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THE RIGHT TO DEVELOPMENT

**Written statement* submitted by New Humanity,
a non-governmental organisation in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

THE RIGHT TO DEVELOPMENT AND THE PRINCIPLE OF FRATERNITY

Fraternity and duties to the community

Article One of the Universal Declaration of Human Rights states at a universal level the three principles of freedom, equality and fraternity.

According to René Cassin the Declaration should include the following principles:

- 1) the unity of the human race or family;
- 2) the idea that every human being had a right to be treated like every other human being;
- 3) the concept of solidarity or fraternity among men **(1)**.

Fraternity is presented as an active principle, based on the centrality of the human being and the driving power for human behaviour. Fraternity is therefore considered in relation to Article 29, which concerns the duties each person has regards to the community **(2)**.

In Article 29 we find an echo of the social vision inspired by Christianity: “Therefore, those who while claiming their own rights, forget or do not attribute sufficient importance to their respective duties, run the risk of creating with one hand while destroying with the other” **(3)**.

It is a vision also found in other traditions, such as, for example, Gandhi’s answer to the enquiry undertaken by UNESCO in 1947 commenting the draft for the Universal Declaration: “All rights to be deserved and preserved came from duty well done. Thus, the very right to live accrues to us only when we do the duty of citizenship of the world. From this one fundamental statement, perhaps it is easy enough to define the duties of Man and Woman and correlate every right to some corresponding duty to be first performed. Every other right can be shown to be a usurpation hardly worth fighting for” **(4)**.

According to Article 29, duties are exercised in regards to the community. This word includes a responsibility that extends beyond the national borders of countries and concerns duties exercised in fields in which the State does not or should intervene with functions exclusively regulated by the principle of subsidiarity: the family, belonging to civil associations and religious communities etc.

There is a valorisation of the role played within the social context each person belongs to, without however indulging in visions standardising or annulling individual personalities.

The “brotherhood” stated in Article 1 is therefore implemented in the provision contained in Article 29 concerning duties to the community and hence to other individuals. In this perspective, there is a broader range of subjects potentially responsible for guaranteeing the full enjoyment of human rights.

There is an authoritative statement that reads: “Article 29 places a responsibility on all of us to protect and promote the rights contained in the Declaration. The individual may feel threatened by the State or dwarfed by transnational corporations and international financial institutions. But the message of article 29 is clear: the individual must work to improve human rights, would it be individually or in community or as a member of a non-governmental organisational group in its widest sense” **(5)**.

The right to development and the duty to cooperate

In the current context of globalisation, characterised by the proliferation of subjects exercising significant roles for the protection of human rights and their respect by institutional subjects especially in the economic-social sector, the prospect of fraternity allows problems to be confronted in a non-particularistic or nationalistic manner, bearing in mind instead that all problems and all solutions are linked by fraternal interdependence with other populations or people.

The Declaration on the right to development states that:

Article 1

1. 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.

Article 2

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.

For the very reason that the human being is the “protagonist” one understands the following passage of Article 2 comma 2, which states 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”.

The duty to cooperate, referred to States, and that must be read together with Article 10 of this Declaration, which commits States to implement concrete measures for achieving this objective, is explicitly stated in the Declaration on the right to development (Art. 3 comma 3).

Brotherhood leads to a potentially extremely extended enlargement of the number of subjects responsible for development and the duty to cooperate. This enlargement combines extremely well with the need – felt in the current international context – to ensure that civilised society’s actors should be the leading players in development processes, starting from the definition of objectives at national and international level, and not only the executors of plans decided at intergovernmental levels.

It also provides qualitatively important elements for one aspect characterising cooperation for development: the idea of partnership. Creating a partnership for development – among other things – is one of the objectives for reducing poverty contained in the Millennium Declaration.

Partnership expresses the equality between the subjects involved in cooperation: developed and developing countries, NGOs in the North and NGOs in the South, companies that are socially responsible and local companies. Partnership cannot merely be restricted to an operational instrument, through which the private sector simply replaces or works with governments and civilised society in cooperation for development. For this reason – we believe – Partnership should be made substantial by brotherhood, expressing closeness, friendship and sharing, not only at an individual level but also between public institutions and private organisations.

Fraternity renders substantial the simple equality between the various players inspiring the current model for international relations, not only overcoming the mere dimension of help and assistance, but in a way the very idea of solidarity, which maintains a different position between the helping subject and the subject receiving solidarity.

Fraternity proposes in fact to understand who the other subject it wishes to cooperate with is, in all its characteristics, potential and richness, limitations and needs, paying attention to aspects of not only economic global development. To achieve this is it necessary to put aside ones development categories and parameters, to identify with those of the subject one intends to cooperate with, so its route to development may emerge or so that this fraternal relationship may allow other needs and perspectives until then not obvious, to emerge.

Within the framework of reciprocity, fraternal relations will also contribute to reanalyse the path to development followed by the institutionally or economically more gifted subject, in searching, for example, development paths that take into account global sustainability and its greater responsibilities. It is furthermore “constitutionally” open to relations with other subjects, both on a multilateral level and regionally and/or locally.

New Humanity therefore proposes that the Human Rights Commission should:

- Analyse in depth the link between the principle of fraternity and the right to development within the context of the Objectives of the Millennium
- Consider the roles played by civilised society and the socially responsible private sector for achieving the right to development, on the basis of the principle of aid and fraternity, gaining awareness and exploiting current positive experiences
- Promote the educational effort, especially regards to the new generations, addressed at increasing awareness of each person’s fraternal responsibility for the total development of people and society.

Note:

(1) René Cassin expresses these ideas in commenting the first draft prepared by the Secretariat for the Human Rights Commission. See E/CN4/AC1/SR.2, p. 2

(2) The link between fraternity and duties of the individual is clearly supported by Cassin in “*De la place faite aux devoirs de l’individu dans la Déclaration Universelle des Droits de l’Homme*”, *Mélanges offerts à Polys Modinos*, 1968, pages 478-488. He also emphasises the link between the moral duty to act in a spirit of fraternity and the Biblical precept “love your neighbour as you love yourself”

(3) *Pacem in Terris* no. 15. The subject of duties is addressed in a section of the Encyclical Letter numbers 14 to 19.

(4) UNESCO (ed.), *Human Rights. Comments and Interpretations. With an Introduction by Jacques Maritain*, 1949, page 18

(5) Robinson Mary, *From Human Rights to People's Rights: fifty years after the Universal Declaration*, 2002, page 29.
