and excluded had a voice. The best way to achieve that was by building inclusive and effective forms of government at all levels of society. UNDP emphasized the importance of voice, participation and governance. At the national level, institutions and power should be structured in such a way that participation was ensured. At the international level, a more democratic space and transparency were necessary, and developing countries should be given opportunities to engage in meaningful discussions that affected them.

37. Association Points-Coeur, on behalf of members of the Geneva Forum of Catholic-Inspired NGOs working group on the right to development and international solidarity, stressed that the Working Group should resume a focus on all the aspects of its original mandate, including advice to OHCHR on the implementation of the right to development, further analysis of the obstacles to the full enjoyment of the right to development and focusing each year on specific commitments in the Declaration on the Right to Development. Member States should pay due attention to all the suggestions submitted during previous sessions, including those from non-governmental organizations. The polarization and politicization that had characterized previous sessions should give way to a joint effort by member States to develop, on the basis of the United Nations Declaration on

the Right to Development, meaningful criteria and subcriteria relevant to the implementation of that fundamental right. People at grassroots level, especially those living in extreme poverty and vulnerability, could not wait any longer. The Working Group could consider postponing the discussion on indicators with a view to basing them on those selected for the post-2015 agenda, especially goal 17.

38. The Arab Commission for Human Rights pointed out the need to define clear objectives for the Working Group with regard to an international convention on the right to development and to define a deadline for a definitive text. It should not go beyond 2018 since that would be 20 years since the creation of the Working Group. The right to development had to be included in the fight against colonialism and the illegal occupation of territories. Today we had new challenges that affected people living in the North and the South. Human rights were indivisible, which was why a convention on the right to development was needed. There was also a need for more realistic indicators for measuring accurately progress made towards the attainment of the Sustainable Development Goals and for ensuring that everyone benefited from development.

39. The Indian Council of South America supported a binding instrument on the right to development to promote the rights of peoples, including indigenous peoples. The rules of procedure of the General Assembly should be changed so that indigenous peoples were more able to contribute. Indigenous peoples were recognized as colonized. That process could not be only about States but must also be about the rights of peoples. It was good to see the many instruments that recognized the interdependence and interrelationship of all human rights.

B. Intersessional meeting and informal consultations by the Chair

40. The Chair-Rapporteur referred to a note prepared by the Secretariat, which was made available to the Working Group, on the informal intersessional meeting of the Working Group held on 16 February and 24 April 2015 and on the informal consultations of his predecessor with regional and political groups and other stakeholders.

C. Draft framework to improve the effectiveness and efficiency of the Working Group

41. The Chair-Rapporteur drew the attention of the Working Group to the draft framework to improve the effectiveness and efficiency of the Working Group on the Right to Development with a view to accomplishing its mandate (see A/HRC/WG.2/16/2), which had been prepared and submitted by his predecessor as requested by the Working Group.

42. The Islamic Republic of Iran, on behalf of the Non-Aligned Movement, expressed its gratitude for the draft framework and noted that it was essential for the Human Rights Council to narrow differences and strive to consolidate political will for moving forward the work of the Working Group to accomplish its mandate. The right to development-based approach was a comprehensive process through which all human rights and fundamental freedoms would be progressively realized. There was a need to mainstream the right to development in the policies and operational activities of the United Nations and its specialized agencies, programmes and funds, as well as in policies and strategies of the international financial and multilateral trading systems. There was an urgent need for the United Nations human rights machinery to ensure the operationalization of the right to development as a priority issue by the drafting of a convention on the right to development. The draft right to development criteria and operational subcriteria, once considered, revised and endorsed by the Working Group, should be used in the drafting of a comprehensive and

coherent set of standards for the implementation of the right to development. There was still no accountability for non-implementation of that right and no clear process to monitor and review progress in implementation.

43. Pakistan supported the comments made by the Non-Aligned Movement and highlighted three aspects. The Working Group should focus on its core mandate. It should mainstream the right to development, including in the work of OHCHR, which should allocate reasonable resources and have tangible results. One of the key recommendations was to focus on building consensus on the documents already agreed upon and the recommendations from the previous sessions of the Working Group, as well as the sustainable development goals. That would help achieve some tangible results and make the Working Group more effective and efficient.

