



Press release

# Human Rights Council

Information Service

United Nations Office at Geneva

XXXXXXXXXXXX **HUMAN RIGHTS COUNCIL CONSIDERS REPORTS OF WORKING GROUPS ON DURBAN DECLARATION AND RIGHT TO DEVELOPMENT** XXXXXXXXXXXXXXX

Human Rights Council  
AFTERNOON 26 June 2006

**Members Support Continuation of the Mandates of the Working Groups**

The Human Rights Council this afternoon discussed the reports of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action and the Working Group on the Right to Development.

Juan Martabit, Chairman-Rapporteur of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, said today, there was a solid consensus that the Durban Programme of Action was an appropriate agenda to fight racism and racial discrimination and the Human Rights Council had the mandate to deal with racism.

Speakers supported the continuation of the mandate of the Working Group on the effective implementation of the Durban Declaration and affirmed the primordial role it played in the Council. Many speakers also noted that the international community needed to develop complementary standards to fill gaps in the Durban Declaration and supported the recommendation to appoint a five-member expert group to study and address the lacunae in international instruments. Several speakers felt that the work of the Committee on the Elimination of Racial Discrimination should be strengthened or that a Protocol to that Convention was required. In contrast, a speaker said that it was not a new instrument, but the full and effective implementation of the Convention on the Elimination of All Forms of Racial Discrimination that would help, and urged the Council to focus on implementation, rather than on norm creation, at this time.

One speaker was concerned that the follow-up to the Conference had proved to be a slow process and that the political will to implement the commitments the international community undertook in Durban was sorely lacking. Another speaker said that, like victims of slavery and apartheid, indigenous peoples looked for decisive commitment to their claims. In a similar vein, a speaker said that it was also important that the Working Group focus on all the commitments undertaken by States at the Durban Conference.

Ibrahim Salama, Chairperson-Rapporteur of the Working Group on the Right to

Development, said that the discussion on the right to development had come a long way since the Working Group began its work in 1998. In recent years, the Group had collectively managed to shift its focus from rhetoric to reality, from vagueness to clarity and from contradicting claims to consensual outcomes. That major shift was the result of constructive attitudes of all regional groups embodied in a new approach towards the realization of the right to development. That new approach, endorsed by the 60th session of the Commission in 2004, had two features: the establishment of an independent expert of the Sub-Commission of the Working Group; and opening debates to partners, without whom the right to development could not be implemented – trade, development and financial international institutions.

Several speakers agreed that the right to development served as a bridge between economic, social and cultural rights on the one hand, and civil and political rights on the other. Speakers also lauded what was seen as a new direction in the Working Group on the Right to Development to address issues more concretely, as well as the crucial contribution of the High-Level Task Force on the Right to Development in that regard.

Speakers remained divided, however, on the issue of whether there was a need to elaborate a convention on the right to development. Notably, Austria, speaking on behalf of the European Union, felt that human rights instruments rightly and necessarily addressed the obligations of a State to its citizens and not obligations between States. Whereas Malaysia, speaking on behalf of the Non-Aligned Movement, felt that, ultimately, efforts should be undertaken for the elaboration of a convention as an international legal instrument on the right to development.

Addressing the Council this afternoon on the topic of the report of the Intergovernmental Working Group on the Durban Declaration and Programme of Action were the representatives of Morocco, Brazil – speaking also on behalf of the Group of Latin American and Caribbean States, Mexico, Algeria – speaking on behalf of the African Group, Austria – speaking on behalf of the European Union, Switzerland, South Africa, the Russian Federation, Poland, Pakistan, Senegal, Azerbaijan, Cameroon, the United States, and Iran. Also speaking on that topic were the representatives of the following non-governmental organizations: International Youth Student Movement of the United Nations, and the Movement against Racism and for Friendship among Peoples.

Taking part in the debate on the report of the Working Group on the Right to Development were the representatives of Malaysia, on behalf of the Non-Aligned Movement, China, Cuba, Austria, on behalf of the European Union, Indonesia, Argentina, Morocco, Brazil, also speaking on behalf of the Group of Latin American and Caribbean States, Zambia, South Africa, the Russian Federation, Bangladesh, Nigeria, Pakistan – on behalf of the Organization of the Islamic Conference, Algeria, Senegal, Poland, the United States, Thailand and Luxembourg.

The next plenary session of the Council will be held on Tuesday, 27 June, at 9 a.m., when members will continue consideration of the issue of the right to development, and will then begin consideration of the report of the Working Group on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Council will meet non-stop on 27 June from 9 a.m. to 6 p.m.

### **Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action**

In the report on the fourth session of the Working Group on the Implementation of

the Durban Declaration and Programme of Action (E/CN.4/2006/18), the Working Group says that it met from 16 to 27 January 2006. During the first week of the session, a high-level seminar on racism and the Internet and on complementary international standards for combating racism was convened by the Office of the High Commissioner for Human Rights. The second week of the session was devoted to a thematic analysis of racism and globalization. Following the discussion, the Working Group said that the Durban Declaration and Programme of Action remains the most appropriate, comprehensive and viable anti-discrimination agenda for national policies and strategies to address racism, racial discrimination, xenophobia and related intolerance, and its implementation through national action plans is more urgent than ever. It expressed the view that Governments and other actors may require guidance and assistance to establish or improve national policy frameworks, administrative structures and practical measures to give effect to the Durban Programme of Action. In this regard, there is a need for the United Nations system and its relevant specialized agencies to provide targeted technical cooperation to enhance the effective implementation of the Durban Programme of Action.

