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SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 22 March 2005, at 10 a.m.

Chairperson: Mr. WIBISONO (Indonesia)

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THE RIGHT TO DEVELOPMENT

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The meeting was called to order at 10 a.m.

STATEMENT BY MR. JOSCHKA FISCHER, FEDERAL MINISTER FOR FOREIGN AFFAIRS OF GERMANY

1. Mr. FISCHER (Germany), emphasizing that the international community needed effective multilateralism to successfully tackle the challenges of the twenty-first century, welcomed the fact that both the High-level Panel on Threats, Challenges and Change and the Secretary-General had emphasized the need to substantially improve the United Nations system for the protection of human rights. The various proposals made, particularly those relating to the establishment of a human rights council, would have to be discussed in more detail. He nevertheless wished to voice Germany's full support for the key demands made by both the Secretary-General and the High-level Panel: first, that the protection of human rights must be understood by all States as one of the central tasks of all United Nations institutions, including the Security Council; second, that the Commission on Human Rights must be able to perform its mandate in its entirety, which meant not hesitating to denounce human rights violations in certain countries; and third, that the Office of the United Nations High Commissioner for Human Rights (OHCHR) must be strengthened, both institutionally and financially.

2. One of the global challenges outlined in the report by the High-level Panel was international terrorism, which must be fought resolutely. However, that must be done without losing sight of human rights. The ban on torture, for example, was absolute and must on no account be watered down. Germany very much welcomed the launching in 2004 of a special mechanism on human rights in the fight against terrorism and wanted its mandate to be not just extended but also strengthened. In its report, the High-level Panel had also underlined the importance of prevention for crisis management. When it came to combating terrorism and armed conflict, military and police measures were needed in the short term to protect people, but in the long term, what was needed was equal involvement of citizens in political, social and economic activity, meaning that the promotion and implementation of all human rights, civil and political as well as economic, social and cultural, were the most important instruments for crisis prevention. At the current session, Germany would once more work to ensure respect for all human rights, and as far as economic, social and cultural rights were concerned, it would focus in particular on the right to water, and the right of indigenous peoples to education and practical ways of underpinning that right.

3. Many of the human rights violations which worried his country were discussed by the Commission, except, unfortunately, anti-Semitism. There was little scope for combating that phenomenon in the United Nations human rights bodies. Following a 2004 conference on anti-Semitism, the States members of the Organization for Security and Co-operation in Europe (OSCE) had adopted the Berlin Declaration, which sent a strong signal that there must be no tolerance of any form of anti-Semitism, whether overt or latent, and that anti-Semitism must be universally banned. Following the special session of the General Assembly commemorating the sixtieth anniversary of the liberation of the Auschwitz concentration camp, he hoped very much that at the current session of the Commission anti-Semitism would be clearly condemned.

4. Despite the promising trend in the human rights situation in some countries in 2004, in many others there remained cause for grave concern. In Afghanistan, the presidential elections of October 2004 had been a further milestone in the country's development. The exceptional

turnout in the election (80 per cent, of whom 40 per cent were women) was a positive sign. In many fields, however, the legal equality of women guaranteed in the Constitution was not yet reflected by reality. That was why Germany was working to improve the position of women in Afghanistan.

5. Free and democratic elections were bringing new hope in Iraq. The Iraqis must now agree on a new constitution; Germany would support that process, in which implementing the human rights of all Iraqis was a central concern.

6. In the Middle East, cautious optimism was justified. Following the election of Mahmoud Abbas as President, Israelis and Palestinians had resumed direct talks at the highest level. The Sharm al-Sheikh summit on 8 February 2005 had showed their desire for a political solution. The action taken in the security field must be accompanied by improvements in the Palestinian judicial system, which should, in Germany's view, include abolition of the death penalty. He also hoped that President Abbas would prevent execution of the death sentences that had already been imposed. Improvement of the human rights of Palestinians would be decisive in any improvement in the situation in the Middle East, and Israel had a role to play in that respect. The release of 500 Palestinian prisoners was a positive development and he hoped that more Palestinians imprisoned in Israel would be released.

7. As to Chechnya, Germany formally condemned both the acts of terrorism suffered by people in Russia and the violations of the human rights of the Chechen people committed by Russian forces in the fight against those violent acts. Germany called upon the Russian Government to implement the rulings of the European Court of Human Rights in their entirety and without delay, and to demonstrate transparency in its actions by granting international organizations and independent media access to the region. It welcomed the moves towards cooperation between the Russian Government and the Council of Europe's Commissioner for Human Rights. Russia's readiness to cooperate with other States in promoting Chechnya's economic and social development was also an important step forward.

8. The human rights situation in China remained a source of concern. Germany welcomed the readiness of the Chinese Government to openly discuss serious problems at the bilateral level and in structured dialogue with the European Union (EU), the inclusion of a passage on human rights in the Chinese Constitution, and the establishment of a task force to pave the way for rapid ratification of the International Covenant on Civil and Political Rights. But steps must be taken rapidly to tackle current shortcomings and find effective solutions for all citizens of China, regardless of their ethnic background, political convictions or faith, including the people of Tibet. Constructive cooperation with United Nations special mechanisms and reforms, inter alia of administrative custody and the death penalty, were essential.

9. His country had still been unable to detect any improvement in the human rights situation in Iran. Whippings, torture and the death penalty continued to be practised, and civil and political rights, in particular freedom of opinion, were still not fully respected. He very much hoped that the next round of discussions between Iran and the EU on that subject would yield positive results.

10. Lastly, the humanitarian and human rights situation in Darfur, Sudan, remained dramatic. The Sudanese Government bore a large share of responsibility for the serious human rights

violations committed, but the rebels were also guilty of massive violence. The report presented by the Independent Commission of Inquiry made that very clear. Germany was accordingly convinced that pressure on those responsible must be stepped up so that systematic human rights violations were finally halted and those responsible brought to justice. That was essential for a political solution and the restoration of genuine peace. He therefore hoped very much that the Commission on Human Rights would fulfil its responsibilities in the case of Sudan and in all other cases of massive human rights violations. It was only by pledging its loyalty to human rights clearly and firmly that the Commission would be able to do its job effectively.

