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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

THE INTERNATIONAL DIMENSIONS OF THE RIGHT TO DEVELOPMENT AS A HUMAN RIGHT IN RELATION WITH OTHER HUMAN RIGHTS BASED ON INTERNATIONAL CO-OPERATION, INCLUDING THE RIGHT TO PEACE, TAKING INTO ACCOUNT THE REQUIREMENTS OF THE NEW INTERNATIONAL ECONOMIC ORDER AND THE FUNDAMENTAL HUMAN NEEDS

Report submitted by UNESCO in connexion with paragraph 4 of resolution 4 (XXXIII) of the Commission on Human Rights

Note by the Secretary-General

At its sixty-second session the Economic and Social Council adopted decision 229 (LXII) by which it endorsed paragraph 4 of resolution 4 (XXXIII) of the Commission on Human Rights. By that decision the Secretary-General was invited, in co-operation with the United Nations Educational, Scientific and Cultural Organization and the other competent specialized agencies, to undertake a study of "the international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and the fundamental human needs", and to make this study available for consideration by the Commission on Human Rights at its thirty-fifth session. The report of the Secretary-General is contained in E/CN.4/1334. The present document constitutes the contribution of UNESCO to the study. It was received by the Secretary-General on 29 December 1978.

The UNESCO document is comprised of a report and three annexes. The text of these annexes, as received in one language, are available for reference from the Secretariat.

The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and the fundamental human needs

Report by UNESCO

Introduction

1. Pursuant to operative paragraph 4 of resolution 4 (XXXIII) of the Commission on Human Rights, UNESCO was requested by the Secretary-General of the United Nations to contribute to the study requested by the Commission for its 35th session.

2. In order to prepare its contribution, UNESCO presented the text of resolution 4 (XXXIII) along with a series of working papers to an expert meeting, convened in June 1978 on the theme "Human Rights, Human Needs and the Establishment of a New International Economic Order". The theoretical and methodological implications of the theme specified in paragraph 4 of resolution 4 (XXXIII) required, in the view of the Director-General of UNESCO, a thorough examination of the relationship between human needs, as defined in recent research in the social sciences, and human rights, as defined in the major international instruments on the subject, in particular the Charter of the United Nations and the International Bill of Human Rights. The analysis of this relationship provides a framework for understanding the structures and processes which make the establishment of a new international economic order an important element in the implementation of human rights, taken as an indivisible whole, with particular reference to economic, social and cultural rights and to the situation prevailing in developing countries. This approach, therefore, relates the study closely to the agenda item 8 entitled: "Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Convention on Economic, Social and Cultural Rights and study of special problems relating to human rights in developing countries".

3. The June meeting of experts accordingly examined certain human rights from the perspective of the establishment of a new international economic order, some of which were consecrated by the basic human rights instruments (right to self-determination, right to food, right to health), while others reflected specific "new" rights mentioned in the title of the study requested by the Commission (right to development, right to peace). In that connexion UNESCO wishes to draw the Commission's attention to the notion of "solidarity right" which was examined by the expert meeting (see report of the meeting, paragraphs 6, 237 to 242).

4. Solidarity rights were presented as a notion under which certain rights, not traditionally referred to as human rights, such as the right to development, the right to peace, the right to ownership of the common heritage of mankind and the right to a healthy and ecologically balanced environment could be grouped and analysed. The rights in this category can best be understood in comparison with the other two categories of human rights both as regards their nature and the historical relation of one to the other. Thus civil and political rights are rights as freedoms of the individual against interference from the State which arose first in legal texts and belong to the "first generation". Economic, social and cultural rights are rights as claims against the state for certain services or benefits and belong to

the "second generation" by virtue of their historical recognition. The "third generation" of human rights consists of solidarity rights which are beginning to be recognized in international texts and which by their nature involve the concerted efforts of all social forces for their implementation. The terms used in paragraph 4 of the Commission's resolution 4 (XXXIII) illustrate the international recognition solidarity rights are beginning to receive.

5. UNESCO intends to carry out further study on the notion of solidarity rights in accordance with the programme and budget of UNESCO for 1979-1980, as approved by the General Conference in November 1978. This further research will, of course, be available to the Commission, whose suggestions concerning approaches and priorities are most welcome.

6. The Commission's attention is also drawn to the conclusions and recommendations of the expert meeting which appear in paragraphs 243 and 244 of the report.

7. In order to provide the Commission with adequate information concerning the exploratory research carried out in 1977-1978 relating to the subject of the study requested in resolution 4 (XXXIII), the present report contains three documents:

- (i) The full report of the June 1978 meeting on "Human Rights, Human Needs and the Establishment of a New International Economic Order";
- (ii) The paper presented to the above-mentioned meeting by Mr. Kéba M'Baye on "The emergence of the right to development as a human right in the context of the establishment of a new international economic order";
- (iii) A contribution on the right to development as a human right, submitted to a subsequent meeting sponsored by UNESCO in Caracas, Venezuela, by Mr. Hector Gros Espiell, who also participated in the expert meeting of June 1978.

8. The views expressed in these three documents are the sole responsibility respectively of the Rapporteur of the expert meeting, Mr. Peter O'Brien, and of Mr. Kéba M'Baye and Mr. Hector Gros Espiell. The three documents represent the attempt UNESCO has made to encourage thinking about human rights in the problems to which resolution 4 (XXXIII) refers. In the light of the exploratory nature of this research, the present report is necessarily a preliminary contribution of UNESCO to the work of the Commission under agenda item 8.