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Report of the Working Group of governmental experts on the right
to development

Rapporteur: Mr. Gilles CHOURAQUI (France)

*/ Re-issued for technical reasons.

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INTRODUCTION

1. By its decision 1981/149 of 8 May 1981, the Economic and Social Council took note of Commission on Human Rights resolution 36 (XXXVII) of 11 March 1981 and approved the Commission's decision to establish a working group of 15 governmental experts appointed by the Chairman of the Commission, taking into account the need for equitable geographical distribution, to study the scope and contents of the right to development and the most effective means to ensure the realization in all countries, of the economic, social and cultural rights enshrined in various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights. The Council also approved the Commission's request to the Working Group to hold three meetings at Geneva, the first in the month of July 1981, the second towards the end of 1981, for a period of two weeks, and the third for one week before the beginning of the thirty-eighth session of the Commission on Human Rights.

2. The Commission also requested the Working Group to take into account especially the observations of Governments and specialized organizations on this subject, including the opinions expressed in the debate on this item, the report and the study prepared by the Secretary-General, 1/ the conclusions and recommendations of the seminar on the effects of the existing unjust international economic order on the economies of the developing countries held in Geneva in 1980, 2/ as well as the results of the seminar which was to be held in 1981 in New York on relations that exist between human rights, peace and development, and the conclusions and recommendations to be presented by the Special Rapporteur on the new international economic order and the promotion of human rights as decided by Commission resolution 18 (XXXVI) of 29 February 1980.

Organization of work

3. The Working Group held three sessions, the first from 20 to 24 July 1981, the second from 23 November to 4 December 1981 and the third from 18 to 22 January 1982. The Director of the Division of Human Rights opened the Group's proceedings by a statement. 3/

Attendance

4. The following participated in the work of the Working Group: the governmental experts appointed by the Chairman of the Commission on Human Rights at its thirty-seventh session, on the proposal of the Governments concerned; observers for States Members of the United Nations; United Nations bodies; United Nations specialized agencies; a national liberation movement having Observer status with the United Nations in accordance with General Assembly resolution 3237 (XXIX); and non-governmental organizations in consultative status (a list of participants in the Group's sessions is to be found in Annex I).

Documentation

5. A list of working papers submitted by governmental experts is to be found in Annex II. A list of other working papers submitted to the Working Group is to be found in Annex III.

1/ E/CN.4/1334 and E/CN.4/1421.

2/ ST/HR/SER.A/8.

3/ Reproduced in document E/CN.4/AC.34/WP.3.

Election of officers

6. At the 2nd meeting of its first session, the Working Group elected the following officers by consensus:

Chairman: Mr. A. Sene (Senegal)

Vice-Chairmen: Mr. J. Heredia Pérez (Cuba)
Mr. V. Ramachandran (India)
Mr. D. Turk (Yugoslavia)

Rapporteur: Mr. G. Chouraqui (France)

7. The Working Group held 10 meetings during its first session, 14 during its second session and 9 during its third session.

8. In the course of the general discussion held at the first session, a degree of consensus emerged on a number of issues. Many experts affirmed that the right to development is an inalienable human right and that it concerns individuals, peoples and States. There was also general agreement that development is a concept reaching far beyond the notion of economic growth and that accordingly the discussions should relate to the political, economic, social, cultural, legal and ethical aspects of the right to development. Some experts observed that the exercise of economic and social rights had a primary role because, according to them, these rights form the material basis of life. Some other experts observed that the exercise of civil and political rights had the primary role. In any event, it was agreed that the exercise of economic, social and cultural rights must in no circumstances infringe upon the exercise of civil and political rights. Emphasis was placed upon the indivisibility and interdependence of all human rights. Emphasis was also placed on the connection between the establishment of the new international economic order and the enjoyment of the right to development by States, peoples and individuals. Reference was made by some participants to a number of obstacles that exist both at the international and at the national levels; several references were made in this connection to various basic declarations and resolutions of the United Nations on the new international economic order and the Strategy for the Third United Nations Development Decade. In addition, full respect for the right to self-determination was emphasized as a pre-condition of the realization of the right to development. Many experts specifically mentioned the role played by the Non-Aligned countries in promoting the concept of the right to development, and in particular, reference was made to the conclusions reached by the Sixth Summit Conference held in Havana, and the Ministerial meeting held in New Delhi in February 1981. The importance of full participation at all levels both in decision-making and in sharing the benefits of development were stressed. It was also said that the right to development is part of a third generation of human rights that also includes the right to live in peace and the right to information. One expert also proposed that a study should be made of the possibility of holding an international conference on the right to development within the framework of the Group's mandate and another expert stated that it would be useful to collect and consolidate all existing international legal norms relevant to the right to development.