STATEMENT BY MR. GABRIEL ENTCHA-EBIA, GARDE DES SCEAUX, MINISTER FOR JUSTICE AND HUMAN RIGHTS OF THE REPUBLIC OF THE CONGO

11. Mr. ENTCHA-EBIA (Congo) said that 2004 had been marked by two major events that had gravely affected the human rights situation in the world: the tsunami and the spiral of violence involving the proliferation of conflicts, terrorism, organized transnational crime and the spread of weapons. His country paid tribute to the outpouring of international solidarity that had followed the natural disaster of December 2004 in South-East Asia and expressed the hope that it would persist beyond emergency situations so as to benefit developing countries. As to the spiral of violence, it must be opposed by determined action to deal with its causes, namely, extreme poverty, famine, disease, illiteracy, racism, discrimination and social inequality.

12. Given the exacerbation of poverty throughout the world, as confirmed in the report of the High-level Panel of Experts on Threats, Challenges and Change, thorough consideration must be given to the problems relating to the right to development, the realization of which promoted the enjoyment of other human rights. It was against that background that his Government had organized, with the assistance of the International Monetary Fund (IMF), a three-year economic and financial programme that had enabled Congo to benefit from the Poverty Reduction and Growth Facility. The programme, which had opened the way to the Heavily Indebted Poor Countries Initiative, envisaged doubling expenditure on the struggle against poverty in 2005. The national programme for demobilization, disarmament and reintegration of ex-combatants launched on 5 March 2005, whose principal aim was to assist that category of young people in devoting themselves to development activities, fell within the same context.

13. Thorough consideration must also be given to the environment with the aim of ensuring lasting development. Environmental protection required shared responsibility between the countries of the North and South and the establishment of a global partnership based on the “integral and interdependent nature of the Earth”, as proclaimed in the Rio Declaration on Environment and Development. It was to meet that requirement that in February 2005 the second Summit of Central African Heads of State on sustainable management of forest ecosystems had been held in Brazzaville. Indigenous populations, which had long been the victims of discrimination in certain societies and possessed a large portion of the common heritage of mankind, should now be able to fully enjoy their rights. He invited the Commission to finish the drafting of the declaration aimed at defining those rights.

14. The Commission must also work on the realization of the right to food since undernourishment was an insult to human dignity and a major obstacle to economic and social progress. Building a world free from poverty and hunger was among the United Nations Millennium Development Goals. The right to health must also be at the heart of the

Commission's concerns, since "enjoyment of the highest attainable standard of physical and mental health" was an inalienable human right. Nevertheless, millions of people died every day from HIV/AIDS, malaria and other diseases for lack of adequate medical care. As part of a major public information campaign, his Government had organized a series of conferences, workshops and seminars in 2004 aimed, in collaboration with WHO, the World Bank and UNICEF, at slowing the advance of HIV/AIDS. It had also commissioned a study with a view to supplementing its legal order with a mechanism to guarantee the rights of persons living with HIV/AIDS.

15. The fundamental rights of women must also be given special attention. Too many women and girls were still the victims of rape, various forms of trafficking and other assaults on human dignity such as genital mutilation. Specific and effective measures must be taken to avert discrimination against women and girls and eliminate those unjust and retrograde practices.

16. In the knowledge that all human rights were independent and indivisible, his Government had set up an institutional and political framework based on good governance and transparency which guaranteed the exercise of all those rights. It was in that spirit that, with the financial assistance of the World Bank, in March 2005 it had set up an Audit and Budgetary Discipline Office.

17. As part of its work to promote implementation of the right to self-determination, the Commission must nurture the prospects for peace that were emerging in the Middle East and, in view of the continued violence in Iraq despite the holding of elections, examine the human rights situation in that country more lucidly and responsibly in order to find a way of ending the crisis.

18. Turning to reform of the Commission, he congratulated the High-level Panel of Experts on its judicious proposals but explained that the Congo did not deem it necessary to create a council or consultative group to support the Commission. That function could be carried out by the Sub-Commission or other subsidiary bodies such as the working groups. In addition, it did not consider it essential to make the Commission's composition universal, since no such measure was provided for within the Economic and Social Council and that would raise the problem of the fate of the Third Committee of the General Assembly. His country would consider carefully the report of the Secretary-General on that matter.

#### STATEMENT BY MR. JESSEN-PETERSEN, SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR KOSOVO

19. Mr. JESSEN-PETERSEN (Special Representative of the Secretary-General for Kosovo) said that during the past two weeks, safety and security in Kosovo had been seriously tested. The former Prime Minister of Kosovo, Mr. Ramush Haradinaj, having been indicted by the International Criminal Tribunal for the former Yugoslavia, had resigned and voluntarily gone to the Tribunal at the Hague; negotiations for the formation of a new government were under way. Those weeks had also been marked by the anniversary of the events of March 2004 and an attack on the President of Kosovo. The Kosovo Albanians had responded with restraint and dignity to those developments, a fact which represented an improvement in the situation in Kosovo.

20. The mandate of the United Nations Interim Administration Mission in Kosovo (UNMIK) incorporated a strong human rights component. The adoption by the institutions and people of

Kosovo of human rights principles and mechanisms would ensure their sustainability after UNMIK's mission had ended. There had been several positive signs recently. In October 2004, Kosovo had elected its second Assembly through a process that had been judged free and fair. The security climate had substantially improved, several of the persons responsible for the violence perpetrated during the 2004 riots had been brought to justice and no cases of miscarriage of justice on account of ethnic bias had been reported by the OSCE monitors. The fact that from a post-war vacuum a complete new legal and administrative system had had to be built had helped to place human rights principles at the core of laws and institutions. New criminal laws, framed in accordance with international and European standards, had been adopted. The police service was multi-ethnic. The Kosovo Protection Corps was endeavouring to attract more recruits from minority communities, particularly the Kosovo Serbs. Codes of conduct in line with international human rights standards had been framed for civil servants, judges, lawyers and police and correctional officers. Within the Kosovo governmental structure, the Office of Good Governance played an advisory role on human rights policies.

