

DECLARATION ON THE RIGHT TO DEVELOPMENT

The concept of development was included in Article 55 of the Charter of the United Nations, which calls on the United Nations to promote, *inter alia*, “higher standards of living, full employment, and conditions of economic and social progress and development”. Article 22 of the Universal Declaration of Human Rights proclaims that everyone, as a member of society, is entitled to realization “of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”. Article 1 of the International Covenant on Economic, Social and Cultural Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, provides, *inter alia*, that “[all] peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.

In 1968, during its twenty-fourth session, the Commission on Human Rights took up the question of economic and social rights under the agenda item entitled “Study of the Question of the Realization of the Economic and Social Rights Contained in the Universal Declaration of Human Rights” (E/CN.4/972). The Commission on Human Rights considered the topic in each of the years from 1969 to 1974 (E/CN.4/1007, E/CN.4/1039, E/CN.4/1068, E/CN.4/1097, E/CN.4/1127 and E/CN.4/1154). On 10 February 1975, at its thirty-first session, the Commission on Human Rights adopted resolution 2 (XXXI), by which it decided to place on its agenda, as a standing item with high priority, the “Question of the realization 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 relating to human rights in developing countries” (E/CN.4/1179). At its thirty-second session, held in 1976, the Commission held discussions under the aforementioned standing item (E/CN.4/1213).

In 1977, at the Commission’s thirty-third session, during discussions under the abovementioned standing item, several speakers indicated that the existence of a specific right to development could be deduced from the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and other United Nations instruments (E/CN.4/1257). At the same session, the Commission adopted resolution 4 (XXXIII) of 21 February 1977. In paragraph 4 of the resolution, the Commission recommended, *inter alia*, that the Economic and Social Council invite the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the other competent specialized agencies, to undertake a study on the subject 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 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 (Commission on Human Rights, Report of the thirty-third session, E/CN.4/1257). The Economic and Social Council endorsed this recommendation in its decision 229 (LXII) of 13 May 1977. In paragraph 5 of resolution 4 (XXXIII), the Commission also requested the Secretary-General “to bring the present resolution to the attention of the competent economic organs in the United Nations and to ask for their views and comments in order to transmit them to the Commission on Human Rights at its thirty-fourth session”.

At its thirty-fourth session, held in 1978, the Commission on Human Rights continued its consideration of the item. It had before it, *inter alia*, a note by the Secretary-General (E/CN.4/1272) containing the views and comments of the economic organs of the United Nations submitted in accordance with paragraph 5 of Commission resolution 4

(XXXIII) (Commission on Human Rights, Report of the thirty-fourth session, E/CN.4/1292).

At its thirty-fifth session, held in 1979, the Commission on Human Rights further continued its consideration of the item. It had before it the report of the Secretary-General (E/CN.4/1334) and a report submitted by UNESCO (E/CN.4/1340), both prepared in accordance with Economic and Social Council decision 229 (LXII) of 13 May 1977 (Commission on Human Rights, Report of the thirty-fifth session, E/CN.4/1347). On 2 March 1979, the Commission adopted resolution 4 (XXXV) in which it recommended, *inter alia*, that the Economic and Social Council should invite the Secretary-General, in co-operation with UNESCO and other competent specialized agencies, to follow up the report (E/CN.4/1334) undertaken in pursuance of paragraph 4 of Commission resolution 4 (XXXIII) with a study of the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right, and should make this study available for consideration by the Commission on Human Rights at its thirty-seventh session (E/CN.4/1347). On the same day, the Commission adopted resolution 5 (XXXV) in which it, *inter alia*, reiterated “that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations”.

On 10 May 1979, the Economic and Social Council adopted decision 1979/30 by which it decided to request the Secretary-General to organize in 1980, within the framework of the advisory services program, a seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy an adequate standard of living proclaimed in article 25 of the Universal Declaration of Human Rights.