9. Also in the course of the general discussion, a number of other points were made by various participants. It was emphasized that the right to development is closely linked to the right to live in peace and in this regard reference was made to General Assembly resolution 33/73 on the Declaration on the Preparation of Societies for Life in Peace and to certain proposals relating to disarmament. On the question of defining the right to development, some participants noted the importance of achieving, first, a relatively precise definition while others expressed the view

that a definition should not be regarded as a prerequisite to the work of the Group and that the quest for such a definition should not delay the work of the Group. Reference was also made to the responsibility of former colonial Powers to provide reparation to developing countries for past exploitation. In this respect some experts pointed out that the right should include compensation for social and economic damages caused to developing countries. It was further stated that traditional international law had evolved in the context of a historically outdated international order and that the task of the Group was to contribute to remedying this problem. The opinion was expressed that the right to development should be seen as the prerogative of all peoples and individuals to be able to satisfy their needs in accordance with their aspirations, so far as the equitable enjoyment of the goods and services produced by the community permits.

10. In considering the scope and content of the right to development, most experts affirmed the existence of the right. Several experts expressed doubts about the existence of the right in a legal sense and favoured stressing moral imperatives.

11. Various participants noted that according to their views the foundations of the right to development are contained in the Charter of the United Nations; the Universal Declaration of Human Rights (General Assembly resolution 217A (III) of 10 December 1948); the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960); the two international Covenants on Human Rights (General Assembly resolution 2200 (XXI) of 16 December 1966); the Declaration on Social Progress and Development (General Assembly resolution 2542 (XXIV) of 11 December 1969); the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV) of 24 October 1970); the Declaration on the Strengthening of International Security (General Assembly resolution 2734 (XXV) of 16 December 1970); the Declaration on the Establishment of a New International Economic Order (General Assembly resolution 3201 (S-VI) of 1 May 1974); the Programme of Action on the Establishment of a New International Economic Order (General Assembly resolution 3202 (S-VI) of 1 May 1974); the Charter of Economic Rights and Duties of States (General Assembly resolution 3281 (XXIX) of 12 December 1974); the Declaration on the Deepening and Consolidation of International Détente (General Assembly resolution 32/155 of 19 December 1977) and various recent international instruments, such as General Assembly resolutions 34/46, 35/174 and 36/133 of 1979, 1980 and 1981 respectively. While there was agreement among most experts that the right has both an individual and a collective dimension, differing degrees of emphasis were placed on one dimension or the other. It was felt that the right to development of individuals, which according to some experts is a combination of existing human rights in a dynamic perspective, gives rise for the State to obligations to satisfy the individual's legitimate aspirations. It was also said that the international community has responsibility in that regard and that there is a growing awareness of the fact that all States possess mutual obligations in development matters based on the concepts of interdependence and solidarity. Several experts expressed the view that the collective dimension of the right is pre-eminent, in so far as according to them it is only through the realization of States' and peoples' rights to development can the right to development of individuals be implemented. It was stated that the concept of participation, some aspects of which are already strongly reflected in human rights instruments, is of major importance and should be emphasized in the present context. Reference was made to provisions pertaining to the limitation of human rights in times of emergency and it was said that promotion of the right to development cannot be invoked to justify derogation from human rights obligations.