21. In order to foster appropriate institutions and attitudes in Kosovo over the long term, UNMIK and the Kosovo Government had framed a list of eight standards covering the basic requirements for any democratic society; they included democratic institutions, the rule of law, a viable market-based economy, property rights, multi-ethnicity, the right of return and freedom of movement. In the latter area, more needed to be done: many Kosovo Serbs could not travel freely. There was also lack of progress on the return of displaced persons. As long as the Kosovo Serbs continued to exist on the fringes of society, it would be difficult to guarantee their rights. That was why, with the prospect of negotiations on status, he had proposed that the option of partition of Kosovo should be excluded. Such a partition would betray European values of integration and peaceful coexistence and sacrifice the 60 per cent of Kosovo Serbs who did not live in the north. It would also reopen many wounds that were slowly healing.

22. After a period of temporary inertia, a new positive momentum seemed to be gathering in Kosovo. The direct dialogue between Pristina and Belgrade had resumed, most importantly on the urgent issue of missing persons. There was emerging consensus on the process of decentralization. There was a growing realization among Kosovo Serbs that participation in the democratic process in Kosovo would be beneficial to them, and the positive signals recently sent by Belgrade should give greater impetus to that process. At the international level, there was now broad agreement on the way forward. A comprehensive view of progress made in applying standards for Kosovo would be carried out in the summer of 2005. If it was positive, negotiations on Kosovo's future status would begin in the autumn.

23. Mr. THANATI (Observer for Albania) heartily thanked the Special Representative of the Secretary-General for Kosovo for all the work he had done. The Albanian Government was following with great interest the efforts to reinforce institutions in Kosovo, inter alia through a policy of decentralization, and to give that region a new image. Following the indictment and resignation of the former Prime Minister, Mr. Haradinaj, tribute must be paid to the responsible attitude taken by Kosovar society, and its efforts to institute a multi-ethnic society based on human rights must be supported. The Albanian authorities likewise welcomed the resumption of dialogue between Pristina and Belgrade with a view to resolving all outstanding problems, whether it be peaceful coexistence with the Serb minority or the question of missing persons. The Albanian authorities would do everything possible to promote peaceful progress in Kosovo for the benefit of all countries in the Balkans.

24. Mr. JAHOVIC (Observer for Serbia and Montenegro), recalling the mandate given to UNMIK by the Security Council in resolution 1244 (1999), said that despite the progress actually made in Kosovo, many problems remained. Reserving the right to revert to the situation of human rights in Kosovo-Metohija, he pointed out that although UNMIK had been responsible for administration in Kosovo, a province of Serbia and Montenegro, for nearly six years, the rights of members of non-Albanian minorities, including Serbs, were still not fully respected. On that point he referred to a report published some months previously by Mr. Nowicki, ombudsperson in Kosovo, on the situation of the non-Albanian communities there, given that the human rights situation had not changed much since. Mr. Nowicki had said that it was necessary above all to guarantee the right of members of minority communities to live, travel and work freely in Kosovo. He had also pointed out that, even before the violent attacks on members of non-Albanian communities in March 2004, the living conditions of the Serb, Roma, Ashkali, Egyptian, Bosnian and Gorani communities had been very difficult, in varying degrees depending on the community concerned. Since the conflict in 1999, the members of some non-Albanian communities, particularly Serbs and Roma, had been unable to travel freely in Kosovo, with all the implications that had in the areas of employment and education.

25. Such a situation could not be tolerated either by the international community or by the leaders of Kosovo, who had the obligation to guarantee all the human rights of the inhabitants of Kosovo. While it was good to be optimistic, like the Special Representative of the Secretary-General for Kosovo, it was nevertheless necessary to be realistic. Not mentioning difficulties did not mean that they no longer existed. In July 2004, his country had submitted its initial report on implementation of the International Covenant on Civil and Political Rights to the Human Rights Committee; on that occasion it had expressed the desire that UNMIK submit to the Committee a report on the exercise of civil and political rights in Kosovo-Metohija.

THE RIGHT TO DEVELOPMENT (agenda item 7) (E/CN.4/2005/24, 25, 63 and 133; E/CN.4/2005/NGO/21, 71, 78, 90, 101, 113, 134, 143, 188, 189, 240, 242 and 262; E/CN.4/2005/WG.18/2)

26. Mr. SALAMA (Chairperson-Rapporteur of the Working Group on the Right to Development), introducing its report (E/CN.4/2005/25), said that the sixth session of the Working Group had placed national and international efforts to realize the right to development on a new action-oriented path. The Working Group encouraged all stakeholders to move towards a common understanding of the substantive components of the right to development, regardless of possible nuances in the use of terminology in discussions on that right. The Working Group's conclusions clearly indicated that the right to development was not a right to assistance and that it should not be seen as a synonym for a human rights-based approach to development. It was not an act of charity, wishful thinking or simply an impossible mission. Its implementation required growth with equity. The Working Group's role as a follow-up mechanism was, inter alia, to send messages, and if it fulfilled that role in a coherent, consensual and consistent manner, progress could be made towards mainstreaming the right to development.

27. In its conclusions and recommendations, the Working Group had expressed its conviction that mutual commitments undertaken in the context of international cooperation could lead to specific binding arrangements between cooperating partners that promoted implementation of the

right to development. Such arrangements could be defined and agreed only through genuine negotiations. That progressive and sectoral approach to specific areas of international cooperation had a great potential for enhancing partnerships adapted to different situations.

28. The new approach to the right to development endorsed by the Commission had facilitated greater conceptual clarity. The main innovation had been the active participation in the work of the High-level Task Force of the most important actors in the fields of development, trade and finance. That had been a rewarding experience for all concerned and had facilitated the creation of links between different approaches, terminologies and methods of work.

