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COMMISSION ON HUMAN RIGHTS  
Working Group on the Right to  
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QUESTION OF THE REALIZATION OF THE  
RIGHT TO DEVELOPMENT

Report of the Working Group on the  
Right to Development at its third  
session

Draft chapter on the evaluation of the implementation of the Declaration on the Right to Development by Governments

1. At its third session, the Working Group received a limited number of written replies from Member States to a note verbale addressed to Governments by the Secretary-General in pursuance of Commission on Human Rights resolution 1994/21 inviting them to provide the Working Group with the necessary additional information, taking into account, *inter alia*, the preliminary guidelines and the checklist adopted by the Working at its first session. The written replies are contained in document E/CN.4/AC.45/1994/4. The Working Group also listened to several oral contributions by Member States. The replies did not always follow the guidelines and check-list adopted by the Working Group at its first session. It expressed its appreciation for the response received and the wish that Member States should be encouraged to further respond to the questions put by the Working Group.

2. Despite the limited number of replies received, the Working Group considered that they were sufficiently representative because they reflected the preoccupations and perspectives of both developed and developing countries as well as those in a state of war. Replies had also been received from a number of new States who had recently joined the United Nations system, reflecting the hope they had invested in the System. The different perspectives that were evident in the replies reflected the different conditions in these countries and paved the way for a synthetic analysis of the issue under consideration.

3. An important number of governments had also submitted information and analyses on obstacles.

4. Some replies had a global perspective of the various dimensions of the right to development: indivisibility, the individual and collective dimensions; the right to participate and to benefit from the fruits of development; the right to development as integrating economic, social, cultural and political dimensions.

5. In their replies, most of the governments had given priority to certain aspects of the right to development over others, reflecting the difficulties governments, like international organisations, have in interiorising and integrating the concept of the right to development in its multiple dimensions. The absence of historical reference to a process of realisation of human rights simultaneously in its political, economic, social and cultural dimensions explains this situation and underlines the fact that the concept of the right to development is a concept of the future, the implementation of which can only be the result of a long and laborious process.

6. The question of the effectiveness of the right to development was raised by some Governments which consider that the right to development constitutes only an orientation that should guide the actions and progress made by States and the international community and not a totality of rights that are effectively

enforceable.

7. Some replies indicated that the right to development must be seen from an integrated perspective. One set of rights should not be given priority over others. They emphasised the interdependence and interrelationship between development, democracy, human rights and the environment, as well as the need for growing equality. An integrated approach to development, therefore, requires the inclusion of all these ideas. The replies also indicated that the right to development had both a national and international dimension and underlined the interdependence and interrelationship between the two. The contributions of some governments, provided a clear concept of the right to development at both national and international levels.

8. Replies from developed and developing countries from all regions of the world including troubled regions, all indicated recognition that the right to development was both an individual and a collective right.

9. Governments of countries in a state of war gave particular emphasis to the issue of peace, the observation of international law and freedom from aggression as a necessary precondition for economic growth and development.

10. Many governments emphasised the importance of peoples' participation as well as the need to create the necessary conditions for such participation for the realisation of the right to development. Of particular importance to the implementation of the right to development was the participation of women. Reference was also made to the participation of vulnerable groups and indigenous peoples.

11. Some governments referred to the measures that can and must be taken internally to implement the Declaration on the Right to Development. The replies show that the right to development is not merely a concept but is a way of making all human rights operational through programmes such as those related to health, education, housing, poverty, youth, women, the elderly, children, minorities and the environment.

12. The globalisation of the economy appeared to be a reality recognised by all States whatever their political and economic systems. Such globalisation implies the interdependence between development of different groups and different continents and supposes a collective responsibility at the level of the international community and international solidarity.

13. A number of replies emphasised the need to create an enabling international economic environment and referred, *inter alia*, to trade relations, deteriorating terms of trade, protectionism, debt, declining aid flows, sanctions and other coercive measures, and aggression.

14. Most, if not all of the governments who replied, considered that the realisation of the right to development is essentially and primarily the responsibility of States. They also considered that national efforts can only be successful if they are based on and supported by appropriate international action. The synergy that must exist between national efforts and international action for the implementation of the right to development was thus particularly emphasised. Emphasis was also placed on the responsibility of States to ensure that international institutions function in a proper and coordinated manner.

15. A number of governments emphasised the role of international institutions and the importance of strengthening appropriate international cooperation and assistance, both bilateral and multilateral, in order to implement the right to development. Some countries had identified a number of areas in which governments can act and for which international cooperation and was essential. Technical cooperation should not be used to impose a particular model of development on the recipient country but should be linked to the recipient country's own development strategy.

16. Some governments expressed the need to establish effective machinery to promote and monitor the implementation of the right to development.