**Presentation of the Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action**

JUAN MARTABIT, Chairman-Rapporteur of the Intergovernmental Working Group on the implementation of the Durban Declaration and Programme of Action, said today, there was a solid consensus that the Durban Programme of Action was an appropriate agenda to fight racism and racial discrimination and the Human Rights Council had the mandate to deal with racism. The Working Group had made some progress in its work. More focused and systematic work had been carried out. The High Commissioner for Human Rights and the Council should play a role in the dissemination of information and take other initiatives in the fight against discrimination. The Working Group should also function to achieve the decisions of the Durban Declaration and Programme of Action. The best instruments were only valuable when they were put in practice.

The Working Group had dealt with the issue of racism through the Internet at its latest meeting. A set of recommendations had been identified to help States to fight racism disseminated through the Internet. The fourth session also discussed supplementary instruments in the fight against racism, dissemination of hate speech and discrimination. The Special Rapporteur on racial discrimination should also concretise his work of country visits. The Committee on the Elimination of Racial Discrimination had also been recommended to add monitoring mechanisms to its methods of work. The development of new tools against racism and racial discriminate should also be given some thought. The Working Group would continue to promote the spirit of the Durban Declaration and Programme of Action.

**Statements on the Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action**

MARIA DEL CARMEN HERRERA CASEIRO (Cuba) said democracy, human rights and real freedoms could not co-exist with racism, racial discrimination and xenophobia. Racial discrimination was one of the most cruel manifestations of exploitation, and over centuries had been perpetuated and extended, in concert with the growing gap among rich and poor, enhanced by globalism and liberalist schemes. Social exclusion and marginalisation of peoples, ethnic groups, minorities and other categories of social groups and individuals, the profusion of discriminatory laws under the pretext of anti-terrorist provisions, the inappropriate use of information technology for ideas based on racial ideology and hate were all taking place at the same time as the reduction of the will of various Governments to combat racism and

xenophobia.

Religions such as Islam were subjected to ideologies motivated by the North with the intent of conquest and domination. Cuba demanded an immediate implementation of the Plan of Action that had been created at Durban. The commitments entered into there continued to be the basis of the international combat to fight racism. Cuba vigorously supported the work of the inter-governmental Working Group, and hoped a start would be made on complementary norms, and urged the Office of the High Commissioner for Human Rights to appoint as soon as possible the five experts charged with investigating the situation.

RICARDO GONZALEZ ARENAS (Uruguay) said Uruguay welcomed the fourth report of the Working Group. All forms of discrimination were manifest in societies today. It was not enough to recognize them: countries had to take measures to address them and to contribute to enhancing understanding and tolerance. Uruguay welcomed the dual mandate of the Working Group, to deal with the implementation of the Durban Programme of Action and to enhance national standards in that regard. Uruguay also echoed the appeal to be made by the Group of Latin American and Caribbean States to provide technical cooperation and funds for countries to comply with their obligations under the Durban Declaration.

LA YIFAN (China) said although it had been five years since the adoption of the Durban Declaration, incidents of racial discrimination and xenophobia had not ceased, and neo-Nazism was on the increase. The international community was subject to religious and racial intolerance. This fight left no grounds for optimism. The Vienna Declaration and Programme of Action provided that all rights were indivisible and interdependent. All countries should make efforts to strike an appropriate balance between the fight for freedom of expression, and that against racial discrimination.

Racial harmony and coexistence in the context of globalisation was also an issue. Globalisation had increased movement, and forced Governments to face squarely the issue of the living environments of migrants. Racial discrimination was the final expression of the problems linked to this. National integration and cultural harmony were required. The mandate of the Working Group should be extended for another five years.

SERGIO CERDA (Argentina) said that Argentina supported the statement to be made shortly by the Group of Latin American and Caribbean countries (GRULAC) on this subject. Argentina was of the view that the situation in the world showed how current the Durban Declaration was. Argentina felt that the debate on globalization and racism showed that the international community should take measures to deal with these problems, including new forms of discrimination that did not exist when the Declaration was formulated. Argentina hoped that the Council would continue to deal with the question of racism, as there were many current grave situations of racism. It also hoped that the periodic review would be continued, as well as the special procedures and the long and fruitful work of the Committee on the Elimination of Racial Discrimination, in particular its conclusions and observations adopted after review of periodic reports.

OMAR KADIRI (Morocco) said Morocco supported the mandate of the Working Group on the effective implementation of the Durban Declaration and Programme of Action and the primordial role it was playing in the Council. The statement that the implementation of the Durban Plan of Action would largely help to achieve the elimination of the scourges of racism, xenophobia, racial discrimination and all

forms of intolerance was supported, and the international community should redouble efforts to wipe out these forms of attacks on human dignity. Universal ratification of the Convention to eliminate all forms of racial discrimination and effective implementation of its provisions would help in the combat. The fourth session of the Working Group had been marked by an important event, namely a seminar on racism through the Internet, and the organisation of a thematic debate on globalisation and racism.

The challenge was due to new technologies, which were constantly making rapid progress and could have great importance in society, particularly among the young. The Working Group had also noted particular areas linked to racial discrimination, where the international community needed to develop complementary standards to fill gaps. The Working Group had agreed to establish a basic document, drawn up by international experts.

