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CHAIRPERSON-RAPPORTEUR
OF THE WORKING GROUP ON THE
RIGHT TO DEVELOPMENT

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alternative approaches for improving
the effective enjoyment of human rights
and fundamental freedoms

28 October 2013
New York
Mr. Chairperson,
Excellencies,
Distinguished delegates,
Ladies and gentlemen,

It is an honour to address you in my capacity as Chairperson-Rapporteur of the Working Group on the Right to Development. It is the first time that the General Assembly has invited me, on behalf of the Working Group, to present an oral report, instead of an update, of the 14th session of the Working Group, and to engage in an interactive dialogue. I thank you for this invitation.

As we commemorate the 20th anniversary of the Vienna Declaration and Programme of Action, it is appropriate to draw attention to the importance that the World Conference attached to the right to development.

Unanimously adopted, the Declaration and Programme of Action mark an important stage in the human rights discourse on the right to development with implications for implementation of the Declaration on the Right to Development. In Vienna, consensus was achieved and universal recognition was granted to the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights. The human person was recognised as the central subject and beneficiary of development.

The World Conference also expanded the scope of the right to development to include environmental sustainability, with all States agreeing to fulfill the right to development “so as to meet equitably the developmental and environmental needs of present and future generations.”

Recognising that “lasting progress towards the implementation of the right to development requires effective development policies at the national level” and “equitable economic relations and a favourable economic environment at the international level,” all States committed themselves to promoting “an effective international cooperation for the realization of the right to development and the elimination of obstacles to development.” The international order aspired to would be based “on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity.”

The consensual document expressed the determination of all States “to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity.”

All States committed themselves to respect the principles upon which international cooperation for the promotion and protection of human rights must be based. Accordingly, they reaffirmed their UN Charter commitment to take joint and separate action, placing proper emphasis on developing effective international cooperation for the realization of the purposes set out in Article 55.

More specifically, Vienna reflects the solemn commitment of all States to conduct the processes of promoting and protecting human rights in conformity with the purposes and principles contained in the Charter of the United Nations and in international law. It should be universal and conducted without conditions attached.

In this regard, the World Conference notably recognized the interrelationship and interdependence between individual rights and collective rights, which is a distinguishing feature of the right to development. It recalled the determination expressed in the Preamble to the Charter of the United Nations to reaffirm faith in the equal rights not only of individual men and women, but also “of nations large and small,” and reaffirmed the fundamental principle upon which international
cooperation must be conducted and upon which all human rights are based: the right of all peoples to self-determination by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

The Vienna Declaration and Programme of Action also reaffirmed the principle of universality, indivisibility, interdependence and interrelatedness of all human rights, and all States displayed their commitment to "treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis" and to ensure "the universality, objectivity and non-selectivity of the consideration of human rights issues."

In carrying out their duty to promote and protect all human rights and fundamental freedoms, States must bear in mind "the significance of national and regional particularities and various historical, cultural and religious backgrounds."

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It is within this context must be viewed the establishment of the intergovernmental Working Group on the Right to Development, albeit 5 years later in 1998, by the then Commission on Human Right with a mandate to, in particular, "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 analyzing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration."

The Working Group's 14th session was held in Geneva from 13 to 17 May 2013. Its report, contained in document A/HRC/24/37, was adopted by the Human Rights Council at its 24th session, in September last.

At that session, the Working Group continued to consider, revise and refine the draft right to development criteria and operational sub-criteria that were developed by the high-level task force on the implementation of the right to development. The draft criteria and operational sub-criteria are contained in document A/HRC/15/WG.2/TF/2/Add.2.

In carrying out its task, the Working Group had before it five conference room papers: a compilation of the Working Group's conclusions and recommendations since its inception in 1998; compilations of views expressed by Member States and other stakeholders on the right to development criteria and operational sub-criteria during the 13th session of the Working Group; and, compilations of written submissions received from Governments, groups of Governments and regional groups and other stakeholders.

Thanks to the dedication and commitment of all delegations the Working Group progressed beyond the target it had set for itself and completed a first reading of 39 draft operational sub-criteria. It also considered new operational sub-criteria for the draft criteria proposed at its previous session.

The Working Group recommended to the Human Rights Council that, at its 15th session, it continue to consider the draft operational sub-criteria with the first reading of the remaining operational sub-criteria. Twenty-nine draft operational sub-criteria remain be considered before the Group completes its first reading of all the draft criteria and operational sub-criteria that are before it.

Let me recall that the first reading involves a listing in bracketed language of all views expressed, refinements proposed, and proposals for additional draft criteria and operational sub-criteria.
The Human Rights Council in resolution 24/4 on the right to development, which was adopted on 26 September 2013 by 46 votes in favour, 1 against and no abstentions, endorsed the recommendations of the Working Group. The Council decided to convene a two-day informal intersessional intergovernmental meeting of the Working Group with the participation of States, groups of States and relevant United Nations agencies, funds and programmes and institutions, as well as other multilateral institutions and fora, and international organizations and other relevant stakeholders, with a view to improve the effectiveness of the Working Group at its 15th session.

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The Working Group remains guided in its work by the direction set by the General Assembly and the Human Rights Council. By paragraph 12 of resolution 67/171, the General Assembly encouraged the Working Group and the Chairperson-Rapporteur, in the discharge of their mandates, to take into account the need to promote the democratization of the system of international governance; to promote effective development partnerships for the purpose of the realization of the right to development; to strive for greater acceptance, operationalization and realization of the right to development at the international level; to consider ways and means to continue to ensure the operationalization of the right to development as a priority; and to mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, funds and programmes, as well as in the policies and strategies of the international financial and multilateral trading systems.