At its thirty-fourth session, the General Assembly, on the recommendation of its Third Committee (A/34/704), adopted resolution 34/46 of 23 November 1979, in which it, *inter alia*, “[n]oted with interest Economic and Social Council decisions 1979/29 and 1979/30 of 10 May 1979, and Commission on Human Rights resolutions 4 (XXXV) and 5 (XXXV) of 2 March 1979, in which the Commission reiterated that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations”.

On 21 February 1980, at its thirty-sixth session, the Commission on Human Rights adopted resolution 6 (XXVI) wherein it, *inter alia*, requested the Secretary-General to arrange for the seminar requested in Economic and Social Council decision 1979/30 to be held between the end of June and early July 1980, with priority accorded on its programme to “the effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms”, “the right to development as a human right”, “equality of opportunity to achieve it” and “the right to development as a right of individuals and nations” (Commission on Human Rights, Report of the thirty-sixth session, E/CN.4/1408). On the same day, the Commission adopted resolution 7 (XXVI) wherein it requested the Secretary-General, in the study he was invited to undertake pursuant to paragraph 6 of Commission resolution 4 (XXV) of 2 March 1979 and Economic and Social Council decision 1979/29 of 10 May 1979, to elaborate, with due regard to previous studies, in particular document E/CN.4/1334 (Report of the Secretary-General), on the conditions required for the effective enjoyment by all peoples and all individuals of the right to development, paying special attention to the effects on development of, *inter alia*, the recognition of the duty to achieve and strengthen solidarity and the establishment of peace and development of friendly relations among nations (E/CN.4/1408).

At its thirty-fifth session, the General Assembly, on the recommendation of its Third Committee (A/35/721), adopted resolution 35/174 of 15 December 1980, in which it requested the Commission on Human Rights, *inter alia*, to take the necessary measures to promote the right to development as a human right, which is as much a prerogative of nations as of individuals within nations, and to take action for its realization. In addition, the General Assembly requested that priority should be given to the holding in 1981 of a United Nations seminar on the relations existing between human rights, peace and development.

At its thirty-seventh session, held in 1981, the Commission on Human Rights had before it, *inter alia*, the following documents: a study on the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right, prepared by the Secretary-General, in pursuance of Commission on Human Rights resolutions 4 (XXXV) of 2 May 1979 and 7 (XXXVI), of 21 February 1980, and Economic and Social Council decision 1979/29 of 10 May 1979 (E/CN.4/1421); a summary of replies of United Nations economic organs prepared by the Secretary-General pursuant to paragraph 8 of resolution 4 (XXXV) (E/CN.4/1425); the report of the seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights (ST/HR/SER.A/8); and, the report of the Secretary-General (E/CN.4/1458) prepared in accordance with paragraph 6 of General Assembly resolution 35/174 which requested the Secretary-General to give priority, through the programme of advisory services in the field of human rights, to the holding in 1981 of a seminar on relations that exist between human rights and development (Commission on Human Rights, Report of the thirty-seventh session, E/CN.4/1475).

Also on its thirty-seventh session, the Commission adopted resolution 36 (XXXVII), in which it decided to establish, *inter alia*, a working group of 15 governmental experts appointed by the Chairman of the Commission, taking into account the need for equitable geographic distribution, to study the scope and contents of the right to development and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights (E/CN.4/1475). It requested the working group, *inter alia*, to take into account especially the observations of Governments and specialized organizations on this subject, including the opinions expressed in the debate on this item, the report (E/CN.4/1334) and the study (E/CN.4/1421) prepared by the Secretary-General, the conclusions and recommendations of the seminar on the effects of the existing unjust international economic order on the economies of the developing countries held in Geneva in 1980 (ST/HR/SER.A/8), as well as, *inter alia*, the results of the seminar to be held in 1981 in New York on relations that exist between human rights, peace and development (Commission on Human Rights, Report of the thirty-seventh session, E/CN.4/1475). The Commission further requested that the group submit to the Commission at its thirty-eighth session a report based on the above-mentioned work with concrete proposals for implementation of the right to development and for a draft international instrument on this subject.