MARIA ADORNO RAMOS (Brazil), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), said that GRULAC would like to reiterate the importance it attached to the Durban Declaration and Programme of Action. For that reason, it supported the continuation of the dual mandate of the Intergovernmental Working Group on the implementation of the Durban Declaration and Programme of Action. GRULAC welcomed the report submitted and urged all parties to give consideration to the recommendations contained therein. In particular, it welcomed the suggestion of the Office of the High Commissioner for Human Rights to appoint a five-member expert group to study and address the lacunae in the current document. They looked forward to working closely together with the Working Group to implement the Durban Declaration and Plan of Action, the most effective instruments to deal with the elimination of racism. GRULAC expressed its hope that the Council, in its next session, would consider the report of the Special Rapporteur on contemporary forms of racism, the Working Group on those of African Descent and the Group of Eminent Experts.

MARIA ADORNO RAMOS (Brazil) said that as a multi-racial country, Brazil attached great importance to the problem of racism, racial discrimination, xenophobia and related intolerance. Brazil had been very active both at the national and international levels in the fight to combat racism. At the national level, Brazil had implemented many programmes in the areas of labour, health, culture and others, aimed at assisting those from vulnerable groups. At the international level, Brazil was participating in an international conference within the context of the Organization of the Americas, to address the implementation of the Durban Programme of Action. Brazil also hoped that the Committee on the Elimination of Racial Discrimination would improve its ability to make country visits, and the follow up mechanism on the implementation by States of the Committee's recommendations. Finally, Brazil welcomed the High Commissioner's recommendation to establish a five-member expert group to address protection gaps in existing international instruments to prevent racism.

XOCHITL GALVEZ (Mexico) said Mexico fully supported the work of the Working Group on the effective implementation of the Durban Declaration and Programme of Action. A Protocol to the Convention on the Elimination of Racial Discrimination was needed. The Durban Conference was a tribute to all those who had fought to combat these phenomena, and the validity of the struggle had made it possible for many countries to approve the Durban Declaration and Plan of Action, despite objections from many as to the issue of reparations due to past incidents.

Like victims of slavery and apartheid, indigenous peoples looked for decisive

commitment to their claims. Indigenous peoples had been victims of discrimination over centuries, and they should suffer no forms of discrimination due to their identity. There were persistent measures needed to combat discrimination. Indigenous peoples had been patient, and the proposal of the chair of the Working Group was approved. Today, the Council had a historic opportunity to redress wrongs, and the draft Declaration on the Rights of Indigenous Peoples should be approved.

IDRISS JAZAÏRI (Algeria), speaking on behalf of the African Group, said racism, racial discrimination and other such phenomenon constituted a grave violation of human rights and attacks on human dignity. The appropriate framework had been framed in the Durban Declaration and Programme of Action for the fight against those evil phenomena. The manifestations of racism and racial discrimination were a threat to the very existence of human beings. The international community had adopted the Durban Declaration and Programme of Work to succeed in the fight against any form of racism. However, their implementation remained slow. The commitments made by that World Conference were part of a roadmap, which was necessary in order to carry out a universal fight against the different manifestations of racism, which had now followed a new trend. The effective implementation of the Durban Declaration would facilitate the fight against acts of discrimination and hate speeches.

The African Group was encouraged by the commendable progress achieved by the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action and by the two mechanisms of the Commission on Human Rights: the Working Group of Experts on People of African Descent and the Independent Eminent Experts. The African Group believed that the implementation of their recommendations should favour the fight against the different manifestations of racism and racial discrimination.

WOLFGANG PETRITSCH (Austria), speaking on behalf of the European Union, said that the European Union had actively participated in the work of the fourth session of the Intergovernmental Working Group on the Durban Declaration and Programme of Action, and it fully subscribed to the conclusions and recommendations made in its report. The discussions on the issue of complementary standards had also made it possible for the Working Group to make progress, and the European Union was willing to update and strengthen existing instruments, including the International Convention for the Elimination of All Forms of Discrimination. Any new standard needed to represent a strengthening of existing instruments and in that regard it was necessary to identify existing gaps in protections.

The European Union was also eager to consider the report of the Committee on the Elimination of Racial Discrimination to strengthen the implementation of its recommendations. It was also important that the Working Group focus on all the commitments undertaken by States at the Durban Conference.

JEAN-DANIEL VIGNY (Switzerland) said the Chairman of the Working Group on the effective implementation of the Durban Declaration and Programme of Action was to be thanked for his report. Combating racial discrimination, racism and xenophobia should be a priority throughout the world, as it was a universal scourge that spared no land. The inter-governmental Working Group had been created in order to do this in a spirit of consensus and agreement. The Council should be in a position to adopt the report of the Working Group.

GLAUDINE J. MTSHALI (South Africa) said the Durban Declaration and

Programme of Action provided a comprehensive plan aimed at combating and eliminating racism, racial discrimination, xenophobia and related intolerance, which remained the blight of humanity and a major curse of the times. Unfortunately, five years following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, South Africa was concerned that the follow-up to the Conference had proved to be a slow process and the political will to implement the commitments the international community undertook in Durban was sorely lacking. The elimination of racism, racial discrimination and related intolerance was a responsibility of all humans. One would therefore wish to see the Council seized with the effective implementation of the Durban Declaration and Programme of Action, in an effort to combat past manifestations and contemporary forms of racial discrimination.