#### Obstacles

17. The replies submitted by governments enabled the Working Group to identify a number of obstacles, some of which had already been identified by the Working Group during its first and second sessions. Two types of obstacles were identified: national and international.

18. Both sets of obstacles must be addressed for the realisation of the right to development. The obstacles identified included the following:

- \* Violence in the broad sense. Most governments referred to external and internal peace is crucial for the realisation of the right to development. This point was also underlined in the Secretary-General's report on An Agenda for Development. It is only by resolving conflict that open space can be created for development. Peace, therefore, constituted a basis for the realisation of the right to development. Peace should be understood as not only peace in the battlefield. It was necessary to have a broad and comprehensive understanding of peace and should include peace in the exercise of authority in the family, in the workplace as well as in all social relations. Peace should also apply to the mass media, in the cinema and in all forms of entertainment. The need for peace was applicable not only to developing countries or to particular regions, but was universally and globally valid. The importance of internal security and social stability is a necessary pre-condition for the realisation of the right to development.

- \* lack of participation

\* The denial of the right to self-determination of peoples was an important obstacle to the realisation of the right to development.

\* aggression

\* corruption in all parts of the world

\* international economic framework and structural inequalities in the international system including debt; protectionism; subsidies; unequal exchange and deteriorating terms of trade for developing countries; the lack of resources; declining aid flows.

\* lack of democracy in the international financial institutions; conditionalities imposed on debtor countries by the international financial institutions; and, similar prescriptions imposed by these institutions on different societies at different levels of development.

#### Conclusions and Recommendations

19. The Working Group reiterated the invitation extended to those Governments that had not yet responded to convey the necessary information to the Working Group and through their contributions proceed to a joint analysis of the issue under consideration.

20. The achievement of peace is crucial for the realisation of the right to development. The need for peace is applicable to all countries and regions alike and, as such, is universally and globally valid. Peace should be understood not only as peace in the battlefield. It is necessary to have a broad and comprehensive understanding of peace. Such an understanding includes peace in the exercise of authority in the family, in the workplace as well as in all social relations. Peace also applies to the mass media, the cinema and all forms of entertainment.

21. The concept of sustainable development must form an integral part of the right to development and include respect for human rights and the environment.

22. States have primary responsibility to ensure the conditions necessary for the enjoyment of the right to development, as both an individual and a collective right. Development cannot be seen as an imported phenomena or one that is based on the charity of developed countries.

23. The implementation of the right to development can only be the result of national policy and national strategy which necessarily takes into consideration the specific context of each country. There is no readymade model which can be applied universally by all States for the implementation of the right to development. It can only be the result of a long and laborious process which must develop according to the specific conditions inherent to each country and which necessitates an engagement on the part of each State and the cooperation of all States.

24. The globalisation of the economy is a reality and implies interdependence between development of different groups and different continents and supposes a collective responsibility at the level of the international community and international solidarity. In the context, the creation of an appropriate and favourable international environment is indispensable for the realisation of the right to development.

25. The enjoyment of all human rights requires that States provide an enabling environment at both national and international levels so that all individuals can realise their potentials. The State cannot abandon its responsibility to market forces. It is also the responsibility of States to ensure that international institutions function in a democratic and coordinated manner.

26. It is necessary to address the disequilibrium caused by the interest accorded by governments to the realisation of certain human rights in relation to others. There should be greater emphasis on economic, social and cultural rights.

27. The removal of national and international obstacles to the implementation of the right to development will require the mobilisation of resources within the community and the establishment of the material basis for development, including the structures necessary to ensure access to health, education, employment and social welfare.

28. It is essential to strengthen appropriate international cooperation and assistance, both bilateral and multilateral, in order to implement the right to development. Technical cooperation should not be used to impose a particular model of development on the recipient country but should be linked to the recipient country's own development strategy.

29. The Governments of Member States bear the highest responsibility for the implementation of the right to development and should, therefore, give the most serious consideration to the basic concepts embedded in the 1986 Declaration and their enlargement through the work of a number of world conferences held during the recent years, including UNCTAD VIll, the Earth Summit, the Vienna Conference as well as the preparatory meetings for the Social Summit in Copenhagen and the Women's Conference in Beijing. This considerations should have a decisive influence both on their domestic and foreign policies either in their bilateral relations or in their contribution to regional/multilateral cooperation efforts. From the point of view of domestic policies, the implementation of the right to development as an inalienable right of the human person calls for the achievement of several mutually reinforcing objectives.

30. Development is reversible. Consequently, there is a need to devise a permanent mechanism to monitor and evaluate the implementation of the right to development as well as the measures taken by States and international institutions to overcome the obstacles to its implementation.