29. Relevance and credibility were fundamental requirements for any human rights standard-setting exercise. He had ensured that those two criteria were constantly applied in the Working Group's deliberations. Those had been productive thanks to the new attitude adopted by both developed and developing countries, which had demonstrated a high degree of collective maturity and political will. The developed countries had been ready to discuss initiatives that they usually avoided, and the developing countries were fully assuming their responsibility vis-à-vis realization of the right to development. Another contributor to the success of the Working Group's work was the staff of the Research and Right to Development Branch of OHCHR, which had supported the Working Group's efforts at all stages. Another point that needed to be underscored was that OHCHR could only play an efficient role if member States agreed clearly on the specific areas in which it could intervene with a view to realization of the right to development.

30. Progress in the promising process begun at the sixth session of the Working Group required that the same level of political will and commitment be maintained. He paid tribute to the constructive spirit of all participants and all regional groups during the session. Even delegations that had disassociated themselves from the conclusions and recommendations had, through their reservations, made it possible to deepen the common understanding of many complex issues and had thus contributed to clarifying the debate.

31. There was an objective alliance between globalization and the right to development, since both presupposed an environment and a process. The growing interaction between the various actors required that a global vision, coherent policies and concerted action be adopted by all stakeholders. The implementation of the right to development was a framework that constituted one of the most useful tools for conducting that exercise in an inclusive, collective, transparent and cooperative way. In that respect, the sixth session of the Working Group augured well for the future.

32. Ms. DATO HSU KING BEE (Malaysia), speaking on behalf of the Non-Aligned Movement, with which China also associated itself, said it was encouraging that the consideration of the right to development had embarked on a new road with the establishment of the High-level Task Force, an idea of which the Non-Aligned Movement had been highly supportive. The Task Force assisted the Working Group in fulfilling its mandate by proposing specific recommendations on issues deemed by the Working Group to be pertinent, and brought together all the actors and organizations concerned with a view to developing an integrated framework for the realization of the right to development. The Non-Aligned Movement welcomed the recommendations made by the Working Group, particularly with regard to the



implementation of the Millennium Development Goals and social impact assessment from the perspective of the right to development. It also attached great importance to the issue of economic policy space in the road map for implementation of the right to development and looked forward to its rapid consideration.

33. The Non-Aligned Movement was of the view that the right to development was not just about poverty eradication, but also about building partnerships to ensure economic growth and development for all. States had a duty to create national and international conditions conducive to the realization of that right, and to formulate the corresponding individual and collective policies. The fact that the Task Force had been mandated to examine Millennium Development Goal 8 on a global partnership for development constituted a positive step in that direction. Furthermore, the right to development was not about mainstreaming human rights into development, but rather about mainstreaming the right to development into all policies and activities of major international organizations and institutions with a view to setting up a truly global partnership that would lead to full realization of that inalienable right.

34. Lastly, noting that the framing of a convention on the right to development could make that right operational, she said the non-aligned countries looked forward with interest to seeing the concept document that the Sub-Commission on the Promotion and Protection of Human Rights was to draft in response to the Commission's request.

35. Mr. LA Yifan (China), speaking on behalf of the Like-Minded Group of States, said that it was only on the basis of international cooperation that national and international conditions conducive to realization of the right to development could be created. The Like-Minded Group of States welcomed States' growing acceptance of the fact that realization of the right to development required that simultaneous action be taken both nationally and internationally. More generally, it welcomed the emerging conceptual clarity guiding the deliberations of the Working Group on the Right to Development. International cooperation for implementation of the right to development went far beyond Official Development Assistance (ODA). It entailed the creation of an environment conducive to the enjoyment of that right, in the context of a multilateral trading system that was unfavourable to developing countries struggling to fulfil the basic needs of their people and of the growing gap between developed and developing countries, a gap which threatened world stability.

36. The Like-Minded Group welcomed the convening of the first meeting of the High-level Task Force on Implementation of the Right to Development, with the active participation of the international financial and trade institutions. The Group welcomed the productive outcome of the sixth session of the Working Group on the Right to Development, whose recommendations should be implemented by all the actors concerned in their respective spheres of competence and action. It should be recalled in that context that the Working Group had recognized that an unsustainable debt burden was a major obstacle to achieving the Millennium Development Goals, and that it was important to consider innovative debt relief initiatives. The developed countries should likewise meet the agreed target of allocating 0.7 per cent of their gross national income to ODA. As the Working Group had recommended, the Doha round of trade negotiations should be brought to a successful and timely conclusion and there should be independent assessments of the impact of trade agreements on the right to development. The agreement reached in the Working Group on the concept of economic policy space in terms of its

relevance to the implementation of the right to development was a step in the right direction. Lastly, the Like-Minded Group believed that Millennium Development Goal 8 on a global partnership for development should be addressed as a matter of importance by the Task Force and looked forward to examining that issue at the next session of the Working Group. Those efforts should be complemented by the framing of a convention on the right to development.

37. Ms. JANJUA (Pakistan) said that exercise of the right to development was undeniably far from being a practical reality. The existence of poverty within a society of plenty was morally unacceptable and politically unsustainable. The situation could not be attributed to bad governance; it was due to the historical wrongs committed during a process of lopsided development, and should be rectified through concerted and results-oriented international action. Her delegation believed that the High-level Task Force could play a pivotal role by drawing up a road map and an integrated framework for such an approach. In that regard, she reiterated her delegation's proposal on specific rights that should be promoted within the general right to development: (i) the right to adequate financing for development; (ii) the right to equitable global trade rules; (iii) the right to fair access to knowledge and technology; (iv) the right not to be subjected to discriminatory treatment in the global economy for non-economic reasons; and (v) the right to effective participation in international economic decision-making. The implementation of those rights came under Millennium Development Goal 8, which the Task Force was due to examine at its next session.

38. Globalization had belied expectation, and the international economic environment was characterized by imbalances in four areas: the international financial order; the international trading system; the realm of knowledge and technology; and global economic decision-making. The problems of developing countries were aggravated by a shrinking policy space caused by having to fulfil increasingly restrictive international obligations. Her delegation welcomed the recognition accorded to the relevance of the concept of policy space to the right to development at the sixth session of the Working Group. States had primary responsibility for creating conditions favourable for development, provided that they had the necessary policy space to tailor development strategies to their needs.