D. Consideration of other elements of the mandate of the Working Group

44. The Islamic Republic of Iran, on behalf of the Non-Aligned Movement, Pakistan and India raised queries with regard to the allocation by OHCHR of human and financial resources to achieve its mandate on the right to development. Information should be provided on the specific projects implemented by OHCHR in the effective realization of the right to development. The Non-Aligned Movement referred to paragraph 14 of Human Rights Council resolution 27/2, in which the Office was encouraged, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and pay due attention to ensuring visibility of the right to development through identifying and implementing tangible projects dedicated to the right to development, and to provide continuous updating to the Human Rights Council. It was imperative that the Office draw up its plan in the implementation of that provision. That matter also needed to be taken into consideration in the ongoing restructuring/reform process of OHCHR. India proposed requesting the High Commissioner to submit a list of projects for implementation to be discussed during the next session of the Working Group, especially article 4 of the Declaration on international development policies, which was important for the 2030 Agenda for Sustainable Development.

45. In responding to the queries, a representative of OHCHR drew the attention of the Working Group to the strategic framework for the period 2014-2015,⁴ which had been agreed by member States and which set out the strategy for the implementation of the mandate of the High Commissioner and his Office with regard to the right to development. The allocation of regular budget funds was based on that policy document and limited to supporting the activities mandated by the Human Rights Council relevant to the right to development. Reference was made to the consolidated report of the Secretary-General and the High Commissioner for Human Rights on the right to development (A/HRC/30/22), which had been submitted to the Human Rights Council and which contained detailed information on many activities undertaken by OHCHR. In answer to requests for further clarification, it was pointed out that the right to development section received a limited amount of resources from the regular budget of the United Nations and from voluntary contributions, which made it difficult to engage in tangible projects. Despite budgetary constraints, OHCHR continued its work on trade and development. As noted by the High Commissioner in his opening remarks, OHCHR had taken the lead and made considerable efforts in integrating human rights and right to development considerations in the Sustainable Development Goals and the Addis Ababa Action Agenda of the Third

⁴ A/67/461, annex, approved by the General Assembly in its decision 67/542.

International Conference on Financing for Development. As regards mainstreaming the right to development into the work of relevant United Nations system agencies, challenges remained owing to the fact that it was not for the High Commissioner but for member States to decide the mandates and policies of those agencies.

46. India reiterated the need to allocate the necessary resources for resolutions such as Human Rights Council resolution 27/2 and ensure that the right to development had been included in the framework of activities. There was no impediment to expansion or development of the right to development framework by the Office. South Africa supported the statements by the Non-Aligned Movement and the Arab Commission for Human Rights and said that the report reflected a pressing need for more focus on the right to development and more concrete and tangible projects.

47. The Arab Commission for Human Rights observed that the work of the Office and its efforts made on the human rights-based approach were widely recognized. A right to development-based approach could also be promoted.

E. Consideration of the activities to be promoted in the run-up to the thirtieth anniversary of the Declaration on the Right to Development

48. The Islamic Republic of Iran, on behalf of the Non-Aligned Movement referred to the thirtieth anniversary of the Declaration on the Right to Development and suggested that the Working Group should take stock by defining and organizing a number of different initiatives and move forward with the sense of urgency that the current global situation demanded to come up with clear and action-oriented results. It was highly recommended that a United Nations high-level international conference on the right to development be convened in the first half of 2016. That proposal was supported by some States. Brazil suggested that, at its thirty-first session, in March 2016, the Human Rights Council could address the right to development during its high-level segment, in a ministerial panel. At the thirty-second session, in June 2016, the Council could hold a high-level side event at the margins of the proceedings, with the participation of civil society and non-governmental organizations. The main conclusions of the various events might be incorporated in the resolution on the right to development to be adopted at the thirty-third session of the Council in September, taking into account the discussions during the year. The General Assembly could also consider an anniversary event during its seventy-first session in 2016. Brazil further added that States should be encouraged to hold additional anniversary events to commemorate the anniversary of the Declaration on the Right to Development. India mentioned the possibility of producing publications, as had been done to mark the twenty-fifth anniversary. China supported the idea of further studies and analyses.