12. It was said that, while consensus seems to exist in many areas, there remain differences as to whether there would be legal enforceability of the right to development and, if so, the consequences thereof and the question of whether compensation is owed by some States to others. One participant drew attention to the different modes of implementation pertaining to the two sets of rights - civil and political on the one hand, and economic, social and cultural on the other hand - while another participant, noting the terms of General Assembly resolution 32/130, stressed the increasing interrelationship between the two sets of rights. The importance of the principle of State sovereignty was affirmed. Differences emerged on the question of the status of the individual as a subject of international law.

13. At the close of the Group's first session, the Chairman made a statement. 4/

14. At its 12th meeting, the Group decided to conduct its discussions on the basis of the following agenda, which had been adopted by consensus at the Group's first session:

1. The scope and content of the right to development.
2. The most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments.
3. The obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights.
4. Concrete proposals for implementation of the right to development and for a draft international instrument on this subject.

I. SCOPE AND CONTENT OF THE RIGHT TO DEVELOPMENT

15. The prevailing view was that the right to development had both a collective and an individual dimension - although the two are indivisible - and that it encompasses ethical, political, economic, social, cultural and legal aspects. An opinion was expressed that the right to development has no collective dimension. Many experts observed that the right to development is a universal and inalienable human right. In that connection, they mentioned the United Nations' record of accomplishment in codifying the main principles of human rights and referred to the relevant resolutions of the General Assembly and the Commission on Human Rights of the United Nations, which indicated, inter alia, that equality of opportunity for development is a prerogative of nations and individuals.

16. In the opinion of most experts, the collective dimension of the right to development should be regarded as more important than its individual dimension. This view was challenged by a few experts.

A. The collective dimension of the right to development

(a) The holders of this right

17. In the opinion of many experts, the holders of the right to development in its collective dimension are peoples and States. In that connection, they stressed the principle of solidarity and interdependence, especially between developed and

developing States, according to which each group of States should act in such a way as to facilitate the enjoyment of the right to development by all States. They paid particular attention to the enjoyment of this right by developing countries. An opinion was also expressed that in discussing the collective dimension, there tended to be an overemphasis on States, when compared to other collectivities like village bodies and co-operatives and other mediating structures.

(b) Its object

18. In the opinion of most experts, the object of the right to development would be the "integral development" of peoples or States, a concept going beyond economic growth or development per se. In one view, a legal formulation of the right to development could be the satisfaction of a number of "basic or fundamental needs" of the individual. This view was challenged by most of the experts. Some of them observed that, apart from the difficulties involved in defining basic needs, such an approach would lead to the perpetuation of inequalities and a virtual negation of the right to development. They affirmed that, even if meeting the "basic needs" can be acknowledged to be one of the elements of the development process, the right to development involves far more than merely satisfying such needs and requires for its effective enjoyment action at the international, national, local and individual levels.

19. It was also emphasized that the objective of the right to development is to establish conditions of equality of opportunity among all peoples, with a view to the fulfilment of the human person. It was further stressed that the realization of the right to development in its collective dimension would contribute to democratization of international relations.

(c) Its basis

20. In the view of many of the experts, the basis of the right to development in its collective dimension lies in certain fundamental principles of international relations, particularly those contained in the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, (resolution 2625 (XXV)) and various resolutions adopted within the framework of the United Nations, in particular the fundamental resolutions relating to the establishment of the new international economic order.

