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DRAFT REPORT OF THE COMMISSION

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* E/CN.4/1993/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1993/L.11 and addenda.

A. Resolutions

1993/21. Respect for the right of everyone to own property alone as well as in association with others

The Commission on Human Rights,

Recalling General Assembly resolution 45/98 of 14 December 1990,

Recalling also its resolutions 1991/19 of 1 March 1991 and 1992/21 of 28 February 1992 and Economic and Social Council decision 1991/236 of 31 May 1991, which established the mandate of an independent expert on the right to own property alone as well as in association with others,

Recognizing that there exist in the world many forms of property ownership,

Recognizing also the necessity of concluding the analysis of the numerous forms of legal property ownership,

Taking note of the report of the Independent Expert (E/CN.4/1993/15),

1. Welcomes the report of the Independent Expert on the means whereby the right of everyone to own property alone as well as in association with others contributes to the exercise of fundamental freedoms;

2. Expresses its appreciation to the Independent Expert for his report, his thoughtful analysis of the relevant issues and his conclusions that property ownership is an essential basis of the economic system of any given society and that intellectual property must also be protected;

3. Decides to renew the mandate of the Independent Expert for one year so that he may complete his report using the observations and comments submitted by Governments and intergovernmental and non-governmental organizations which could not be included owing to the time when they were received;

4. Requests the Secretary-General to provide assistance to the Independent Expert and to transmit the report to all Member States and interested intergovernmental and non-governmental organizations;

5. Decides to consider the report of the Independent Expert at its fiftieth session, under the same agenda item, and to conclude its consideration of this matter upon receipt of that report.

53rd meeting

4 March 1993

[Adopted without a vote. See chap. VII.]

1993/22. The right to development

The Commission on Human Rights,

Recalling the resolutions of the General Assembly and its own resolutions on the right to development,

Reaffirming the principles contained in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the report on the Global Consultation on the Realization of the Right to Development as a Human Right (E/CN.4/1990/9/Rev.1),

Noting that economic development and respect for human rights are twin foundations of peaceful and friendly relations among nations and that, therefore, the United Nations has a duty to promote the right to development under Article 55 of the Charter of the United Nations,

Recalling General Assembly resolution 47/123 of 18 December 1992 in which it requested the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, and also requested the Office of the Under-Secretary-General for Economic and Social Development and the Centre for Human Rights to continue the coordination of the various activities with regard to the implementation of the Declaration,

Recalling also that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Taking note of the report of the Secretary-General (E/CN.4/1993/16) containing his concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development, prepared in accordance with Commission resolution 1992/13 of 21 February 1992,

Mindful that the Commission on Human Rights entered a new phase in its consideration of this matter, which is directed towards the implementation and further enhancement of the right to development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Noting with interest the final documents of the Tenth Conference of Heads of State or Government of Non-aligned Countries held at Jakarta from 1 to 6 September 1992,

Welcoming the Final Declaration adopted at Tunis by the Regional Meeting for Africa of the World Conference on Human Rights (A/CONF.157/AFRM/14-A/CONF.157/PC/57, chap. I) and the San José Declaration on Human Rights adopted by the Regional Meeting for Latin America and the Caribbean (A/CONF.157/LACRM/15-A/CONF.157/PC/58),

1. Recalls that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized;

2. Recalls also that all human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development;

3. Recognizes that the biggest obstacles to the realization of the right to development lie at the international macro-economic level as reflected in the widening gap between the North and the South, the rich and the poor;

4. Recognizes also the existence of impediments at the national level;

5. Notes with concern the lack of coordination in the United Nations system of the effective implementation of the principles contained in the Declaration on the Right to Development;

6. Urges all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

7. Encourages all States, when formulating their national policy and development plans, to include explicit provisions on the right to development and to give special consideration to all basic human needs, particularly in the fields of education, primary health care, nutrition and employment;

8. Recalls that in its resolution 47/123, the General Assembly called upon the World Conference on Human Rights and its Preparatory Committee to take fully into account the Declaration in examining the relationship between economic and social development, democracy and the enjoyment of human rights

and the indivisibility and interdependency of economic, social, cultural, civil and political rights, and the fact that economic and social progress facilitate the growing trend towards democracy and the promotion and protection of human rights;

9. Takes note with appreciation of the report of the Secretary-General containing concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development;

10. Decides to establish, initially for a three-year period, a thematic working group on the right to development, composed of 15 experts nominated by the government to be appointed by the Chairman of the Commission on Human Rights at its forty-ninth session, on the basis of equitable geographical representation and in consultation with the regional groups in the Commission, with the following mandate:

(a) To identify obstacles to the implementation and realization of the Declaration on the Right to Development, on the basis of information furnished by Member States and other appropriate sources;

(b) To recommend ways and means towards the realization of the right to development by all States;

11. Requests the Working Group to submit to the Commission at its fiftieth session an initial, comprehensive report on the obstacles affecting the implementation of the Declaration and to continue reporting to the Commission, on a yearly basis, on its work;

12. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular, the staff and resources required to fulfil its mandate;

13. Also requests the Secretary-General to invite Governments and intergovernmental organizations to communicate sample projects to the Advisory Services and Technical Assistance Branch on the effective implementation of the Declaration on the Right to Development;

14. Requests the Economic and Social Council at its substantive session for 1993 and the General Assembly at its forty-eighth session under the item entitled "Questions related to human rights" to give particular attention to the question of the implementation of the principles contained in the Declaration on the Right to Development.

15. Decides to consider at its fiftieth session the agenda item entitled "Question of the realization of the right to development".

53rd meeting

4 March 1993

[Adopted by a roll-call vote of 36 to 1,
with 13 abstentions. See chap. VIII.]

B. Decisions

1993/103. Promoting the realization of the right to adequate housing

At its 53rd meeting, on 4 March 1993, the Commission on Human Rights, taking note of resolution 1992/26 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing and to request him to carry out a two-year study on this issue, and to endorse the requests of the Sub-Commission to: (a) the Special Rapporteur to submit to the Sub-Commission, at its forty-fifth session, a progress report on the promotion of the realization of the right to adequate housing, taking into account the comments made in the discussion of his working paper (E/CN.4/Sub.2/1992/15) at its forty-fourth session, and (b) to the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his study and to compile and analyse the information and documents collected.

[See chap. VII.]

1993/104. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 53rd meeting, on 4 March 1993, the Commission on Human Rights, taking note of resolution 1992/28 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, by a vote of 48 to 1, to endorse the decision of the Sub-Commission to entrust Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements, and also to endorse the request of the Sub-Commission to the Secretary-General to give the Special Rapporteurs all the assistance necessary for their study.

[See chap. VII.]