39. Her delegation welcomed the Task Force's recommendations on the development of practical tools and objective indicators in undertaking social impact assessment, the increase in ODA and the focus on mutual commitment with regard to development cooperation. Her delegation proposed the establishment of a "right to development index" to measure and monitor the progress of international cooperation towards realization of the right to development, along the lines of the "human development index" which measured progress at the national level.

40. Mr. BERNS (Observer for Luxembourg) stated that he was speaking on behalf of the European Union (EU), and that the accession countries Bulgaria and Romania, the candidate countries Turkey and Croatia, the potential candidate countries in the stabilization and association process - Albania, Bosnia and Herzegovina, The former Yugoslav Republic of Macedonia, and Serbia and Montenegro - and the EFTA countries and members of the European Economic Area Iceland and Norway associated themselves with his statement.

41. He reiterated the EU's commitment to the right to development and considered that equality, equity, non-discrimination, transparency, assumption of responsibility and participation

were core elements of a human rights-based approach to ensuring development. Particular attention should be paid to ensuring the full participation of marginalized and disadvantaged groups and women in the development process. Civil society and NGOs also played an important role, as well as good governance, the rule of law, democracy, action to combat corruption and a healthy national economic environment, which were also essential for development. The links between all these elements were increasingly recognized in the most advanced development programmes such as the New Partnership for Africa's Development (NEPAD), an initiative that the EU fully supported.

42. The EU recognized the importance of international cooperation in creating favourable conditions for development. Its commitment in that area manifested itself in the partnerships and agreements on cooperation for development that it had forged with countries all over the world; it was also responsible for almost half of international development assistance, particularly to the least developed countries. However, it should be noted that those were voluntary partnerships which were, and indeed must be, based on mutual commitment by the two parties. It would, however, be prudent to study other ways of furthering international cooperation for development, particularly working on the basis of the body of knowledge being developed within the international community on the best ways to integrate the right to development, and hence all human rights, within development policies and programmes.

43. In that connection the EU supported the efforts of OHCHR to mainstream all human rights throughout the United Nations system, notably through the initiative to assist States wishing to set up national systems for the promotion and protection of human rights. It also supported the human rights-based approach to poverty alleviation strategies adopted by OHCHR and welcomed the emphasis given in its work to the rights of women, whose participation in economic life was essential in ensuring development. The EU was looking forward with interest to reading the document OHCHR was still working on that was intended to further clarify the links between human rights and the Millennium Development Goals. It fully supported the recommendation of the Working Group on the Right to Development that OHCHR should devise a framework drawing parallels between the Millennium Development Goals and the provisions of the relevant international human rights instruments on the basis of the work of the treaty bodies and the special procedures.

44. The EU agreed with the aim of moving from the general to the specific and from concepts to actions; it welcomed the creation of the High-level Task Force on the implementation of the right to development and supported the Working Group's recommendation that its mandate should be extended for one year. It was ready to cooperate with the Task Force to ensure that certain elements it considered essential to the process of sustainable development were included in its future work. It hoped that the Working Group's constructive spirit and consensual approach would continue during the consultations concerning the resolution on the right to development that was to be submitted to the Commission.

45. Ms. HERRERA CASEIRO (Cuba) criticized the growing trend, particularly in the industrialized countries, of seeking to redefine the scope and content of the right to development, and repeating ever more insistently that States were primarily responsible for its implementation. It could not in fact be overemphasized that the right to development was a right of both individuals and peoples, and that an appropriate international environment must be created for it

to be fully realized. However, countries' development efforts were being increasingly hindered by a number of obstacles and international forces that they could not control, particularly by the negative impact of neo-liberal globalization, the huge protectionist barriers imposed by developed countries, unequal exchange in trade, the decrease in ODA and the unsustainable burden of foreign debt. Cuba's own experience showed that, despite considerable efforts, the political will of its Government and the undeniable progress made, it was not possible to achieve full sustainable development if the unfair patterns characterizing the international economic, financial and commercial order did not change. In the case of Cuba, those consequences were accompanied by the impact of the economic, commercial and financial blockade that had been imposed on it by the United States for over 45 years and was not only an obstacle to the realization of the right to development, but a massive and flagrant violation of all the human rights of the Cuban people.

46. The commitment made by the top world leaders at the Millennium Summit to spare no effort in making the right to development a reality for everyone had had little effect; millions of people around the world continued to live in extreme poverty or suffered from hunger, millions of children died every year from malnutrition and others were denied their right to education. It therefore seemed very unlikely that the Millennium Development Goals would be attained by the deadline set, which was unacceptable, bearing in mind that military expenditure was far higher than the amount currently being spent on development assistance. To attain those goals, the industrialized countries must commit themselves to development and to the elimination of the main obstacles to the realization of that right, for which they held primary responsibility, and they must show the necessary political will.

47. Mr. ESCUDERO MARTÍNEZ (Ecuador) reiterated his country's commitment to the Millennium Development Goals and the need for all States to show the necessary political will to implement policies aimed at ensuring exercise of the right to development. His Government believed that it was therefore crucial that at its next session the Working Group on the Right to Development should draw up more concrete proposals on the most appropriate ways to eliminate the main obstacles to implementation of the right to development, which notably included the burden of foreign debt reducing opportunities for social investment. It accordingly welcomed the initiatives that some countries had taken to relieve the debt of developing countries. However, development was also closely linked to the liberalization of international trade, and to free and non-discriminatory access to the developed countries' markets for goods and services from the developing countries, and to the elimination of agricultural subsidies that distorted trade and thus had a negative effect on the exercise of fundamental rights.

48. Development policies and strategies should be drawn up from a human-rights perspective to ensure sustained economic growth and promote sustainable, balanced and participatory development based on gender equality, which would allow progress to be made towards the institution of an equitable global economic system. The industrialized countries must therefore, in accordance with their international human rights obligations, reformulate their international strategies - and particularly commercial strategies, taking account of the level of development and needs of developing countries so they did not further weaken their economies. That would have negative repercussions on the enjoyment of the right to development to which their inhabitants legitimately aspired.

