

COMMISSION ON HUMAN RIGHTS

Working Group of Governmental Expertson the Right to Development

Third session

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Written Statement submitted by the International Commission of Jurists,
a non-governmental organization in category II consultative status

1. Having followed the discussions in the third session of the Working Group of Governmental Experts on the Right to Development, the International Commission of Jurists respectfully submits for the consideration of the Working Group the following alternative draft declaration.
2. The draft is based upon the Cuban draft in WP.5 and, for the most part, incorporates a number of concepts introduced in the working paper by the experts of the "Group of 77" countries in their WP.17. The wording and order have been altered in places with a view to obtaining consistency in drafting.
3. The relevant articles and paragraphs of these working papers are indicated in the margin. As will be seen the draft is confined to the substantive articles.
- 4.

Draft DeclarationArticle 1Cuba 1 and 6
G.77,II,1

1. The right to development is a right of individuals, groups, peoples and States to participate in and benefit from a process of development aimed at realizing the full potentialities of each person in harmony with the community.

Cuba 2
G.77,II,1,a

2. The right to development recognizes that the human person is the subject as well as the object of development, its main participant as well as its beneficiary.

Article 2Cuba 3
G.77,II,1,e
G.A.Res.32/130

All human rights, economic, social and cultural, as well as civil and political are interdependent and inseparable elements of the right to development.

Article 3

G.77,II,1,d

The right to development applies at all levels, community, local, national, regional and global.

GE.82-10074

Article 4

The right to development includes:

- Cuba 10
G.77,II,2,a
- (a) the right of peoples to self-determination;
- Cuba 5
G.77,II,2,b
Charter of Economic and
Social Rights,
- (b) the right of every State to choose its economic, political, social and cultural system and its policies of development in accordance with the will of its people without outside interference, coercion or threat in any form whatsoever;
- Cuba 5
G.77,II,2,c
- (c) the right of every State to exercise its permanent sovereignty over its wealth, natural resources and economic activity;
- Cuba 6
G.77,II,1,f
G.77,III,4,b
- (d) the right of individuals and groups to mobilize and organize themselves in order
- (a) to participate at all relevant levels and at all stages in the development process, including the formulation, application, monitoring and review of development policies; and
- (b) freely to promote their own development in accordance with the principles of self-reliance and self-management;
- Cuba 3
G.77,III,4,a
- (e) the right of access of individuals, groups and States to the necessary material resources so as to enable them to meet their needs of productive and equitably remunerated work, adequate diet, health care and hygiene, shelter, fuel and clean water and air, as well as the necessary intangible resources, in particular education, information and technology.

The right to development implies the duty of the authorities at every level responsible for development policies and programmes to be accountable to those whom they are intended to benefit, and includes the duty to make available all relevant information.

- Cuba 8, 1 and 10
- It is the duty of all States to co-operate with each other in promoting and assisting development, and in eliminating obstacles to development.

Article 7

Among the obstacles to development are,

at the international level:

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| G.77,III,1,i | (a) | the massive diversion of resources necessary for development in favour of a continually increasing expenditure on arms and militarization; |
| Cuba 4
G.77,III,3 | (b) | colonialism, neo-colonialism, <u>apartheid</u> , all forms of racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity; |
| Cuba 4 | (c) | denial of the right of peoples to self-determination and to dispose freely of their natural wealth and resources; |
| G.77,III,1 | (d) | the present inequitable economic order characterized by unjust terms of trade, anachronistic financial institutions and inadequate mechanisms for the transfer of resources, technology and skills on a regular and equitable basis. |
| G.77,III,3,d,iv | (e) | inadequate regulation of the activities of transnational corporations serving their own interests, often at the expense of the peoples of developing countries; and |

at the national level:

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| G.77,III,2,i | (f) | ignorance, illiteracy, poverty and disease; |
| G.77,III,2,ii,
iii and 4 | (g) | lack of equal opportunity of access to basic resources, including education, health care and hygiene, appropriate technology and skills; |
| G.77,III,2,iv | (h) | concentration of economic, social and political power in the hands of particular groups, resulting in structures of domination and dependence; |
| G.77,III,2,ii | (i) | inequitable distribution of the benefits of development; |
| Cuba 6,2
G.77,II,1,f
G.77,III,2 | (j) | failure to permit and encourage the poor, women, minorities and other disadvantaged groups to organize and mobilize themselves so as to enable them to participate fully in the development process and to promote their own self-reliant development; |
| | (k) | lack of effective measures to make those responsible for development policies and programmes accountable to the intended beneficiaries, and to require them to make available the relevant information for this purpose. |

Article 8

The effective implementation of the right to development requires:

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| Cuba 7
G.77,III,3,b
and c | (a) | every State to take joint and separate action to promote the establishment and maintenance of international peace and security, disarmament and demilitarization; |
| Cuba 8 (1) | (b) | every State to co-operate in solving international problems of an economic, social, cultural or humanitarian nature and in promoting respect for the human rights and fundamental freedoms of all, without distinction of any kind such as race, sex, language or religion; |
| Cuba 8 (2)
G.77,III,4,c | (c) | that priority be given at all levels to redressing inequality of resources and giving positive assistance to poor and disadvantaged individuals and social groups, such as women and minorities, and to less developed States, consistent with and in support of their self-organization to achieve their own development; |
| Cuba 9
G.77,III,3,d | (d) | every State to co-operate in establishing a new international economic order with a view to ensuring for developing countries a more equitable distribution of the world's resources, equitable terms of trade, democratic participation in international economic and financial institutions, true economic independence and the conditions for an adequate standard of living; |
| G.77,III,3,d,iv | (e) | regulation and monitoring of the activities of transnational corporations so as to ensure that they promote the interests of the peoples of the countries in which they operate and respect their sovereignty; |
| G.77,III,3,d,v | (f) | common management of resources which are the common heritage of mankind. |