The establishment of the mechanisms to follow-up on the Durban Declaration and Programme of Action namely, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the Independent Eminent Experts, as well as the Special Rapporteur on Racism, set the tone for the international community to advance the global anti-racism and anti-discrimination agenda.

ALEXEI O. GOLTYAEV (Russian Federation) said that the Russian Federation attached great importance to the full implementation of the Durban Declaration and Programme of Action. It recognized, however, that to overcome problems related to racial discrimination, important efforts needed to be undertaken at the national level. Russia supported as a whole the conclusions of the Working Group embodied in its report on its fourth session. Racism on the Internet was of particular concern, and needed to be addressed. In general the problem of combating racism should be one of the key issues before the High Commissioner and funds had to be made available for that.

The Russian Federation felt that, at the same time that the Committee on the Elimination of Racial Discrimination had to be strengthened, there was also a need to work to fill the legal gaps in the existing international instruments to address that issue. In conclusion, the Russian Federation felt that it would be appropriate to continue the mandate of the Working Group.

ANDRZEJ MISZTAL (Poland) said the Working Group on the effective implementation of the Durban Declaration and Programme of Action had become the central forum where those concerned met and elaborated on international policies and measures to effectively address the evils of racism, racial discrimination, xenophobia and related intolerance. Taking into account the Group's difficult birth, and the complexity of the problems it had to deal with, the progress achieved was remarkable. However, it was a long way from diagnosis to actual healing. Racism and xenophobia were such chronic and serious diseases affecting all societies that nobody was free. It was not enough to be vigilant. Effective steps should be taken in all phases: prevention, reaction to manifestations of these phenomena, and finally assisting victims and combating impunity.

There was a need to integrate related challenges in all the relevant programmes. Particular attention should be placed in this regard on education. In this context, the Council could also wish to consider the need for further strengthening the existing mechanisms in the areas of racism and xenophobia through their better coordination and streamlining.

TEHMINA JANJUA (Pakistan) said the adoption of the Durban Declaration and Programme of Action had been a defining moment in the struggle against racism, racial discrimination, xenophobia, intolerance and all forms of discrimination. The historic Summit had underscored the international community's renewed commitment to combat racism in all its forms, especially its contemporary forms, and adopted a concrete plan of action to adopt that ideal. The valuable work done by the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action should be appreciated.

With regard to the Working Group, one should ensure the continuation of its substantive work, among other things. Pakistan strongly recommended that the Working Group should resume its work on the implementation of its recommendations at its fourth session without any gap.

ABDEL WAHAB AIDARA (Senegal) said that, five years after the World Conference on Racism, the international community had to remain posed to take on that scourge that was ever growing in proportions, and was now infecting the world of sport and the Internet, which was being used to disseminate messages of hatred and racist statements. In addition, extremist groups appeared to be propagating all over the world, owing to lax methods of Governments to prevent them. Those groups should be monitored and action against them taken to prevent their propagation of racial hatred.

Senegal fully supported the conclusions and recommendations of the report of the Intergovernmental Working Group on the Durban Declaration and Programme of Action, as well as the setting up of a five-member expert group to update existing instruments to address new forms of racism, racial discrimination and intolerance.

ELCHIN AMIRBAYOV (Azerbaijan) said the Working Group on the effective implementation of the Durban Declaration and Programme of Action had been an impressive achievement of the late Commission in an effort to fight racism, racial discrimination, xenophobia, intolerance, and all related forms of discrimination. The Working Group should have its mandate extended. The work and analogies done so far within the Working Group to implement the Durban Declaration and to study the weaknesses, advantages and disadvantages of the existing mechanisms and a set of norms had been very useful. The Group had acted as a significant United Nations forum to discuss racism and racial discrimination. An instrument on combating religious intolerance and other forms of discrimination should be created.

The present report of the Working Group should be adopted, and it should continue its work without gaps.

BELINGA EZEMBOUTOU (Cameroon) said the World Conference against racism and racial discrimination held in Durban had marked a decisive step towards the universalization of human dignity and the promotion of diversity, tolerance and dialogue among cultures and civilizations. Winning over racism depended on the will of governments to respect the commitments they made. Cameroon welcomed the creation of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Group of Independent Experts on People of African Descent, and the anti-discrimination unit of the Office of the High Commissioner for Human Rights. Cameroon also welcomed the recommendations made by the Intergovernmental Working Group. All those actions would allow the Council to proceed to an evaluation of the situation.

WARREN TICHENOR (United States) said that the United States shared the

concern that many persons worldwide were still subject to racism. The United States remained committed to the elimination of all forms of racial discrimination. The United States firmly believed, however, that it was not a new instrument like the proposed Optional Protocol, but the full and effective implementation of the Convention on the Elimination of All Forms of Racial Discrimination that would help them reach their shared goal of eliminating all forms of racial discrimination.

The United States joined the Secretary-General and others in urging the Council as a new institution to focus on implementation, rather than on norm creation, at this time. If there was, however, a continued desire to discuss complementary standards or additional instruments to address gaps in international human rights law with respect to racism, the appropriate forum was with the States parties to the Convention.

FOROUZANDEH VADIATI (Iran) said the Working Group on the effective implementation of the Durban Declaration and Programme of Action had played a central role in the implementation of the results of the World Conference against Racism. It was now at an important period of transition, and it was the responsibility of the Council to ensure that the work of the Working Group, which was an important part of the mandates in transition, was not undermined beyond recognition.