49. Pakistan raised the issue of resources and the related constraints. One proposal was to hold a meeting in New York in the context of the anniversary of the Convention on the Rights of Persons with Disabilities and to a panel on the implementation of the right to development, thus requiring no additional resources. The Arab Commission for Human Rights suggested taking advantage of the tenth anniversary of the Human Rights Council to hold an expert debate at the thirty-third session of the Council on the topic of the right to development and human rights. Japan appreciated the idea that events could be organized without requiring additional resources.

50. OHCHR shared the lessons learned from the commemoration of the twenty-fifth anniversary and reiterated that member States had indicated that they did not wish to have so many meetings and events. On the issue of resources, any proposals for new meetings and events would have programme budget implications. On publications, the Working Group was reminded of the General Assembly decision to cut the publications budget.

OHCHR was planning to produce a factsheet on the right to development and the travaux préparatoires of the Declaration on the Right to Development but had no resources for the latter.

51. It was noted that that was an important issue and that it was not just a matter of the number of activities but of highlighting the relevance of the issue, keeping in mind resource constraints and the need to allocate additional resources as necessary.

F. Consideration of the role of the Working Group in the context of the implementation of the post-2015 development agenda

52. The Islamic Republic of Iran, on behalf of the Non-Aligned Movement, indicated that Human Rights Council resolution 27/2 had clearly highlighted that the right to development should be central to the post-2015 agenda. The opportunity must be seized to place the right to development at the heart of the new framework. Thus, a focused and streamlined methodology should be followed by the Working Group in making sure that the right to development was adequately integrated into the United Nations development agenda beyond 2015. Pakistan added that the Sustainable Development Goals were aligned and linked with the Right to Development, as all 17 goals directly or indirectly dealt with the right. The right itself could not be enjoyed without the achievement of the Goals. When preparing its recommendations, the Working Group should keep the Goals and the targets in mind. If the Sustainable Development Goals were aligned with the human rights agenda, it would make the task of the Working Group in developing criteria and subcriteria easier.

53. India reiterated the need to identify synergies between the Sustainable Development Goals process and the Working Group. The main mandate of the Working Group in the previous few years had been to create criteria and subcriteria and it might take a few years yet to achieve the final mandate. The Working Group should consider the implementation of the 2030 agenda in the following years, and consider the synergies and specific issues in order to facilitate and understand the right to development. Involving other United Nations agencies in the Working Group and encouraging their active collaboration was very important in that regard.

54. Egypt concurred with the Non-Aligned Movement and India and added that the Working Group should bear in mind the development agenda in developing the criteria and subcriteria. China supported those proposals and mentioned that the Working Group should seize the opportunity to mark the thirtieth anniversary to reflect on those important issues. The Working Group had the duty to make specific recommendations to the Human Rights Council.

55. The Arab Commission for Human Rights noted that the Working Group would have an important role to play in the development of indicators for the Sustainable Development Goals, and that the special summit would provide a considerable impetus to promoting the convention proposed by the Non-Aligned Movement and a space to work with civil society groups and member States. The Community of Pope John XXIII (APG23), speaking on behalf of the Geneva Forum of Catholic-Inspired NGOs working group on the right to development and international solidarity agreed with the links between the right to development and Sustainable Development Goal 17, in particular on the means of implementation. In the implementation of the post-2015 agenda reference should be made to committing ourselves to the common good, for each and every individual, and it was hoped that the final document would be inspired by the right to development, integral human development and international solidarity.

G. Submissions from groups of States, States, regional groups and other stakeholders, including views on the issue of indicators

56. The Human Rights Council, in its resolution 27/2, endorsed the recommendations adopted by the Working Group at its fifteenth session, in which the Working Group requested that OHCHR make available on its website and to the Working Group at its sixteenth session, in the form of two conference room papers, all further submissions from Governments, groups of Governments and regional groups, as well as inputs by other stakeholders (A/HRC/WG.2/16/CRP.3 and 4) on the right to development criteria and operational subcriteria.

