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COMMISSION ON HUMAN RIGHTS

Fortieth session  
Item 3 of the provisional agenda

REPORT OF THE WORKING GROUP OF GOVERNMENTAL EXPERTS  
ON THE RIGHT TO DEVELOPMENT

Rapporteur: Mr. Georges Gautier (France)

GE.83-13952

### Introduction

1. By its decision 1983/139 of 27 May 1983 the Economic and Social Council took note of Commission on Human Rights resolution 1983/15 of 22 February 1983, and endorsed the Commission's decision to reconvene the Working Group of Governmental Experts on the Right to Development with its original mandate in order to allow it to elaborate, on the basis of its report and all the documents already submitted or to be submitted, a draft declaration on the right to development. The Council also endorsed the Commission's request to the Working Group to hold two meetings of two weeks each in Geneva, the first in June 1983 and the second from 31 October to 11 November 1983.

2. In resolution 1983/15, the Commission on Human Rights commended the report of the Working Group on its fourth and fifth sessions (E/CN.4/1983/11) and took note with satisfaction of the progress made so far by the Working Group as reflected in its report and its recommendations. The Commission also decided to reconvene the same Working Group with its original mandate in order to allow it to elaborate, on the basis of its report and all the documents already submitted or to be submitted, a draft declaration on the right to development and requested the Working Group to submit to the Commission at its fortieth session a report and concrete proposals for a draft declaration on the right to development.

3. As at its previous sessions the Working Group was composed of government experts from the following countries: Algeria, Cuba, Ethiopia, France, India, Iraq, Netherlands, Panama, Peru, Poland, Senegal, Syrian Arab Republic, United States of America, Union of Soviet Socialist Republics and Yugoslavia. The Bureau remained the same as for the earlier sessions of the Working Group and was composed of the experts from Senegal (Chairman), Cuba, India and Yugoslavia (Vice-Chairmen), and France (Rapporteur). At the first meeting of the Working Group's sixth session the Chairman confirmed that the expert who had represented France at the first five sessions of the Working Group, Mr. Gilles Chouraqui, had assumed other responsibilities and would be replaced by Mr. Georges Gautier. It was unanimously agreed by the Working Group that Mr. Gautier should also become Rapporteur of the Working Group.

### Dates of sessions

4. The Working Group held its sixth session from 13 to 24 June 1983 and its seventh session from 31 October to 11 November 1983, in Geneva.

### Attendance

5. A list of participants, including the government experts and others who participated in the sixth and seventh sessions of the Working Group is to be found in annex I.

### Organization of work

6. During its sixth session the Working Group held nine meetings from 13 to 24 June 1983 and several informal consultations. At its seventh session the Group held 11 meetings from 31 October to 11 November 1983, as well as four meetings of an open-ended Drafting Group.

Work of the Working Group at its sixth session

7. During the course of the sixth session, several drafts and proposals were circulated on an informal basis. On the basis of these drafts, and of all documents previously submitted to the Working Group, the Group requested two experts to prepare a "technical consolidated text". It was understood that the technical consolidated text was not to be considered as representing the views of any particular expert or group of experts.

8. All members of the Working Group expressed their strong appreciation for the work done by the two experts in preparing the text. Nevertheless, it was felt that the "technical consolidated text" did not adequately reflect the respective position of all experts. However, in order to proceed further, it was understood that the text would be an informal technical basis for further work. This understanding was without prejudice to the right to introduce, or submit, in the course of the discussion of the informal technical consolidated text at the next session of the Working Group, any proposals including those presented during the current session which were not incorporated in that text. The "technical consolidated text" is reproduced in annex II of the present report.

Work of the Working Group at its seventh session

9. During the course of its seventh session the Working Group undertook a general exchange of views on the whole of the technical consolidated text. Following in-depth discussions, a general understanding was reached with respect to the following provisions of the draft declaration dealing with the preamble. It was understood in regard to these provisions that final agreement would only be reached in the context of agreement on the draft declaration as a whole.

"The General Assembly,

1. Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and the promotion and encouragement of respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

2. Considering that under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

3. Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

(4. formerly 4 and 5 of technical consolidated text) Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples including those instruments concerning

decolonization, prevention of discrimination, respect for, and observance of human rights and fundamental freedoms, maintenance of international peace and security and further promotion of friendly relations and co-operation among States in accordance with the Charter of the United Nations,

(6. formerly 7) Mindful of the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

(7. formerly 8) Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and persons affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

(9. formerly 10) Recognizing that development is a comprehensive economic, social, cultural and political process which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

(10. formerly 11) Considering that international peace and security are essential elements for the realization of the right to development,

(12. formerly 13) Recognizing that the human person is the central subject of the development process and that therefore development policy should have the human being as the main participant and beneficiary of development,

(13. formerly 14) Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,"

10. With respect to the remaining paragraphs of the preamble (corresponding to paragraphs 6 (new 5), 9 (new 8), 12 (new 11), 15 (new 14) and 16 (new 15)) of the technical consolidated text and all of the articles of the operative part of that text, the Working Group held detailed and intensive discussions and consultations. Different proposals were made <sup>1/</sup> and a number of drafting sessions were held in which the members of the Working Group made every effort to adopt every provision by consensus. The Group was however not able to complete all aspects of its mandate within the time available.