Iran was alarmed at the increasing instances of intolerance, discrimination and acts of violence based on religion or belief, and coercion motivated by extremism occurring in many parts of the world. The Council should draw the attention of the international community to the general increase in defamation of religions and racial hatred, and send a strong message against the upsurge in Islamophobia, and call for promoting respect, tolerance and dialogue.

JAN LÖNN, of Women's International League for Peace and Freedom, (in a joint statement with International Youth and Student Movement for the United Nations; Interfaith International; Movement against Racism and for Friendship among Peoples; and North South XXI), said the World Conference Against Racism and Racial Discrimination had adopted an important Declaration and Programme of Action which contained a profound analysis of the causes and manifestations of racism and commitment by United Nations Member States for concrete measures to curb the scourge of racism in their societies and at the global scale. While important follow-up activities had been undertaken both in the United Nations and at the national level, one believed that implementation of the Durban agreements had been weak and had not received sufficient global attention.

J.J. KIKYACHARIAN, of Movement against Racism and for Friendship among Peoples, said that racism and racial discrimination of any form called everyone into question as human beings and human nature itself. Racism could take many different forms: recurrent racism, such as that that developed from colonization and slavery and the like. Manifestations of that could be in racial epithets or statements like "why don't you go back where you came from?" Secondly, above individual discrimination, there was a diffuse sort of racism that could apply to all sorts of relationships, where there were expulsions undertaken, for example.

JUAN MARTABIT, President of the Working Group, in concluding remarks, said he was grateful for the support by speakers, and this would serve as an incentive for the Group to continue its work. His personal impression was that the method of work pursued by the Group continued to be very much relevant now. The sensitive issues

of racism, racial discrimination, exclusion and religious intolerance were at the root of many of the evils experienced in today's societies, and it was therefore particularly pressing to pursue and amend the customs and practices and hatred which gave rise to these particular manifestations. These issues needed to be eliminated from societies if there was to be peace and justice.

Recent times had seen a renewed effort by the Office of the High Commissioner for Human Rights to deal with these matters. Many speakers had said that nothing could be done without a more decisive commitment on the part of States to implement the recommendations that came out of Durban. The implementation of national plans to combat racism was required, and the urgency of this matter must be impressed on States. International instruments should be complied with and enforced, but these commitments should be implemented and improved where necessary. The Working Group had benefited from exceptional participation from Member States. All had shown a very constructive spirit. Some important tasks remained to be done.

### **Report of the Working Group on the Right to Development**

The report of the Working Group on the Right to Development on its seventh session (E/CN.4/2006/26), which was held in Geneva from 9 to 13 January 2006, states that the Working Group had considered the report of the high-level task force on the implementation of the right to development. It considered four options for its future work: to maintain the focus on the Millennium Development Goal 8 and criteria for its periodic evaluation with a view to having the task force apply the criteria identified to a number of partnerships, and report back to the Working Group; to consider the broader topic of Goal 8, focusing on other issues covered by Goal, as identified but not elaborated on by the task force; to focus on the topics identified by the task force as pertinent to Goal 8, but not covered by the targets enumerated therein; and to decide to select a new topic, not related to Goal 8.

The Working Group recommended that the following criteria be applied to the periodic evaluation of global partnerships as identified in Goal 8 from the perspective of the right to development: the extent to which a partnership contributes to creating an environment and supports a process in which all human rights are realized; the extent to which a partnership respects the right of each State to determine its own development policies, in accordance with its international obligations; and the extent to which partnerships for development promoted the incorporation by all parties concerned of all human rights, and particularly the right to development, into their national and international development strategies, and the extent to which partner countries receive support from the international donors and other development actors for those efforts, among others.

### **Presentation of Report of Working Group on the Right to Development**

IBRAHIM SALAMA, Chairperson-Rapporteur of the Working Group on the Right to Development, introducing his report, said the discussion on the right to development had come a long way since the Working Group began its work in 1998. In recent years, the Group had collectively managed to shift the focus of the Group from rhetoric to reality, from vagueness to clarity and from contradicting claims to consensual outcomes. That major shift was the result of constructive attitudes of all regional groups embodied in a new approach towards the realization of the right to development. That new approach, endorsed by the 60th session of the Commission in 2004, had two features: the establishment of an independent expert of the Sub-Commission of the Working Group and opening debates to partners, without whom the right to development could not be implemented: trade, development and financial

international institutions.

In his view, it was imperative that the momentum painstakingly gained by the right to development process be preserved and enhanced, particularly in the delicate phase of transition from the Commission to the Council, and that would be achieved by reducing all possible delays in the implementation of the Working Group's recommendations.

### **Statements on the Report of the Working Group on the Right to Development**

HSU KING BEE (Malaysia), speaking on behalf of the Non-Aligned Movement, said that this was a significant year insofar as the right to development was concerned, as it had marked two decades of work towards the realization of that fundamental human right since the Declaration of the Right to Development by the United Nations General Assembly in 1986. The right to development was not just about poverty eradication alone. It also served as a bridge between economic, social and cultural rights on the one hand and civil and political rights on the other. There should be a genuine global partnership to adopt practical measures to realize that right to ensure economic growth and development for all. Ultimately, efforts should be undertaken for the elaboration of a convention as an international legal instrument on the right to development. Here, the Non-Aligned Movement expected the Human Rights Council to build on the work already accomplished in the Sub-Commission towards that noble objective.