49. Mr. AYALOGU (Nigeria) associated himself with the statement made by the representative of Malaysia on behalf of the Non-Aligned Movement and China. The Nigerian Government attached great importance to implementation of the right to development and had drawn up a programme of economic reform (the National Economic Empowerment and Development Strategy) which aimed at laying the foundations for sustainable socio-economic transformation and poverty eradication, and would constitute an important contribution to the attainment of the Millennium Development Goals and the objectives of the New Partnership for Africa's Development (NEPAD). Through that programme, Nigeria had taken measures to sustain rapid, broad-based GDP growth, diversify the production structure away from oil and mineral resources, and systematically reduce the role of government in direct production. Some of the strategies already in place involved the privatization, deregulation and liberalization of key sectors of the economy, and the coordination of national sector-development strategies for agriculture and industry through small and medium-sized enterprises and the service sector. Democracy had yielded good returns for the Nigerian capital market, judging from the results since the return to democracy in 1999. Market capitalization had grown by 795 per cent, and the stock market index by 467 per cent, which demonstrated Nigeria's commitment to implementation of the right to development.

50. Nigeria associated itself with the concern expressed by the Secretary-General of the United Nations that Africa was not on track to achieve the Millennium Development Goals; the continent had a disproportionate share of the world's poor and continued to suffer the tragic consequences of deadly conflict and poor governance. It accordingly joined others in recommending that debt relief or debt cancellation was necessary if the Millennium Development Goals were to be achieved.

51. In conclusion, he welcomed the outcome of the sixth session of the Working Group on the Right to Development, and also the recommendations of the High-level Task Force on the implementation of the right to development. He called on the international community to examine ways of creating an environment conducive to development and the elimination of poverty in the Commission's future work on implementation of the right to development.

52. Mr. de ALBA (Mexico), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), recalled that, in accordance with the 1986 Declaration on the Right to Development, the right to development was an inalienable human right linked to the idea of social equity which must be implemented through effective policies aimed at promoting and protecting all human rights, particularly economic, social and cultural rights, at the national and international levels. He also reiterated the need for States to cooperate in order to ensure development and eliminate obstacles to development, and therefore to take all necessary measures at the national level to promote social justice, eradicate poverty, develop access to education and health care, fight corruption and institute democracy. A process of democratizing international economic decision-making should also be implemented in order to facilitate developing countries' access to world markets. Increased investment in developing countries, transfers of technology and knowledge, and job creation also contributed to promotion of the right to development.

53. In addition, it was essential to re-examine the question of foreign debt, which was overwhelming the developing countries, and repayment conditions, which often absorbed budgetary resources that could be devoted to social expenditure. It was important to understand

that economic growth was not in itself a guarantee of development if it was not accompanied by measures to reduce social inequality. Economic growth must therefore go hand in hand with public policies to implement all human rights so as to ensure that development was sustainable and to prevent the repercussions of the economic crises for the most vulnerable parts of society leading to social unrest and destabilizing democratic Governments.

54. GRULAC urged all actors involved in the achievement of the Millennium Development Goals to redouble their efforts to reduce the existing inequalities. It was confident that fulfilment of the commitments undertaken by the international community would foster conditions favourable to the realization of the Goals at both the national and international levels. It supported extending the mandate of the Working Group, as it still had many questions to consider, and its conclusions and recommendations had already laid a good foundation for further work towards implementing the right to development.

55. Mr. SINGH PURI (India), associating himself with the statements made by the Non-Aligned Movement and the Like-Minded Group, reaffirmed the importance his country attached to realization of the right to development, which represented a synthesis of civil, political, economic, social and cultural rights. While retaining conceptual clarity, it was time to move forward towards concrete action, ensuring that the right to development was integrated into the promotion and protection of all human rights. First and foremost, States must adopt effective policies to that end, in accordance with the principles of democracy, transparency, accountability and participation, so as to meet the best interests of their people. The international community must also increase its efforts to promote equitable economic relations, a favourable economic environment and cooperation at the international level in order to give developing countries the resources they needed to realize the right to development, and to protect them from external financial, trade and economic influences and shocks.

56. The Commission should send a strong message that development, facilitated by sound international cooperation was, in the final analysis, a human rights issue. His delegation was encouraged by the greater commitment of delegations belonging to all regional groups to the efforts of the Working Group on the Right to Development and hoped that the spirit of dialogue would continue to prevail. The Working Group's conclusions and recommendations were a step in the right direction and should be built on in a purposeful, bold and time-bound manner. To that end, his delegation hoped that the Commission would adopt the resolution on the right to development by consensus.

57. Mr. MENGA (Congo) associated himself with the statements made by the Non-Aligned Movement and the African Group. With a view to giving substance to the right to development and recognizing that the debt burden was a major obstacle to realization of that right, his delegation had made a specific proposal to the High-level Task Force on the implementation of the right to development, which had been reflected in the report of the Working Group on the Right to Development on its sixth session (E/CN.4/2005/25). The Task Force and the Working Group recommended that any further debt relief for the heavily indebted poor countries (HIPC) should be genuinely additional to bilateral ODA. They also suggested considering appropriate debt conversion measures for HIPC) that had not yet met the standards set in the programme or the conditions required to benefit from the HIPC) initiative, linked to specific results in the achievement of the Millennium Development Goals.

58. His country had drawn up a programme with IMF enabling it to benefit from the Poverty Reduction and Growth Facility, and hoped that such a proposal would be taken into account. It welcomed the efforts made by three quarters of Argentina's creditors to alleviate its debt, and also the United Kingdom Government's decision to no longer require poor countries to participate in free trade or privatize their economies in exchange for its aid, and its determination to give greater importance to long-term aid to poor countries so as to encourage the more effective use of those funds. He urged other creditors to follow that example.

59. Mr. Ould Mohamed Lemine (Mauritania) took the Chair.

60. Mr. SHALABY (Egypt) associated himself with the statements made by the Non-Aligned Movement, the African Group and the Like-Minded Group of States. He noted that the dearth of progress to date in implementing the right to development could be explained by a lack of political will and a reluctance to consider the indivisibility of human rights; it was imperative, at a time when globalization and an inequitable international system were penalizing developing countries more than ever before, to promote the realization of that right. He welcomed the work done by the High-level Task Force and the Working Group, which had clarified the conceptual aspect of the right to development and its global nature. He stressed the importance of the role of the development and finance institutions, and eagerly awaited the Sub-Commission's recommendations on the matter. He hoped that the political will and support needed to implement the right to development would be forthcoming, and that it would be possible to present specific proposals to the peoples who looked to the Commission.