57. In total, over the previous five years, the Working Group had received 4 submissions from groups of States (2 from the Non-Aligned Movement and 2 from the European Union), 34 submissions from Member States, 12 submissions from United Nations system organizations, 4 submissions from national human rights institutions (2 from the National Human Rights Commission of India, and one each from the Afghanistan Independent Human Rights Commission and the National Human Rights Council of Morocco), 1 submission from a United Nations treaty body (the Committee on Economic, Social and Cultural Rights), 4 joint submissions from non-governmental organizations (3 from the Geneva Forum of Catholic-Inspired NGOs working group on the right to development and international solidarity and 1 from an indigenous peoples organization) and 12 individual submissions from civil society organizations and academics.

58. The Working Group engaged in an exchange of views on the issue of indicators. The Islamic Republic of Iran, speaking on behalf of the Non-Aligned Movement, mentioned at the outset that the inclusion of indicators did not in any way set a precedent. The issue of indicators was beyond the mandate of the Working Group and the Non-Aligned Movement thus maintained the position that the indicators did not make a positive contribution to the right to development. In its view, the criteria and operational subcriteria should be used in the drafting of an international legal standard of a binding nature for the right to development.

59. The European Union, Japan, Switzerland and the United States expressed the view that the use of indicators had become common practice in the human rights field and had yielded demonstrable results. Indicators were useful, as they served to improve policy and monitoring frameworks. The conceptual framework relating to indicators had further been endorsed by treaty bodies. The role of indicators was highlighted by the high-level task force and they were an agreed part of the Sustainable Development Goals. The criteria, subcriteria and indicators must be looked at together and discussed as a complete package, and indicators would serve as a way to measure success and identify where work needed to be done and thus be effective.

60. Pakistan, South Africa, Tunisia and Venezuela (Bolivarian Republic of) endorsed the views of the Non-Aligned Movement. Pakistan noted that it did not see the relevance and significance of indicators in the context of coming up with standards on the right to development. There were questions about the scope of indicators, and indicators could not be limited just to the national level. The use of indicators could also undermine measurement in relation to development. The Non-Aligned Movement added that the report of the task force showed that, when it addressed the need for indicators, they were used to measure compliance. Compliance had its own connotation and there were already adequate mechanisms in place to measure a country's compliance. China mentioned the need to recognize that different conditions prevailed in different countries, while looking towards finding a consensus. Further, there was a need to treat the right to development and civil, economic, political and social rights in an appropriate manner; and adopt a balanced view on the responsibilities at national and international levels.

61. The European Union clarified that indicators were both quantitative and qualitative and hence the use of indicators in the context of the right to development would not undermine measurement. The ongoing discussions on the Sustainable Development Goals in developing both global and regional indicators could be considered, to see whether a similar approach could be used.

62. There was active discussion on the issue, with non-governmental organizations expressing the need for standards to be set clearly and the need for indicators to measure progress at local and international levels while being part of the indicators discussion around the Sustainable Development Goals. They expressed the view that indicators must reflect both diversity and equality in different parts of the world as well as within a country.

H. Commencement of the second reading with the purpose of refining the draft right to development criteria and the corresponding operational subcriteria

63. The Working Group commenced the second reading of the draft right to development criteria and the corresponding operational subcriteria listed in the annex to the second addendum to the report of the high-level task force (A/HRC/15/WG.2/TF/2/Add.2), with the aim of refining them.

64. There was discussion on the methodology to be followed in the second reading. Some speakers held that it was preferable first to agree on the criteria and then move on to the subcriteria while other speakers felt that the Working Group should look at the criteria and the subcriteria simultaneously. During the second reading, the Chair-Rapporteur observed that the views expressed did not narrow positions. He recalled some suggestions made during the informal consultations held by the former Chair-Rapporteur on alternative ways to proceed with the refinement of the draft right to development criteria and operational subcriteria, such as the establishment of a drafting group or the appointment of facilitators. He also suggested that the Working Group could mandate the Chair-Rapporteur to draft a compromise text. In the ensuing exchange of views on those proposals, the suggestion was put forward as to whether the Working Group might agree to converting the Declaration into a convention.