21. Many experts made particular mention of the following which, in their view, constitute the basis of the right to development: self-determination and equal rights of peoples; equality of opportunity of all nations and individuals; sovereignty, territorial integrity and political independence of States, as well as their sovereign equality; non-aggression and peaceful co-existence; peaceful settlement of disputes; non-intervention; international co-operation on an equitable basis, notwithstanding the differences in political, economic and social systems, with a view to eliminating existing disparities in the world and ensuring prosperity for all; promotion of international social justice; remedying of injustices which have been imposed by force and deprive nations of the means necessary for their normal development; fulfilment in good faith of international obligations; promotion of universal respect for and observance of human rights; renunciation of the use of force and political, economic or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

(d) Its content

22. In the view of most of the experts, this right is a combination of existing rights recognized by the international community and contributing to the development of peoples and States. It was also generally agreed that this right, in its collective dimension, is an evolving right, in that its constituent rights are themselves evolving on the basis of the consensus within the international community at a given time.

23. Many experts mentioned the following elements which, in their view, constituted the right to development in its collective dimension:

The right of peoples to self-determination;

The right to live in peace;

The right of each State to choose its development model and its political, economic and social system;

The right of each State to exercise permanent sovereignty over its wealth, natural resources and economy;

The right of peoples to participate on a basis of equality in the decision-making process with regard to questions concerning the world economy, development and peace.

The right of peoples to active and peaceful co-existence.

24. Many experts also expressed the view that the definition of the content of the right to development, in its collective dimension, should take account of the duty of each State to promote universal respect for human rights and for the principle of equality and non-discrimination among States.

In their view, the right to development entailed a duty on the part of each State to establish a dialogue and authentic co-operation with other States as an essential means of promoting development to the full. It also involved the need to discourage the spread of hatred and prejudice against other peoples, and required the establishment of a new international economic order by, inter alia, granting, as far as possible, non-reciprocal preferential treatment to developing countries in all areas of international co-operation and by sharing among States the peaceful benefits of scientific and technological progress. In that connection, a number of experts expressed the view that such sharing should extend to new and renewable resources of energy, the peaceful uses of nuclear energy and protection of the environment.

It was agreed that none of the points contained above should be used to infringe the universally accepted right of everyone to freedom of expression or other human rights.

25. A number of experts expressed the hope that account would be taken of the need for States, in exercising their rights, to respect the rules of international law. Many experts referred to the link between peace, international security and development. The right to development, which in their view, was the right of all States and peoples to peaceful, free and independent development, could not be fully guaranteed without genuine international peace. Consequently, in their view, the continuation of the arms race struck at the very basis of that right.

(e) Its legal nature

26. Two main views have been brought to the fore. It was urged by many experts that a set of convergent international norms designed to promote the fulfilment of the human being and the development of all peoples has been constituted by a number of United Nations instruments, which have either established human rights through covenants and conventions or proclaimed them through resolutions of the General Assembly. In their view, taken together, these have given rise to a new principle of international law, namely the right to development. Another view stressed that General Assembly resolutions addressing norms to States are recommendatory and in that respect right to development was not a legal right forming part of the present set of international legal rules, but a concept corresponding to a moral imperative.

27. It was further argued that the right to development is essentially a political concept having economic as well as legal aspects. In the view of several experts, however, the right to development is a human right which creates specific obligations and, in particular, entails a duty for all States in the international community to practise solidarity with each other. In another view, the right to development was an evolving one and was of importance in contributing to a more specific elaboration of the duty of States to co-operate in good faith, as a principle of international law.

B. The individual dimension of the right to development

(a) The holders of this right

28. It was agreed that the holders of the right to development are individuals. Consequently, all individuals must be accorded by States the guarantees necessary to the exercise of civil and political rights, just as they should be accorded equality of opportunity in their access to the means and resources necessary for exercise of the right to development, including their effective participation in decision-making for development and in the benefits resulting therefrom.

(b) Its object

29. This was deemed to be the integral development of the individual, in the sense of an effort to promote his "multidimensional fulfilment". The idea was also put forward that the individual should be considered as an active subject of such development, his participation being both a means and an end of the right to development. In addition, it was emphasized that the realization of all human rights in all States is essential to the integral development of individuals. In that connection, the vital importance of meeting the fundamental needs of the individual was noted.