At its thirty-sixth session, the General Assembly, on the recommendation of its Third Committee (A/36/731), adopted resolution 36/133 of 14 December 1981, in which it, *inter alia*, welcomed the decision of the Commission on Human Rights to set up a working group to study the scope and contents of the right to development and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments, and emphasized that the right to

development is an inalienable human right. In addition, the General Assembly requested the Commission on Human Rights to take the necessary measures to promote the right to development taking into account the work of the Working Group under resolution 36 (XXXVII) of the Commission.

The Working Group of Governmental Experts on the Right to Development held its first session from 20 to 24 July 1981, the second from 23 November to 4 December 1981 and the third from 18 to 22 January 1982 (Report of the first, second, and third sessions of the Working Group, E/CN.4/1489). The experts considered various possibilities regarding the type of instrument which might be proposed on the subject of the right of development. The experts as a whole finally agreed on the preparation of a declaration.

At its thirty-eighth session, held in 1982, the Commission on Human Rights had before it, *inter alia*, a document containing parts II and III of the study by the Secretary-General on the regional and national dimensions of the right to development (E/CN.4/1488), and the report to the Commission of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1489). On 9 March 1982, the Commission adopted resolution 1982/17 in which it decided, *inter alia*, to reconvene the Working Group of Governmental Experts with the same mandate in order to allow it to elaborate, on the basis of its report and all documents already submitted or to be submitted, a draft declaration on the right to development (E/CN.4/1982/30).

The Working Group of Governmental Experts held its fourth and fifth sessions from 28 June to 9 July and from 22 November to 3 December 1982, respectively (Report of the fourth and fifth sessions of the Working Group, E/CN.4/1983/11). At its fourth session the Working Group considered proposals for the preamble of the draft declaration on the right of development. At its fifth session, the Working Group continued to consider proposals for the draft preamble and also started to examine proposals for the operative paragraphs. Having been unable to complete all aspects of its mandate at its fourth and fifth sessions, the Working Group considered it desirable that work on the draft declaration should continue on the basis of all documents already submitted or to be submitted.

At its thirty-seventh session, the General Assembly, on the recommendation of its Third Committee (A/37/693), adopted resolution 37/199 of 18 December 1982, in which it requested, *inter alia*, the Commission on Human Rights to take the necessary measures to promote the right to development taking into account the results achieved by the Working Group of Governmental Experts on the Right to Development, and welcomed the decision of the Commission, in resolution 1982/17 of 9 March 1982, that the Working Group should continue its work with the aim of presenting as soon as possible a draft resolution on the right to development.

At its thirty-ninth session, held in 1983, the Commission on Human Rights had before it, *inter alia*, the report of the Working Group of Governmental Experts (Commission on Human Rights, Report of the thirty-ninth session, E/CN.4/1983/60). On 22 February 1983, the Commission adopted resolution 1983/15 in which it decided, *inter alia*, to reconvene the Working Group of Governmental Experts with the same 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.

At its thirty-eighth session, the General Assembly, on the recommendation of its Third Committee (A/38/690), adopted resolution 38/124 of 16 December 1983, in which it requested, *inter alia*, the Commission on Human Rights to take the necessary measures to promote the right to development, taking into account the results achieved by the Working Group of Governmental Experts on the Right to Development, which is engaged in the study of the scope and content of the right to development.

The Working Group of Governmental Experts held its sixth and seventh sessions from 13 to 24 June and from 31 October to 11 November 1984, respectively (Report of the sixth and seventh sessions of the Working Group, E/CN.4/1984/13). During these sessions, the Working Group continued its work on the drafting of a declaration but was not able to complete all aspects of the mandate within the time available.