The Non-Aligned Movement believed that the Working Group on the Right to Development should continue its work now within the framework of the Human Rights Council. The significant progress made by the Working Group so far should pave the way for the Council and further inspire common understanding and approach towards the practical implementation of the right to development. The Non-Aligned Movement would be tabling at the current session a draft resolution that sought to extend the mandate of the Working Group for a further period of one year, in accordance with General Assembly resolution 60/251.

LA YIFAN (China) said the statement made by the Indonesian Government was supported. China had carefully studied the report of the Working Group, and appreciated the efforts made in the course of the session, and supported the extension of the mandate. The Office of the High Commissioner for Human Rights had supported the positive development of this unit, and this was a positive development. Twenty years had passed since the adoption of the Declaration on the Right to Development, but this remained an unattainable dream for many.

Development and human rights were the basis for all achievements. Development was the basis of self-respect and mutual trust, and its lack was the basis for poverty. Growth without development was a mirage, and it was the basis for economic, social and cultural rights, as well as being an inalienable human right. All human rights and fundamental freedoms should be fully realised in order for the benefits for development to be drawn. The international community should recognise the importance of that right. The newly-created Council had a particular responsibility with regards to the right to development.

MARIA DEL CARMEN HERRERA CASEIRO (Cuba) said the right to development constituted an inalienable and universal human right. Reducing the realization of the right to development at the international level was a denial by the international community of its obligations to assist and promote global development. The negative effects of the neo-liberal globalisation had been hampering developing

countries in their efforts to design policies in the realization of their right to development. The untenable burden of the external debts and the protectionist policies of the developed countries, and their barriers to access to their markets had further exacerbated the problems of the developing countries to realize their right to development.

It was the responsibility of all to retain the legacy of the Commission with regard to the right to development. Cuba welcomed the recommendations made by the Working Group on the right to development and appreciated the excellent work done by the Group.

WOLFGANG PETRITSCH (Austria), speaking on behalf of the European Union, said that the European Union welcomed the report of the Working Group on the Right to Development, in particular its very concrete recommendations of criteria for assessing global partnership from the perspective of the right to development. That was exactly the kind of practical result that the European Union believed could make a real difference in achieving the implementation of the right to development for individuals in countries around the world. Achieving those consensus conclusions had been due in good part to the hard work of the Chair and the Member States involved, but also very much also to the crucial contribution of the High-Level Task Force on the Right to Development. By bringing together interdisciplinary as well as cross-regional expertise together to share best practices and field level approaches, the Task Force had been able to identify specific ways to assess Millennium Development Goal 8 on global partnership in terms of the right to development, with a view to its improved operationalization.

In conclusion, the European Union maintained its firm support for the right to development as defined in the Declaration on the Right to Development, and also supported the extension of the mandates of both the Working Group and the High-Level Task Force for a further year. The European Union did not consider that pursuing a legally binding instrument specifically on the right to development would be useful or productive in advancing the implementation of that right. A human rights instrument was not the appropriate way to enhance such partnerships. Indeed, human rights instruments rightly and necessarily addressed the obligations of a State to its citizens and not obligations between States.

WIWIEK SETYWATI (Indonesia) said the realisation of the right to development at this juncture was more than timely. Over two decades ago, the adoption of the Declaration on the Right to Development had confirmed that the right to development was an inalienable human right, and that equality of opportunity for development was a prerogative both of nations and of individuals who made up nations, and the individual as the central subject and beneficiary of development. The Working Group had served as the only global forum mandated to monitor and review progress made in the promotion and implementation of this right, at the national and international levels, as well as providing recommendations thereon, and analysed obstacles to its full enjoyment.

The Council should endorse unanimously the draft resolution to renew the mandate of the Working Group on the Right to Development for a period of one year, and the Office of the High Commissioner for Human Rights should support this endeavour and do its utmost to speed up the process involving the implementation of the right to development through the development of the Millennium Development Goals and the human-rights based approach unit.

SERGIO CERDA (Argentina) said the resolution of the General Assembly to

establish the Council contained provisions for the right of development. The right to development was an inalienable human right whose realization had been advocated for since a long time. Argentina had been attaching great importance to the right to development. Poverty, which had been one of the causes hampering the realization of the right to development, had been emphasized in many occasions during the debate in the Commission. The poverty alleviation programme of the High Commissioner also related poverty as the cause impeding the realization of the right to development. Argentina was of the view that the new era opening with the Council would enhance the right to development. The contribution made by the Working Group was significant, in which international organizations dealing with development were involved.

MOHAMMED LOULICHKI (Morocco) said that Morocco fully supported the statement made by the representative of Malaysia on behalf of the Non-Aligned Movement. Human rights included economic, social and cultural rights as well as political and civil rights, and the right to development was a point of convergence for all those rights, and its full implementation would certainly make it possible for the greater enjoyment of all human rights throughout the world. It was currently of primary importance, given the economic and social situation in large parts of the world and the disparities in living conditions in different parts of the world. To fully attain the right to development, they had to undertake concrete efforts and spare no efforts to combat poverty and to strengthen good governance, human rights and the rule of law. In that regard, Morocco noted with satisfaction the work of the Working Group in that area, including to mainstream Millennium Development Goal 8.