(c) Its content

30. It was stated that the right to development, in its individual dimension, is a combination of all the rights of the individual which are recognized by the international community in various international instruments and contribute to his integral development. As such, the right to development is a right evolving on the basis of the consensus within the international community at a given time. In connection with the recognition of the right to development as a composite right formed from existing rights, the opinion was expressed that the right to development, in its individual dimension, belongs to a "third generation" of human rights.

31. It was generally recognized that the right to development, in its individual dimension, covers all civil, political, economic, social and cultural rights necessary for the full development of the individual and the protection of his dignity. It was stated that the right is composed in particular of the rights enshrined in the Universal Declaration of Human Rights and in the Covenants. Among the rights cited by some experts as constituting the right to development in its individual dimension were the right to life, the right to liberty, the right to health and the right to education. Some experts considered that the full realization of the right to development in its individual dimension must also be seen in the light of article 29 of the Universal Declaration of Human Rights which states that "everyone has duties to the community in which alone the free and full development of his personality is possible". Mention was also made of the right of individuals to participate in the process of taking political and economic decisions which concern them. In this connection, it was emphasized that their participation should be active and should not be confused with mere political mobilization.

(d) Its legal nature

32. In the opinion of some experts, the individual's right to development is, strictly speaking, neither a right nor a moral imperative but rather, a synthesis of rights and moral imperatives. However, other experts considered that the right to development is a human right recognized by the United Nations and giving rise to obligations. In that connection, it was recalled that the Dakar symposium of September 1978 had laid down the principle that "performance of the obligation to ensure development is a condition for the legitimacy of Governments". One expert was of the opinion that the evolving right to development will put individuals under the protection and authority of the principles of international law, as derived from established custom, from the principles of humanity and the dictates of public conscience. Another expert pointed out that there was no consensus in contemporary international thinking as to the individual being a subject of international law.

C. Relationship between the collective and individual dimensions of the right to development

33. It was the unanimous opinion of those experts who recognized the collective dimension that the collective and individual dimensions of the right to development are interdependent because they have the same ultimate goal, namely the integral development of the individual. During the discussions, however, some experts laid greater emphasis on the individual dimension and others on the collective dimension. Nevertheless, these experts agreed that the two dimensions of the right to development should be realized together. The idea was also put forward that no human right is exclusively individual or exclusively collective. It was noted that this relationship is embodied in article 28 of the Universal Declaration of Human Rights.

II. MEANS TO ENSURE THE REALIZATION, IN ALL COUNTRIES, OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS ENSHRINED IN VARIOUS INTERNATIONAL INSTRUMENTS

34. It was the unanimous opinion of the experts that such means are of a national and international nature.

A. National means

35. It was generally stressed that the realization of the right to development requires, at the national level, the full exercise of the fundamental rights and freedoms of individuals, as well as the granting of equality of opportunity for all in the access to basic resources and services. It was considered that this requires, in particular, the participation of all in the process of taking decisions that concern them and in the implementation of those decisions. It was noted that it is important to encourage local development initiatives and to permit equitable distribution of the resources and advantages resulting from development. Emphasis was also placed on the need to implement progressive social reforms and to ensure respect for the rights of women and minorities. The importance of respect for civil and political freedoms and the need, to that end, for all States to become parties to the Covenants on Human Rights were stressed. In one view, the attainment of political democracy is one of the essential means of realizing economic, social and cultural rights. Another view expressed was that the emphasis should not be placed solely on the political aspect of democracy, as its realization in the economic and social spheres must also be ensured at the same time. Reference was also made to the preservation and promotion of cultural values, as well as to the realization of the right to education, as essential parts of the enjoyment of the right to development.