11. At its meeting on 11 November 1983, the Working Group adopted the present report for transmission to the Commission on Human Rights at its fortieth session.

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<sup>1/</sup> The texts of these drafts and proposals are available for consultation in the Secretariat.

Annex I

List of participants

<u>Country</u>	<u>Name</u>
Algeria	Mrs. Fatma Z. Ksentini
Cuba	Mr. Julio Heredia Pérez
Ethiopia	Miss Kongal Sinegiorgis
France	Mr. Georges Gautier
India	Mr. V. Ramachandran Mrs. Lakshmi Puri <u>a/</u>
Iraq	Dr. Riyadh A. Hadi
Netherlands	Prof. Dr. F.J.I.M. de Waart
Panama	Mr. Luis Gallardo Aguirre
Peru	Mr. J. Alvarez Vita <u>a/</u>
Poland	Mr. H.J. Sokalski <u>b/ c/</u>
Senegal	Mr. A. Sène Mr. I. Sy <u>a/</u> Mr. S.C. Konate <u>a/</u>
Syrian Arab Republic	Dr. Ahmed Saker
United States of America	Mr. Peter L. Berger Mr. Stephen Bond <u>a/</u> Mr. P. Flood <u>a/</u>
Union of Soviet Socialist Republics	Mr. Dimitry Bykov <u>c/</u> Mr. S. Ordzhonikidze <u>a/</u> Mr. L. Skotnikov <u>a/</u>
Yugoslavia	Mr. Danilo Türk

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a/ Alternate.

b/ Expert not present at sixth session.

c/ Expert not present at seventh session.

States Members of the United Nations represented by observers

Canada  
China  
Germany, Federal Republic of  
Japan

Non-member States represented by observers

Holy See

United Nations bodies

Office of the Director-General for Development and International Economic  
Co-operation

Non-governmental organizations in consultative status

Category II

International Commission of Jurists

Roster

International Humanist and Ethical Union

Annex IITechnical Consolidated Text"The General Assembly,

1. Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and the promotion and encouragement of respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

2. Considering that under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

3. Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

4. Recalling again the relevant provisions of the declarations and resolutions adopted by the General Assembly including inter alia the Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly resolution 1803 (XVII) of 14 December 1962 on 'Permanent Sovereignty over Natural Resources', the Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on Social Progress and Development, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on Strengthening of International Security, the Declaration and the Programme of Action on the Establishment of a New International Economic Order, the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, the Charter of Economic Rights and Duties of States, the Declaration on Preparation of Societies for Life in Peace, General Assembly resolutions 32/130 and 34/46 on 'Alternative Approaches and Ways and Means within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms', General Assembly resolution 35/56 on the International Development Strategy for the Third United Nations Development Decade,

5. Recalling also the relevant provisions of the Proclamation of Tehran, the Declaration of Philadelphia, and the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and incitement to War of the United Nations Educational, Scientific and Cultural Organization,

6. Recalling further the right of peoples to self-determination, by virtue of which all peoples have the right to freely determine their political status and have an inalienable right to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources, without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law,

7. Mindful of the obligation of States to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

8. Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and persons affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

9. Concerned at the continuing existence of serious obstacles to the free development of the human being such as the denial of civil and political rights and individual freedoms and the absence of conditions favourable to the implementation of economic, social and cultural rights,

10. Recognizing that development is a comprehensive economic, social, cultural and political process which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

11. Considering that international peace and security are essential elements for the realization of the right to development,

12. Reiterating that progress in the field of disarmament would considerably promote progress in the field of development; and that resources released as a result of measures taken in the sphere of disarmament should be directed towards the economic and social development of all nations, so as to contribute as well to bridging the gap existing between the economies of developed and developing countries,

13. Recognizing that the human person is the central subject of the development process and that therefore development policy should have the human being as the main participant and beneficiary of development,

14. Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

15. Recognizing further that the establishment of a new international economic order is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all,

16. Recognizing also that the right to development is an inalienable human right, individually and collectively, and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Proclaims the present Universal Declaration of the Right to Development as a human right.

#### Article 1

1. The right to development is an inalienable human right of every person, individually or in entities established pursuant to the right of association, and of other groups, including peoples. Equality for opportunity is a prerogative of nations and of individuals within nations.



2. By virtue of the right to development, every human person, individually or collectively, has the right to participate in, contribute to, and enjoy a peaceful international and national political, social and economic order, in which all universally recognized human rights and fundamental freedoms can be fully realized.

3. The human right to development implies the full realization of the right of peoples to self-determination, by virtue of which all peoples freely determine their political status and freely pursue their economic, cultural and social development and may for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principles of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence.

## Article 2

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

2. All human beings have the primary responsibility for their development, individually and collectively, taking into account their duties to the community in which alone the free and full fulfilment of the human being is possible and which therefore should promote and protect an appropriate social order for development.

3. The State has the right and the duty to formulate appropriate development policies which should lead to the realization of potentialities of each human being and the well-being of entire population.