At its last session, the operational sub-criteria considered by the Working Group included, *inter alia*, maintenance of stable national and global economic and financial systems; adoption of national and international policy strategies supportive of the right to development; establishment of an economic regulatory and oversight system to manage risk and encourage competition; creation of an equitable, rule-based, predictable and non-discriminatory international trading system; promoting and ensuring access to adequate financial resources; and promoting and ensuring access to the benefits of science and technology.

The views expressed by Member States, UN System organisations, other international organisations and non-governmental organisations will be reflected in two Conference Room Papers that will be made available to the Working Group at its next session.

In my capacity as Chairperson/Rapporteur of the Working Group, I have also held informal consultations with representatives of UN departments, bodies, funds and programmes, specialized agencies, as well as with international financial and multilateral trading institutions to engage them more actively in the work of the Working Group and to encourage their active contribution on the draft criteria and operational criteria of particular relevance to their work. It is however regrettable that very few participate in these informal consultations or in the work of the Working Group, which, I believe, has less to do with a lack of interest, or will, on their part, but with a lack of clarity on what is expected of them in the absence of a specific mandate from their respective governing bodies to address human rights issues.

The overall thrust of the work of the Working Group is also guided by the decisions of the Human Rights Council to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals and, in this regard, lead to raising the right to development to the same level and on a par with all other human rights and fundamental freedoms; that, once considered, revised and endorsed by the Working Group, the criteria and corresponding operational sub-criteria 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 the Working Group shall take appropriate steps to ensure respect for and practical application
of the standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement.

Mr. Chairperson,
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Taking into account the considerable work that remains to be completed by the Working Group, I wish to draw the attention of the distinguished members of the General Assembly to some of the issues reflected in Group’s last Report that may slow progress.

The question of whether or not indicators should be addressed is an underlying constant that continues to influence the Group’s consideration of the draft criteria and operational sub-criteria. According to one view, the draft operational sub-criteria proposed by the high level task force are, by themselves, not operational and that, consistent with development practice and a results-based approach, indicators must be considered alongside them. Another view holds that indicators only serve the purpose of judging developing country performance and will not contribute to the elaboration of a comprehensive and coherent set of standards. Moreover, indicators are outside the scope of the mandate of the Working Group, as they had been outside that of the task force.

This debate is a reflection of different visions of development, of an enabling national and international order, of society. The balance of forces between essentially two different and, often, competing visions will determine the outcome.

Mr. Chairperson,
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In accordance with the recommendation of the Working Group, endorsed by the Human Rights Council, I have already begun, here in New York, to hold informal consultations with regional and political groups. I shall be reporting on the outcome to the Working Group at its next session, which is scheduled to take place from 12 to 16 May 2014. During the intersessional period, I shall also redouble my efforts to encourage all delegations, UN System programmes, funds and agencies, international organizations, NGOs, and indigenous peoples’ groups to constructively engage in the review process.

May I take this opportunity to express my profound gratitude to the General Assembly for the support it has extended, and continues to extend, toward the Working Group.

Mr. Chairperson,
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Economic and financial globalisation has meant that the crisis we having to confront, which is systemic in character and unprecedented in proportion, is having global ramifications. Inequalities within and between States show a dramatic increase, accompanied by countless victims, violating their human rights, and threatening the ecosystem upon which life itself depends. A recent Report of the International Labour Organisation pointed out that “functional income distribution has worsened around the world, with larger shares of national income going to the owners of capital and smaller shares going to labour.”

And, yet, we are not lacking in the means nor in resources to confront these historical challenges through international cooperation and solidarity in accordance with the United Nations Charter
obligations. Problems of a global character can only be resolved through collective action; the question is “Is there the political to do so?” We have entered what appears to be a chaotic dynamic that has the characteristics of a period in transition, a new era. Such a period is not without opportunities!

Twenty years ago, in his opening statement to the World Conference on Human Rights in Vienna, the former Secretary-General of the United Nations spoke of the “challenging dialectical conflict” that required people to “transcend” themselves and “to make a conscious effort to find our common essence beyond our apparent divisions, our temporary differences, our ideological and cultural barriers.” He underlined that human rights, while being absolute, were historically defined, and pointed to the need to bear in mind the fundamental dialectical conflict between the universal and the particular, between identity and difference. While there are similarities, history emphasizes our differences and separates us on numerous grounds, including the state of development. Differences can be a source of respect and mutual enrichment; yet when differences become synonymous with inequality, they cannot but be perceived as unjust.

If any progress is to be made in the realization of the right to development, then social justice and equality, national justice and international justice, must take equal place with political freedoms and civil rights that dominate today’s human rights discourse and practice.

Allow me to conclude by recalling a statement made in 1980 by Professor Theo van Boven, former Director of the Division of the Human Rights of the UN Secretariat, which continues to remain relevant. Referring to the profound interconnection that exists between development and human rights, the former Director warned:

“It is a challenge of utmost importance, for unless we can effectively bridge the gap between the realms of human rights and economics we risk the pursuit, on the one hand, of an international economic order which neglects the fundamental human development objective of all of our endeavours, and, on the other hand, of a shallow approach to human rights which neglects the deeper, structural causes of injustice, of which gross violations of human rights are often only the symptoms.”

Mr. Chairperson, Excellencies, Distinguished Delegates,

Implementation of the Declaration on the Right to Development, an instrument that provides a framework for building a humane society, based on justice, equality, non-discrimination, and solidarity, is an important step toward meeting that challenge!

Thank you for your attention!