B. International means

36. Many experts expressed the view that the exercise of the right to development is linked to the utilization of certain means at the international level. One of the essential means which was mentioned was the elimination of the after-effects of colonialism, neo-colonialism, racism, apartheid, racial discrimination, unjustified economic sanctions and all forms of foreign aggression and interference in the internal affairs of States. Stress was also laid on the struggle against the existing inequalities among States. Many experts emphasized the need to bring about fundamental changes in the structure and operation of international society. In that connection, many experts stressed the need to establish the new international economic order and to make relations among States more democratic through the just and equitable participation of all in taking decisions on development - inter alia, decisions taken within international economic institutions, more particularly the International Monetary Fund, the International Bank for Reconstruction and Development and the General Agreement on Tariffs and Trade (GATT), and decisions relating to the management of resources constituting the "common heritage of mankind". The role that should be played by the various organizations within the United Nations system in areas such as education, health, food and trade was also mentioned.

37. Reference was made to the need for active assistance with a view to promoting the economic and social development of developing countries. In the opinion of some experts, this involves granting non-reciprocal preferential treatment in all areas of international co-operation, wherever possible. Several experts stated that prompt and forceful measures should be taken to implement the programme for the Third Development Decade, emphasizing international co-operation in the scientific and cultural spheres, with a view to the establishment of a new world information order. Some experts expressed the opinion that international co-operation also includes agreed foreign investment as a means, it being understood that such investment must be carried out in a way which conforms to the development needs and goals of the people living in the country concerned and that the establishment and maintenance of an appropriate climate for foreign investment is important.

38. Many experts stressed the urgent need to step up international efforts to achieve general and complete disarmament and to utilize the resources thus released for development, benefiting in particular the developing countries. To that end, in the view of some experts, serious negotiations should be organized among all nations and, in particular, among the nuclear Powers, on the basis of specific proposals and with the determination to arrive at genuine disarmament agreements.

C. The relationship between national and international means

39. Some experts held that national means have higher priority than international means. Most experts, however, expressed the view that the national means could be adopted only in an appropriate international milieu and stressed the importance of the international means. A number of experts expressed the view, however, that the relationship between the two categories of means is complex and should be the subject of an in-depth study, on the basis of which firm priorities could be established. Some experts referred to the importance of receiving information from States concerning the progress made in implementing the right to development.

III. THE OBSTACLES ENCOUNTERED BY DEVELOPING COUNTRIES IN THEIR EFFORTS TO SECURE THE ENJOYMENT OF HUMAN RIGHTS

40. It was agreed that the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights call for a global approach.

41. Many experts took the view that the main obstacles encountered by the developing countries are colonialism, racism, apartheid and the arms race. Mention was also made of obstacles of an ideological, institutional and legal nature, resulting from certain outdated concepts of international law relating to investment and international trade relations. Furthermore, reference was made to the obstacles encountered by developing countries in gaining access to financing and the transfer of technology. */

42. At the internal level, most experts mentioned ignorance, illiteracy, disease and absolute poverty as obstacles encountered by the developing countries. They also stressed that the lack of participation by all segments of the population in the development process and the unequal distribution of the advantages of development constitute impediments to development and obstacles to the enjoyment of human rights. One opinion was that inefficient economic systems and the absence of political democracy are among the major obstacles to development and to the enjoyment of human rights.

43. The experts as a whole agreed that the demands of development cannot justify any derogation from fundamental human rights. Some experts affirmed that there can be no development without respect for the fundamental rights of the individual, as a national development strategy that rejects civil, political, economic, social and cultural rights would be the very negation of development. It was stated that respect for all human rights is an essential component of development. It was also held that the promotion of economic, social and cultural rights can in no case justify violations of civil and political rights or any delay in their exercise.

*/ See for details E/CN.4/AC.34/WP.17.

IV. PROPOSALS FOR A DRAFT INTERNATIONAL INSTRUMENT ON
THE RIGHT TO DEVELOPMENT

44. It was recalled that, in its resolution 36 (XXXVII), the Commission on Human Rights had requested the Group to submit a report containing "concrete proposals for implementation of the right to development and for a draft international instrument on this subject".