At its fortieth session, held in 1984, the Commission on Human Rights had before it, *inter alia*, the report of the Working Group of Governmental Experts (Commission on Human Rights, Report of the fortieth session, E/CN.4/1984/77). On 6 March 1984, the Commission adopted resolution 1984/16 in which it decided, *inter alia*, to reconvene the Working Group with the same mandate (E/CN.4/1984/77).

At its thirty-ninth session, the General Assembly, on the recommendation of its Third Committee (A/39/711), adopted resolution 39/145 of 14 December 1984, in which it requested, *inter alia*, the Commission on Human Rights to take the necessary measures to promote the right to development, taking into account the results achieved by the Working Group of Governmental Experts on the Right to Development, and welcomed the decision of the Commission in its resolution 1984/16 that the Working Group should continue its work with the aim of submitting as soon as possible a draft declaration on the right to development.

The Working Group of Governmental Experts held its eighth and ninth sessions from 24 September to 5 October and from 3 to 14 December 1984, respectively (Report of the eighth and ninth sessions of the Working Group, E/CN.4/1985/11). At the eighth session, the Working Group considered in detail paragraphs 6, 9, 12 and 15 of the preamble to the draft declaration. At the ninth session, the Working Group resumed its detailed consideration of paragraphs 6, 9, 12 and 15 of the preamble to the draft declaration. In addition, it considered paragraph 16 of the preamble, and articles 1 to 4. However, the Group was unable to fulfill all the terms of its mandate within the time at its disposal. At its meeting on 14 December 1985, the Working Group adopted its report for transmittal to the Commission on Human Rights at its forty-first session. Annexed to the transmitted report were all the documents, drafts, and proposals submitted to the Working Group at its sixth, seventh, eighth and ninth sessions.

At its forty-first session, held in 1985, the Commission on Human Rights had before it, *inter alia*, the report of the Working Group of Governmental Experts (Commission on Human Rights, Report of the forty-first session, E/CN.4/1985/66). On 14 March 1985, the Commission adopted resolution 1985/43 by which it decided, *inter alia*, to transmit to the General Assembly, through the Economic and Social Council, the report of the Working Group, the part of the report of the Commission on Human Rights dealing with the question of the right to development, the summary records of the Commission's discussion on the question during its forty-first session and any other relevant documents, so as to enable the Assembly to adopt a declaration on the right to development. In addition, the Commission decided to convene the Working Group for three weeks in January 1986 to study the measures necessary to promote the right to development. On 30 May 1985, the Economic and Social Council adopted decision 1985/149 by which it approved the Commission's resolution 1985/43.

At its fortieth session, the General Assembly, on the recommendation of its Third Committee (A/40/970), adopted decision 40/425 of 13 December 1985, in which it decided, *inter alia*, to transmit to its forty-first session the draft resolution on the right to development, as well as all relevant documents, with a view to continuing the consideration of this question at that session. On the same day, the General Assembly adopted, also on the recommendation of the Third Committee, resolution 40/124, in which it requested, *inter alia*, the Commission on Human Rights to take the necessary measures to promote the right to development, and welcomed the decision of the Commission, in its

resolution 1985/43, concerning the future work of the Working Group of Governmental Experts on the Right to Development.

On 10 March 1986, the Commission on Human Rights adopted resolution 1986/16 in which it, *inter alia*, welcomed the consideration given by the General Assembly at its fortieth session to the question of the adoption of a declaration on the right to development, and strongly urged the General Assembly to give the highest priority to the consideration of the draft declaration on the right to development with a view to the adoption of the declaration at the forty-first session of the Assembly (E/CN.4/1986/65).

In 1986, during the forty-first session of the General Assembly, the Third Committee once again took up the draft declaration, and considered several proposed amendments (Report of the Third Committee, A/41/925). The Third Committee completed its consideration of the draft declaration at the same session. On 4 December 1986, the General Assembly adopted, on the recommendation of its Third Committee, the final text of the Declaration as an annex to resolution 41/128 (Declaration on the Right to Development).