Morocco was using all its efforts to promote the right to development in all areas of the world, including in Africa, Asia and elsewhere. Morocco hoped that the report of the Working Group and the continuation of its mandate would be adopted by consensus.

MARIA ADORNO RAMOS (Brazil), speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), said GRULAC fully supported the continuation of the mandate of the Working Group. It was an important year for the right to development, as almost two decades had passed since the adoption of the Declaration on the Right to Development, but almost nothing had happened with regards to its implementation. The Task Force should be given appropriate institutional and financial support to fulfil its mandate further.

The Declaration on the Right to Development which was adopted in 1986, the World Conference on Human Rights, the World Conference, the declaration from the Monterrey Summit, and others and numerous resolutions from the Commission and the General Assembly, in conjunction with analyses from other United Nations bodies had not only created a solid foundation to this universal human right, but had also emphasised the crucial importance of ensuring that this right was enjoyed in an effective manner. Efforts needed to be made to move forward to provide a real key to the right. The continuity of the work of the Working Group would ensure that progress continued to be made.

MARIA ADORNO RAMOS (Brazil) said the Working Group on the Right to Development had made significant steps towards the identification of issues that were directly related to the realization of the right to development. The right to development was part of the human rights and, according to the Vienna Principles, was strongly connected to civil, political, economic, social and cultural rights. The history of mankind had shown that development favoured political stability, civil liberties, economic prosperity, social inclusion and cultural expression.

Development, in the broad sense, was the result of economic growth and social inclusion; it was also the cause and the consequence of the strengthening of democratic institutions and civil liberties.

The burden of foreign debt absorbed significant financial resources from developing countries. Migrant and the so-called "brain-drain" deprived the South from human resources and skilled workers. High tariffs and subsidies in developed countries hindered the exportation of agricultural goods from developing countries, impairing the prosperity of that important productive sector and depriving developing countries from a relevant source to finance their development. The issue of development would continue to receive strong support from Brazil.

PATRICIA KONDOLO (Zambia) said that Zambia associated itself with the statement made by Malaysia on behalf of the Non-Aligned Movement. The path that the Working Group on the Right to Development had taken over the years had not been an easy one. In recent years, however, it had turned a leaf for the better. Zambia could not fail to mention and appreciate the role that the Task Force on the Right to Development had played in that regard. Therefore, Zambia supported the continuation of the mandate of the Working Group in the Human Rights Council.

The issues pertaining to the right to development were vital to the realization of human rights. One such issue was the cancellation of debt for the poor countries, especially the highly indebted ones. In that regard, Zambia was pleased to inform the Council that in July last year the Government had attained its Highly Indebted Poor Countries completion point and had had most of its debt cancelled since. To attain that, Zambia had had to put in place a lot of painful measures that had impacted negatively on its citizens. However, it was important to note that the positive effects of the cancellation of debt were already being felt in that inflation had gone down.

GLAUDINE J. MTSCHALI (South Africa) said it had been 20 years since the Declaration on the Right to Development had been proclaimed, but there had been no real progress towards its operationalisation. The right to development was by and of itself an inalienable right which, if fully implemented and operationalised, could ensure economic growth and sustainable development for all. The realisation of the right to development should be about the progressive enjoyment of all human rights as enumerated in the two core human rights covenants. It should become a priority of the Council.

There was concern about the lack of progress in the operationalisation of the right to development, and it should be mainstreamed internationally and within the policies, operational activities and programmes of the United Nations and its specialised agencies. There was a direct link between the promotion and protection of human rights and development. There was a need to further mainstream the right to development in the implementation of the Millennium Development Goals and in other international development goals.

SERGEI CHUMAREV (Russian Federation) said the Russian Federation attached great importance to the work of the Working Group on the Right to Development whose work had been inherited from the Commission on Human Rights. The Council should now give an important place to the debate on the right to development. The valuable work developed by the Working Group was significant. In its discussions, it had included a consensual approach and dialogue among the actors of development and institutions.

The right to development should entail additional obligations of the donor countries to increase their development assistance offered to the developing countries. There

should also be cooperation between the donors and recipient countries with regard to the right to development in line with the commitments of the developed nations to assist those countries. There was also a need to develop a share of responsibility in the global development needs of the developing countries, which were subjected to various development problems pertaining to poverty and external debt.

HEMAYETUDDIN (Bangladesh) said that Bangladesh associated itself with the statements made by Pakistan and Malaysia, on behalf of the Organization of the Islamic Conference and on behalf of the Non-Aligned Movement, respectively. The full realization of human rights would be meaningful only if poverty was eliminated. The Independent Expert on Human Rights and Extreme Poverty had referred to many issues that were fundamental to Bangladesh. In an increasingly globalized world, trade was a vehicle for overall development of an economy. Yet the market share of many countries, the least developed countries in particular, had decreased over the years. In addition, tariffs on least developed country products meant lost revenues for them. If they failed to make the multilateral trading system development-friendly and responsive to their needs, the right to development would remain a paper concept only.

KUNLE ADEYANJU (Nigeria), said the report of the Working Group on the Right to Development represented the outcome of constructive engagements and cooperation by a wide spectrum of participants, including Member States and observer delegations and United Nations bodies and non-governmental organizations. Valuable efforts had been made in successfully translating the norms and principles of the Declaration on the Right to Development into concrete result-oriented criteria which should serve as a veritable signpost for practical implementation of the right to development. It was important for the international community to restate its resolve and determination to consolidate on the present gains.