45. With regard to the type of instrument which might be proposed, various possibilities were considered by the experts, in particular a convention, a resolution, or a declaration. Several experts favoured continuing the work undertaken within the United Nations system, several United Nations bodies already having adopted resolutions concerning the right to development. The experts as a whole finally agreed on the principle of preparing a declaration. In one view, that choice should in no case preclude the possibility of preparing a more binding instrument at a later stage.

46. Many experts considered the draft declaration submitted by one expert in document E/CN.4/AC.34/WP.5 to constitute a sound working basis. However, several experts stated that the draft should constitute only one of the bases for the work of the Group, which should, in preparing the draft instrument, be able to make use of all documents submitted or to be submitted to the Group by other experts. In that connection, particular mention was made of documents E/CN.4/AC.34/WP.17, E/CN.4/AC.34/WP.18 and E/CN.4/AC.34/WP.19 and of other contributions made by some experts, especially a proposed amendment to document E/CN.4/AC.34/WP.5.

47. A proposal was also made to draw up a list of points on which consensus had been reached, with a view to facilitating the preparation of the declaration, since the declaration would be of value only if it reflected the existence of a genuine consensus within the Group. Several experts questioned the usefulness of such a procedure, stressing that the identification of points on which consensus had been reached was at the very heart of the Group's work.

48. The Group has reached agreement on some points. In the time available to it, the Group was unable to complete all aspects of its mandate. It considered it desirable that a declaration on the right to development be elaborated on the basis of its report and of all the documents already submitted or to be submitted, including document E/CN.4/AC.34/WP.5.

Annex I

ATTENDANCE

Members and alternates

Mr. Peter L. BERGER <u>c/</u> Mr. Stephen R. BOND <u>a/</u>	(United States of America)
Mr. Dimitri V. BYKOV <u>b/ c/</u> Mr. Victor I. KHAMANEV <u>a/</u>	(Union of Soviet Socialist Republics)
Mr. Juan Carlos CAPUNAY	(Peru)
Mr. Gilles CHOURAOUI Miss Sylvaine CARTA <u>a/</u> Mr. Alain PELLET <u>a/</u> Mr. Jean-Maurice RIPERT <u>a/</u>	(France)
Mr. Salah FELLAH Mrs. Fatma Zohra KSENTINI <u>a/</u>	(Algeria)
Mr. Riyadh Aziz HADI <u>b/</u> Miss Salima Bakir ADIL <u>a/</u>	(Iraq)
Mr. Julio HEREDIA PEREZ	(Cuba)
Mr. Luis E. MARTINEZ CRUZ	(Panama)
Mr. Viswanathan RAMACHANDRAN	(India)
Mr. Ahmad SAKER	(Syrian Arab Republic)
Mr. Alioune SENE Mr. Ibrahima SY <u>a/</u>	(Senegal)
Miss Kongit SINEGIORGIS	(Ethiopia)
Mr. Henryk J. SOKALSKI	(Poland)
Mr. Danilo TURK	(Yugoslavia)
Mr. Paul J.I.M. de WAART	(Netherlands)

a/ Alternate.

b/ Not present at the second session.

c/ Not present at the third session.

States Members of the United Nations represented by observers

Belgium; Germany, Federal Republic of; Jordan; Pakistan.

United Nations bodies

Department of International Economic and Social Affairs; Office of the Director-General for Development and International Economic Co-operation; Office of the Director-General for External Relations and Inter-Agency Affairs; Office of the United Nations High Commissioner for Refugees.

Specialized agencies

United Nations Education, Scientific and Cultural Organization.

National liberation movements

Palestine Liberation Organization.

Non-governmental organizations in consultative status

Category I

International Alliance of Women

Category II

Baha'i International Community, Friends World Committee for Consultation, International Association for Religious Freedom, International Commission of Jurists, International Council of Jewish Women, International Federation of Women Lawyers, World Young Womens' Christian Association.