65. A broad range of perspectives emerged in the consideration of individual criteria and subcriteria. There was some discussion on the use of terms such as “basic right to”, “access to”, “right to”, “without discrimination” and “which could be measured”. For example, on the issue of health, there were differing views as to whether to refer to a right to health or to refer to health in general. There was also discussion on removing references to “basic right to” or even “right to” and instead just mentioning access to housing, safe drinking water and sanitation. In response, it was pointed out that references to rights would be important from a legal point of view. There was also discussion around education, decent work and social security, and on housing, health, water and sanitation, under subcriterion 1 (a).

66. There were questions raised as to including the principle of equity in criteria 1 (a) and where that was defined, to which some speakers responded that it was being used to highlight the economic and social aspects of the right to development, namely health, housing, water and social security, without referring to each individually. Some speakers pointed out that the definition of equity was vague, and proposed referring to progressive realization of any human rights.

67. Speakers also raised concerns as to whether the right to development should be viewed as an individual right or a collective right, and as to the use of terms such as “peoples” and “nations” in the criteria and subcriteria. Some speakers mentioned that those terms were undefined, while other speakers referred to rights which were collectively

enjoyed, such as the right to self-determination, right to participation and the rights of indigenous peoples. There was also discussion around the sovereignty of natural resources, equitable sharing of natural resources, preferential trade agreements, governance of information and communications technologies, transfer of technology and ensuring the protection of indigenous peoples' intellectual property rights.

68. The Working Group completed the second reading of the draft right to development criteria and operational subcriteria up to subcriterion 1 (h) (ii) bis.

I. Consideration of the extension of the meeting time of the Working Group

69. The Non-Aligned Movement noted that, in line with paragraph 11 (h) of Human Rights Council resolution 27/2, the Working Group should consider, as a matter of high priority, the extension of the meeting time of the Working Group and put forward a specific proposal to the Human Rights Council in that regard. China, Egypt India and Pakistan, and supported the view of the Non-Aligned Movement on extension of meeting time. Speakers noted that it had been a matter of contention. Now, at a critical juncture, when deciding on a future course of action, was the time for discussion on timing. Some decision had to be made regarding time for future sessions. Given the history of the Working Group in that regard, the recommendation by the Working Group would need to be decided on at the Human Rights Council. With the adoption of the Sustainable Development Goals, and in the light of the present working methods and the heavy agenda, it was important to extend the Working Group session to two weeks a year. That was also echoed by the Arab Commission for Human Rights and the Community of Pope John XXIII (on behalf of the Geneva Forum of Catholic-Inspired NGOs working group on the right to development and international solidarity).

70. The European Union, supported by the United States, pointed out that its position was well-known and that it was not in favour of increasing session time. The discussion was premature owing to the fact that it was not known how to proceed with regard to the deadlock, what direction the process would take and the way forward.

IV. Conclusions and recommendations

71. **At the final meeting of its sixteenth session, on 4 September 2015, the Working Group adopted, by consensus, its conclusions and recommendations, in accordance with its mandate as established by Commission on Human Rights resolution 1998/72. Subsequently, the United Kingdom and the United States took the floor and made clear their objection to the reference to the Declaration on the Right to Development and the use of the word "standards" in paragraph 78 (a).**

A. Conclusions

72. **The Working Group took note of documents A/HRC/WG.2/16/CRP.3 and 4, containing detailed views and comments submitted by Governments, group of Governments, regional groups and other relevant stakeholders in fulfilment of the conclusions and recommendations agreed at its fifteenth session.**

73. **The Working Group expressed its appreciation to all those who contributed to the proceedings of its sixteenth session.**

74. The Working Group welcomed the newly elected Chair-Rapporteur and commended him for his able stewardship in guiding the deliberations at the session. It also expressed gratitude and appreciation for all the work accomplished and guidance provided by the outgoing Chair-Rapporteur, including the draft framework presented at the session.

75. The Working Group welcomed the presence and participation of the High Commissioner at the session, and took note of his opening remarks.

76. The Working Group took note of the continuation of the process of considering, revising and refining the draft criteria and of the corresponding operational subcriteria contained in document A/HRC/15/WG.2/TF/2/Add.2, and welcomed the commencement of the second reading of the draft criteria and operational subcriteria.