61. Mr. ATTAR (Saudi Arabia) said experience had shown that development not based on respect for human rights was doomed to failure, and that human rights would remain illusory as long as the economic and social dimensions of development were neglected. For development to be comprehensive, there must be interaction between all its aspects. His delegation hoped that the Working Group would shortly formulate specific criteria for the realization of the right to development. It noted with regret that, in some circles, solutions to the issues facing the third world were regarded as optional, and hoped that the international community would fulfil its collective moral responsibility by supporting developing countries unconditionally, without derogating from their right to choose their own development model or threatening their national traditions or distinctive features.

62. Even though it was a developing country itself, Saudi Arabia had contributed funds to development endeavours throughout the world, and it had waived US\$ 6 billion in debts owed to it by a large number of poor countries. It called upon donor States to alleviate the debt burden of the poor countries in order to help them to give effect to the economic, social and cultural rights of their peoples.

63. Ms. AL-HAJJAJI (Observer for the Libyan Arab Jamahiriya), speaking on behalf of the Arab League, supported the statement by the Non-Aligned Movement. She welcomed the positive results achieved by the High-level Task Force and the Working Group on the Right to Development. By moving towards concrete implementation of the right to development, the international community would show that it attached genuine importance to human rights, as civil and political rights, and economic, social and cultural rights were interdependent. The Arab League agreed with the emphasis placed on the role of States and the responsibility of the international community, and welcomed the fact that consensus had been achieved on a number

of fundamental points, such as partnership between the Commission, the United Nations agencies and the financial institutions, which would enable them to benefit from each other's experience. As debt was one of the main obstacles to development, she welcomed the efforts made by donor countries and the international financial institutions to develop debt-rescheduling measures and would like consideration to be given to cancellation of the debt of the poorest countries. That would make it easier for those countries to enter world trade. The international community was duty bound to achieve results during the Doha Round of trade negotiations in order to enable the developing countries to achieve their development goals.

64. Mr. AL-ATTIYAH (Qatar) said that, in the context of increasing poverty, not giving the right to development its rightful place would affect all other rights. Poverty afflicted more than 2 billion people in the world, 90 per cent of whom lived in developing countries, and it undermined the dignity and honour of the individual. For the first time, the right to development was recognized as a fundamental and inalienable human right, and States were therefore duty bound to work towards its implementation. Qatar, as part of a global strategy, had laid the foundations of a modern system of development, paying particular attention to the areas of science and education. It was convinced that improving education and instituting participatory democracy were key factors in the success of any development plan. It urged the international community to participate in the implementation of the various development programmes in order to help put an end to the cycle of underdevelopment and poverty.

65. Mr. MNATSAKANIAN (Armenia) said that his country took a keen interest in the debate on the right to development and used it as a basis for its domestic policy in particular. The poverty reduction strategy paper that had been drawn up with broad civil society involvement was based on the direct relationship between economic growth and poverty reduction. It had enabled Armenia to record an average of 12 per cent economic growth over the past four years, to considerably increase its social spending, and to reduce the poverty rate from 51 to 43 per cent between 2001 and 2003. Armenia's experience showed that there was decisive interdependence between reduced inequality and improved governance. Armenia had benefited from the sustained cooperation of the international financial institutions and the United Nations system. At Armenia's request, a United Nations development assistance framework had been devised with a view to coordinating the implementation of the various programmes aimed at reducing economic, social and political inequalities.

66. Referring to the study by the Sub-Commission on the Promotion and Protection of Human Rights relating to policies for development in a globalizing world (E/CN.4/Sub.2/2004/18), his delegation noted its conclusion that the rights-based approach to development unified all categories of rights within the single category of the right to development. However, it believed that economic development played a key role in the progressive realization of economic, social and cultural rights and that sustainable development was not possible without constant strengthening of the institutions intended to promote civil and political rights, and considered it advisable to differentiate between the two sets of rights.

67. Stressing the contribution of the work of the High-level Task Force to international dialogue, and in particular the value of sharing national experiences, his delegation hoped that all parties involved would continue to contribute to the activities of the Working Group and that a consensus would be reached on the Commission's resolution on the right to development.



68. Ms. ZEWDIE (Ethiopia) said that her delegation associated itself with the statement made by the African Group and the Non-Aligned Movement. Her Government attached great importance to the right to development, which was clearly enunciated in article 43 of the Constitution. It had therefore drawn up a sustainable development and poverty-reduction programme and sectoral-development strategies to implement it, and satisfactory results had already been achieved. In 2003-2004, Ethiopia had recorded 11.6 per cent growth, largely thanks to the improvement in agricultural production after two consecutive years of drought. Policies had been formulated to reduce the country's dependence on food aid and to promote the market economy. Growth in agricultural GDP of 19 per cent in 2003-2004 had revived consumption by rural households. Also, as a result of a good harvest, grain prices had fallen, which had improved the welfare of the poor. Major steps had been taken to create an enabling environment for the private sector, notably through domestic credit. The land certification process was helping to improve security of land tenure. A new Coalition for Food Security had been launched, aiming to increase food production and provide a social safety net for the very poor. The programme should address the immediate food needs of over 5 million people. The food security budget had been increased from 1 billion birr in 2003-2004 to 2 billion birr in 2004-2005. The programme also covered assistance for elderly and disabled persons and orphans. Her Government was endeavouring to strengthen the capacity of the regions and districts to support and lead development activities.

69. In the education sector, progress had been achieved at all levels, with the main focus on the education of girls. In the health sector, changes had been made in the organization of medical services. In particular, health extension workers had been specially trained and deployed in rural communities. The prevention and treatment of HIV/AIDS constituted the key component in the health extension programme. Particularly good results had been achieved in the areas of immunization, contraception and the fight against malaria. The construction and rehabilitation of water supply networks in urban and rural areas had improved the quality of life for residents and reduced the risk of contamination.

