

Submission in follow-up to HRC resolution 19/34 “The right to development”

United Kingdom

In preparation for the 13th Session of the Working Group on the Right to Development on 7-11 May 2012, and in response to the Note Verbale dated 21 March, the United Kingdom would like to submit the following comments and proposals in respect of the criteria and sub-criteria outlined in the report of the High Level Task Force on the implementation of the Right to Development.

The United Kingdom remains fully committed to supporting development and to realising the Millennium Development Goals. We are on track to spend 0.7% of the UK’s national income on development aid from 2013, and will continue to participate actively in the MDG process. In this spirit, we welcome the efforts of the Working Group on the Right to Development and will continue to engage constructively with the process of ensuring the right to development is properly implemented.

The United Kingdom has consistently made clear, both in its 2011 submission to the Working Group and in UN and other international fora, that the right to development cannot be considered in isolation. It is closely linked with the realisation of all human rights, which include civil and political, and economic, social and cultural rights.

The United Kingdom would also like to emphasise that, while the Vienna Declaration and Programme of Action makes clear that international development has an important role to play, the primary responsibility for the promotion and protection of all human rights, including the right to development, lies with the State. We remain firmly of the view that it is the individual, not the State, who is the subject of international human rights framework.

Work of the High Level Task Force

The United Kingdom would like to take this opportunity to reiterate its thanks to the members of the High Level Task Force for the important work which they have undertaken. The task of determining criteria for monitoring the realisation of the right to development is a complex one, and the Task Force deserves full credit for their efforts in this area.

The United Kingdom continues to have a number of general concerns about the criteria as they currently stand. They should strike a more equal balance between State action at the national level and international co-operation. And they should take full account of the indivisibility of civil and political rights and social, economic and cultural rights. The right to development cannot be realised through the meeting of social and economic indicators alone; progress must also be made in basic civil and political rights in order to create an environment in which the right to development can be properly implemented. Thus States must guarantee the right to freedom of expression and assembly, promote the rule of law, welcome participation by civil society and respect the principles of gender equality and non-discriminatory implementation of human rights obligations. This should be more clearly reflected in the indicators.

As previously stated, we are also concerned that some of the indicators mean that data would only be available for citizens of certain countries – we need to balance this with recognition

of the fact that the right to development is intended as universal. In some cases, we will also need to take into account not merely the existence of policies, but the degree to which they are implemented, including at the sub-national level. In other cases, we need also to look at how it will be possible to define and capture baseline data. The United Kingdom looks forward to discussing the criteria in further detail at the forthcoming session of the Working Group.

Next steps

Given the importance and complexity of agreeing the necessary criteria, the United Kingdom proposes that, following the 13th Session of the Working Group, there should be a detailed discussion of each criterion. This is important to ensure that each criterion is rigorously tested, and that States have the opportunity to consider in detail the implications for national policies and practices. We would then propose that the criteria are further negotiated as a complete package.

As stated in the United Kingdom's 2011 submission to the Working Group, this discussion should take place in an inter-governmental setting, but should also involve contributions from relevant HLTF experts, and national development experts as necessary to ensure a practical focus. The Working Group may have a role to play in determining the precise modalities of these discussions.

Following this process, the next step should be translating policy discussions into concrete action for the implementation of the right to development. The form of follow-up will depend on discussions around the individual criteria. As previously stated, the United Kingdom cannot support the development of a legally binding instrument. However, it is open to exploring other options for an appropriate way forward, which might include the development of Guidelines or Voluntary Principles; training and education; exploring how human rights treaty regimes incorporate the right to development into their work; the provision of technical assistance or methods of sharing best practice between States and other actors.