4. Entities established pursuant to the right of association and traditional entities aiming at development of individuals which compose them, being intermediate between individuals and the State, are of special significance for the realization of the right to development and should be respected as such by States.

## Article 3

1. The right to development implies an international order based on full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

2. States have the right and the primary responsibility to ensure development both within their territory and internationally taking into account their responsibilities to the human beings and to the international community.

3. It is the duty of all States to co-operate with each other in promoting and assisting the achievement of development and in eliminating the obstacles to development by observing and by promoting realization of, inter alia, the following principles of international law and fundamentals of international economic relations embodied in the Charter of the United Nations and pertinent international instruments:

1. Equal rights and self-determination of peoples;
2. Equality of opportunity for development of all nations and individuals within nations;

3. Sovereignty, territorial integrity and political and economic independence of States;
4. Sovereign equality of all States;
5. Non-aggression;
6. Peaceful settlement of disputes;
7. Non-intervention in matters which are essentially within the domestic jurisdiction of any State;
8. Mutual and equitable benefit;
9. Peaceful coexistence;
10. International co-operation for development;
11. Promotion of international social justice;
12. Remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for its normal development;
13. No attempt to seek hegemony and spheres of influence;
14. Fulfilment in good faith of international obligations;
15. Respect for human rights and fundamental freedoms;
16. Free access to and from the sea by land-locked countries within the framework of the above principles;
17. Permanent sovereignty over natural wealth and resources within the framework of the above principles.

#### Article 4

1. States shall have the duty to take steps, individually and collectively, to formulate adequate development policies with a view to creating the conditions necessary for the full realization of the right to development.

2. Sustained action is required to ensure more rapid progress of developing countries. As a complement to the efforts that the developing countries make, individually and collectively, for their development, it is essential to provide them with effective international assistance.

#### Article 5

1. In a spirit of solidarity and regardless of the differences which exist between political, economic and social systems, States and the international community as a whole should focus on the creation of local, national and international conditions favourable to the promotion and protection of the rights set forth in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

2. States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, the refusal to recognize the fundamental right of peoples to self-determination and of all nations to exercise full sovereignty over their wealth and natural resources.

3. States should take resolute steps to eliminate obstacles to development resulting from a non-observance of civil and political rights as well as of the generally accepted standards, which underlie the Universal Declaration of Human Rights in respect of economic, social and cultural rights.

#### Article 6

All States should promote the establishment, maintenance and strengthening of international peace and security and should for this purpose do their utmost for the achievement of general and complete disarmament under effective international control as well as for the utilization of resources released by effective disarmament measures for development of all human beings, peoples and States, in particular the developing countries.

#### Article 7

1. All States should co-operate with a view to promoting, encouraging and strengthening the universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language and religion.

2. All human rights and fundamental freedoms are indivisible and interdependent, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

#### Article 8

For the purpose of the effective enjoyment of the right to development and for the full realization of all human rights, it is necessary to take, as a matter of priority, adequate measures towards the establishment of a new international economic order, as envisaged in the Declaration on the Establishment of a New International Economic Order, 1/ in the Programme of Action on the Establishment of a New International Economic Order, 2/ in the Charter of Economic Rights and Duties of States 3/ and in other relevant United Nations resolutions.

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1/ Adopted by the General Assembly at its sixth extraordinary session on 1 May 1974 (3201 (S-VI)).

2/ Ibid., (3202 (S-VI)).

3/ Adopted by the General Assembly at its twenty-ninth session on 12 December 1974 (3281 (XXIX)).

#### Article 9

1. States should continuously strive for a further elaboration of economic, social and cultural standards, which underlie the Universal Declaration of Human Rights and the pertinent International Covenant so as to ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment, opportunities for participation and the fair distribution of income.

2. Particular attention should be paid to the interests, needs and aspirations of discriminated and disadvantaged groups. Appropriate economic and social reforms should be made with a view to eradicating all social injustices.

#### Article 10

1. States should take appropriate action to provide a comprehensive framework for popular participation in development and for the full exercise of the right to popular participation in its various forms which is an important factor of development and of the full realization of civil and political rights as well as economic, social and cultural rights.

2. States should give high priority and adopt appropriate and effective measures for the integration of women in development and for ensuring their equality of rights.

#### Article 11

1. All the aspects of the right to development set forth in this Declaration are indivisible and interdependent and each of them should be construed in the context of the whole.

2. Nothing in this Declaration shall be construed contrary to the purposes and principles of the United Nations, or as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of the rights set forth in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

3. Nothing in this Declaration shall be construed as prejudicing in any manner the right of peoples to self-determination and of all nations to the exercise of full sovereignty over their natural wealth and resources.

#### Article 12

Steps should be taken with a view to full exercise, further codification and progressive development of the right to development as a principle of international law. This includes the formulation, adoption and implementation of policy, legislative, administrative and other measures at the national level as well as the formulation, adoption and implementation of international instruments which reflect a consensus among States with different economic, social and political systems.

#### Article 13

The United Nations, the specialized agencies, States and international non-governmental organizations should co-operate in promoting and implementing the right to development as a human right and should consider this Declaration as an important basis for action."