70. The Ethiopian authorities had also taken capacity-building measures in institutions, particularly at the regional and district levels, in order to bring about sustainable development, eliminate poverty and consolidate democracy. Efforts had been made to increase spending on poverty reduction and to reduce the defence budget. None of those achievements would have been possible without international cooperation. However, as for many developing countries, achieving the Millennium Development Goals remained a difficult task for Ethiopia.

71. Mr. PIEDRA (United States of America) said that in 2003 his country had been the origin of over 70 per cent of all financial flows reaching developing countries from the G-7 developed world, through private investment, private philanthropy, public aid and private remittances. They had amounted to over US\$ 340 billion, and United States aid had accounted for almost one third of all overseas development assistance from developed countries. His delegation was convinced, as those striking figures showed, that free and open markets played a key role in development. It understood the term "right to development" to mean that each individual should enjoy the right to develop his or her intellectual or other capabilities to the maximum extent possible through the exercise of all civil and political rights. Therefore one could talk about an individual's right to development, but not a nation's right to development, at least not within the context of the Commission, for the simple reason that nations did not have human rights,

people did. While nations might have sovereign rights, it was not within the Commission's mandate to discuss them, but rather to discuss human rights and States' responsibilities to ensure they were respected. In the context of development, that meant that States had the responsibility to provide their citizens with the political and civil rights and economic and social freedoms essential to each individual's full development. If any State failed in that responsibility, it failed its own citizens and crippled its own hopes for development. Time and again it had been shown that States that protected political and civil liberties and respected the economic rights and freedoms of individuals, including the right to property, had stronger, more vibrant economies than those where those rights were flouted.

72. Mr. ANSHOR (Indonesia) associated himself with the statement made by Malaysia on behalf of the Non-Aligned Movement. He welcomed the consensus that had emerged during the sixth session of the Working Group on the Right to Development, which underlined the importance of promoting international cooperation on the issue. His Government fully supported the adoption of a set of recommendations reflecting a common understanding of the need for a more practical application of the right to development, especially in terms of the implementation of the Millennium Development Goals. It deplored the slow pace of implementation of several of the Goals and considered that a social impact assessment of trade and development policies from the perspective of the right to development was essential. He hoped that the Task Force would be able to fulfil its mandate and assist the Working Group in its activities. It therefore called on all relevant stakeholders to play a more active role in efforts to implement the right to development during the meetings of both bodies.

73. Mainstreaming the right to development in all the activities and programmes of international organizations and agencies was crucial, but in the realization of the right to development States should retain broad discretion and independence in the formulation and implementation of their national policy. That having been said, international cooperation and partnerships also had a key role to play. In that regard, he welcomed recommendation (d) of the Working Group, which invited all States to recognize the importance of a successful and timely conclusion of the Doha Round of trade negotiations in enabling developing countries to meet their development objectives. His Government also welcomed the decision to ask the Task Force to examine Millennium Development Goal 8 on global partnership for development at its next meeting. It also supported the recommendations concerning OHCHR assistance for the Task Force and the Working Group.

74. His Government was greatly looking forward to the concept document being prepared by the Sub-Commission on the Promotion and Protection of Human Rights as mandated in Commission resolution 2003/83, as there was a crucial need for a legally binding instrument on the right to development, as requested by the General Assembly in resolution 59/185.

75. Mr. CERDA (Argentina) endorsed the statement made by the representative of Mexico on behalf of the Group of Latin American and Caribbean States. His delegation believed that implementing the right to development required national measures in furtherance of economic, social and cultural rights as part of a favourable international economic environment, notably characterized by the liberalization of trade. The first session of the Task Force had been interesting; it was now time to properly prepare the second session and to ensure the broader participation of United Nations agencies and other international organizations, so that it would

reach conclusions and recommendations with a greater focus on human rights issues. The Task Force might do well to bear in mind the recommendations made by the Independent Expert on the right to development.

76. The Working Group on the Right to Development had reached a number of conclusions, and many of the experiences and practices examined during the session had helped to enrich the debate. His delegation hoped that the consultations on the draft resolution on the right to development would enable it to be adopted by consensus.

77. Mr. PANT (Nepal) associated himself with the statement made by the representative of Malaysia on behalf of the Non-Aligned Movement. Noting that States had primary responsibility for implementing the right to development, he recalled that the international community also had an obligation to support countries' development efforts.

78. The Working Group on the Right to Development had been trying to develop thinking on the issue, moving from the philosophical level to that of actual implementation, and had made progress along that route. His delegation welcomed the report of the High-level Task Force (E/CN.4/2005/WG.18/2), and particularly the acknowledgement by the financial and development institutions and Task Force experts that a number of the principles underlying the Declaration on the Right to Development guided the work of those institutions. It was to be hoped that at its next meeting the Task Force would be able to identify some concrete measures that would facilitate implementation of the right to development.

79. His delegation also welcomed the information contained in the High Commissioner's report on the right to development (E/CN.4/2005/24), particularly the information about the seminars, workshops and training programmes organized in collaboration with other United Nations agencies. It supported the High Commissioner's efforts to strengthen the partnership with UNHCR, ILO, UNICEF and WHO, and also to forge partnerships with civil society organizations, the private sector and national human rights institutions in the quest for poverty eradication and development. The growing consensus on the creation of a global partnership was encouraging, since a right as comprehensive as the right to development could only be implemented through mutual cooperation and collaboration efforts at the national and international levels.

#### Statements in exercise of the right of reply

80. Ms. LI Wen (China), responding to the statement by the German Minister for Foreign Affairs, said that the Minister had made condescending comments about the situation in a number of countries, including China, and had deliberately omitted to mention the serious human rights violations taking place in a country that was its ally and in his own country. It was clear that his concern was selective and political in nature. The Chinese people were very concerned about the situation of human rights in their country, particularly the rights of vulnerable groups, and were working to strengthen democracy. The Chinese authorities were shortly due to begin bilateral talks with the German authorities on human rights, and other concerns might be raised on that occasion.

The meeting rose at 1 p.m.