77. The Working Group would continue with its existing mandate.

78. The thirtieth anniversary of the Declaration on the Right to Development, in 2016, presented a unique opportunity for the international community, including the Working Group, to demonstrate and reiterate its political commitment and accord to the right to development the high profile it deserved; and to redouble its efforts to implement the right to development.

B. Recommendations

79. The Working Group recommended the following:

(a) That the Chair-Rapporteur prepare a set of standards for consideration by the Working Group for the implementation of the right to development based on relevant United Nations resolutions and documents, including, *inter alia*, the Declaration on the Right to Development, relevant international conventions and decisions, as well as internationally agreed development goals and United Nations resolutions. In the preparation of this document, the Chair-Rapporteur would consult with Member States, relevant international organizations and other stakeholders. The document would be submitted to the Working Group in time for its seventeenth session;

(b) That the document prepared by the Chair be without prejudice to the ongoing discussions on the criteria and subcriteria, in the context of which the Working Group should complete its second reading at its seventeenth session and decide on further action thereafter, with the objective of elaborating a comprehensive and coherent set of standards for the implementation of the right to development;

(c) That the post-2015 development agenda be discussed in the context of the right to development, and all relevant United Nations agencies, international organizations, civil society and other stakeholders be encouraged to actively contribute to these deliberations;

(d) That OHCHR take sufficient measures to ensure balanced and visible allocation of resources and pay due attention to the visibility and effective implementation and mainstreaming of the right to development through systematically identifying and undertaking tangible projects dedicated to this right, and that it continuously update the Council and the Working Group, on progress in that regard;

(e) That in its future deliberations the Working Group should study the contributions of States at the national, regional and international levels to the

implementation of the right to development in keeping with mechanisms relating to the Sustainable Development Goals;

(f) In order to commemorate the thirtieth anniversary of the Declaration on the Right to Development in a befitting manner, the Working Group recommends the following action:

(i) That the High Commissioner seek the views of Member States in the preparation of a paper on the realization and implementation of the right to development, as elaborated in the Declaration on the Right to Development, and submit it to the Working Group at its seventeenth session;

(ii) That the General Assembly consider holding a high-level segment on the right to development during the general debate of its seventy-first session;

(iii) That the Human Rights Council dedicate its 2016 high-level panel discussion on human rights mainstreaming to the theme “the right to development”;

(iv) That Member States individually and collectively convene events for the commemoration through their own resources.

Annex I

Agenda

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

Annex II

List of attendance

States members of the Human Rights Council

Algeria, Argentina, Bangladesh, Brazil, China, Cuba, Ethiopia, France, Germany, India, Indonesia, Ireland, Japan, Mexico, Morocco, Namibia, Netherlands, Pakistan, Russian Federation, Saudi Arabia, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of).

States Members of the United Nations

Afghanistan, Angola, Armenia, Azerbaijan, Bhutan, Brunei Darussalam, Canada, Colombia, Czech Republic, Democratic People's Republic of Korea, Ecuador, Egypt, Fiji, Greece, Guatemala, Iran (Islamic Republic of), Kuwait, Lao People's Democratic Republic, Luxembourg, Libya, Malaysia, Myanmar, Nepal, Nicaragua, Norway, Philippines, Senegal, Singapore, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Uruguay, Zimbabwe.

Non-Member States represented by an observer

Holy See, State of Palestine.

United Nations funds, programmes, specialized agencies and related organizations

United Nations Development Programme, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Food Programme, United Nations Conference on Trade and Development.

Intergovernmental organizations

African Union, European Union, Organization of Islamic Cooperation (OIC), International Development Law Organization, the South Centre.

National human rights institution

Human Rights Commission of Sierra Leone.

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

General

Centre Europe - Tiers Monde, Caritas Internationalis.

Special

Arab Commission for Human Rights, Association Points-Cœur, Community of Pope John XXIII, Company of the Daughters of Charity of St. Vincent de Paul, New Humanity, American Association of Jurists, Latter-Day Saint Charities, Al-Hakim Foundation, INTLawyers.org.

Roster

Association of World Citizens, Indian Council of South America.