The Working Group should, on its renewed mandate, strengthen its collaboration with the United Nations bodies, agencies, funds and programmes, multilateral financial and development institutions and the World Trade Organization. It was necessary that both the Working Group on the Right to Development and the High-Level Task Force on the implementation of the right be accorded the required logistic support, including funding to fully discharge their renewed mandates.

TEHMINA JANJUA (Pakistan), speaking on behalf of the Organization of Islamic Conference, said that two decades after the adoption of the Declaration on the Right to Development, the phase of transition from the Commission on Human Rights to the Council, had provided with an historic opportunity to take concrete steps towards the full realization of the right to development. That right, as elaborated in the Declaration, was reaffirmed in the Vienna Declaration and Plan of Action. Since 1998, the Working Group on the Right to Development's mechanisms of the Independent Expert and the High-Level Task Force had helped elaborate and clarify the salient measures of the right to development. The Council should develop a strong structure on those foundations so that the inalienable and fundamental human rights could be realized for all without discrimination.

Transition should, however, not mean transformation beyond recognition. The terms of reference should not be altered or tempered with. It was important to carry forward all the elements of the discussion and key concepts raised in the Working Group during the transition. The right to development was a bridge between economic, social and cultural rights on one hand and civil and political rights on the other.

IDRISS JAZAÏRI (Algeria) said that owing to the fast pace of the Council's work, he had not cleared his statement with the Africa Group, so he was making his statement in his national capacity, but very much with a view to Africa. Algeria welcomed the report of the Working Group on the Right to Development and would like to emphasize that the right to development was a fundamental human right recognized as an inalienable and indivisible right in the Declaration and subsequent resolutions of the United Nations, as well as relevant international conferences. The right to development was the means to bridge the gap between economic, social and cultural rights and civil and political ones, which required global partnership with a view to adopting practical measures to realize that right, in order to ensure economic growth and development for all and the eradication of poverty.

Algeria believed that efforts should be undertaken for the elaboration of a Convention as an international legal instrument on the right to development. It also supported the extension of the mandates of the Task Force and the Working Group on the Right to Development for one year, as had been suggested.

FATOU GAYE (Senegal), said the conclusions and recommendations in the report of the Working Group on the Right to Development showed what was really possible for effective implementation of the right to development, including the important role of the State, within the limit of its resources, in this regard. However, implementation of the right to development required participation of the international community and partnerships. Globalisation had opened up new opportunities and challenges, but had also marginalized the economies of some countries. The Millennium Development Goals had reaffirmed the need for an international environment that would encourage the right to development.

The Council should encourage the legacy of the Commission, and work for the full realisation of the right to development.

ANDRZEJ MISZTAL (Poland) said that the debate on the right to development in Geneva had become much more cooperative and less confrontational. The practical approach adopted by all stakeholders had proven to be more promising than ideological or purely political disputes and helped to confirm that divides were often much more on the minds than belonging to the heart of practical issues related to human rights. That observation and experience might be helpful when approaching decisions concerning the work of the Human Rights Council.

The work of the Task Force and the subsequent decisions of the Working Group on the Right to Development were focused on the links between human rights and developments addressing a broad range of issues from Millennium Development Goals, including international development cooperation, to rights-based approach to development and interrelatedness between all human rights.

GIANNI PAZ (United States) said that the United States had voted against the 1986 United Nations General Assembly Declaration on the Right to Development. The Declaration defined the right to development as two sets of rights, one related to individuals, and the other set related to groups, that was, peoples. It was at best confusing to use the same term to mean two entirely different things. Certain rights, like the right to development, could be attached only to individuals, not groups.

The United States interpreted the right to development as each individual's right to develop his or her own intellectual or other capabilities to the maximum extent possible through the exercise of the full range of civil and political rights. The United

States urged the Council to undertake a complete review of all mandates, including the Working Group on the Right to Development, in its first year.

CHAIYONG SATJIPANON (Thailand), said the continuing progress of the debate on the right to development was important, and the outcome of the discussions of the Working Group were noted with pleasure. Concrete steps forward would greatly contribute to the realisation of the right to development. Peace, security and the right to development were inextricably linked. The Council should enhance the promotion and protection of all human rights, civil and political rights, economic, social and cultural rights, including the right to development.

Thailand adhered to the right to development, and it was the right to a process of development in which all human rights and fundamental freedoms could be realised in a fair and progressive manner. Great importance was attached to the implementation of the right to development. The discussion should continue and be developed further in the Council in order to identify better ways and means for its implementation.

JEAN FEYDER (Luxembourg) said that poverty had become a central challenge to human rights. More than 3 billion people in the world --half of the world's population -- lived on less than two Euros per day for their survival. About 45 million persons, including children died each year of hunger and malnutrition. It was imperative to react to that at the national and international levels. All human rights - civil, political, economic, social and cultural, including the right to development - should be promoted and defended. All human rights were universal, indivisible, inseparable and interdependent and should be reinforced mutually. All human rights should be considered as equally important.

Luxembourg attached great importance to the fight against poverty and to its policy of solidarity and development cooperation. In 2005, it had provided 0.86 per cent of its national income to international development assistance.

\* \* \* \* \*

*For use of information media; not an official record*

*HRHRC06019E*