Roster

International Humanist and Ethical Union, International Progress Organization, World Peace Council.

Annex II

LIST OF WORKING PAPERS SUBMITTED BY GOVERNMENTAL EXPERTS

- E/CN.4/AC.34/WP.5 - Working paper submitted by Cuba: draft Declaration on the Right to Development.
- E/CN.4/AC.34/WP.6/
Rev.1 - Preliminary summary of the work of the first session.
- E/CN.4/AC.34/WP.7 - Closing statement by the Chairman of the Group.
- E/CN.4/AC.34/WP.8 - Working paper presented by Peru: Observations concerning an integral concept of the right to development.
- E/CN.4/AC.34/WP.11 - The national dimensions of the right to development. Paper submitted by the Permanent Mission of Yugoslavia.
- E/CN.4/AC.34/WP.12 - An outlook for the future: Embedding development in a right under international law. Working paper prepared by P.J.I.H. de Waart, Netherlands.
- E/CN.4/AC.34/WP.13 - General United States approach: Contribution by Professor Peter L. Berger, United States expert.
- E/CN.4/AC.34/WP.14 - Working paper on topics (b) and (c) adopted by the Working Group, presented by Julio Heredia, expert from Cuba.
- E/CN.4/AC.34/WP.15 - Working paper submitted by Senegal. Some points regarding the right to development raised by Mr. Kéba M'Baye, head of the delegation of Senegal, at the thirty-sixth session of the Commission on Human Rights.
- E/CN.4/AC.34/WP.16 - Detailed outline of the draft report prepared by the Rapporteur, Mr. Gilles Chouraqui (France).
- E/CN.4/AC.34/WP.17 - Essential elements of the right to development. Working paper prepared by the 10 experts from Algeria, Cuba, Ethiopia, India, Iraq, Panama, Peru, Senegal, Syria and Yugoslavia.
- E/CN.4/AC.34/WP.18 - Certain elements for the report on the right to development as a human right. Working paper prepared by P.J.I.H. de Waart (Netherlands).
- E/CN.4/AC.34/WP.19 - Certain elements for the report on the right to development as a human right. Working paper prepared by V. Khamanev (USSR).
- E/CN.4/AC.34/WP.20
and Rev.1 - Draft report of the working group of governmental experts on the right to development.
- E/CN.4/AC.34/WP.21 - Draft proposal for adoption or insertion in the Final Declaration. Working paper submitted by Panama.
- E/CN.4/AC.34/WP.22 - Draft paragraph for inclusion in the Final Document. Working paper submitted by Panama.

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- E/CN.4/AC.34/WP.24 - Closing statement delivered by the Chairman of the group at its second session on 4 December 1981.
 - E/CN.4/AC.34/WP.25 - Some underlying ideas of the conceptual framework of the right to development. Working paper prepared by Henryk J. Sokalski (Poland).
 - E/CN.4/AC.34/WP.26 - Proposed insertion in paragraph 22 of the Group's final report. Working paper submitted by Iraq.
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Annex III

LIST OF OTHER WORKING PAPERS SUBMITTED TO THE WORKING GROUP

- E/CN.4/AC.34/WP.1 - Provisional agenda.
- E/CN.4/AC.34/WP.2 - Some elements for discussion. Paper prepared by the Secretary-General.
- E/CN.4/AC.34/WP.3 - Opening statement by Mr. Theo. C. van Boven, Director, Division of Human Rights.
- E/CN.4/AC.34/WP.4 - Written statement submitted by the International Commission of Jurists.
- E/CN.4/AC.34/WP.9 - Some United Nations instruments which appear to be of particular relevance to the activities of the Working Group. Working paper prepared by the Secretary-General.
- E/CN.4/AC.34/WP.10 - Written statement submitted by the International Commission of Jurists.
- E/CN.4/AC.34/WP.23 - Written statement submitted by the International Commission of Jurists, a non-governmental organization in category II consultative status.