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Working paper submitted by Senegal

Some points regarding the right to development raised by  
Mr. Kéba M'Baye, head of the delegation of Senegal, at  
the thirty-sixth session of the Commission on Human Rights  
(Geneva, 11 February 1980)

1. The right to development has its basis in the following legal instruments:

The Charter of the United Nations, articles 1, 2, 55 and 56;

The Universal Declaration of Human Rights, articles 22 and 29;

The International Covenant on Economic, Social and Cultural Rights,  
articles 2 and 16;

The Charter of Economic Rights and Duties of States.

2. The right to development as a human right was acknowledged for the first time by the Commission on Human Rights in its resolution 4 (XXXIII) of 21 February 1977. Since emphasis has been placed on a global concept of all economic, social and cultural rights together, and inseparable from civil and political rights, a more precise idea has developed of a kind of "composite right" belonging to the third generation of human rights. The right to development should be seen as the prerogative of all peoples and individuals to be able to satisfy their needs in accordance with their aspirations, so far as the equitable enjoyment of the goods and services produced by the community permits. The exercise of this right calls for the combined co-operative efforts of the international community. What is required is a fair sharing between men of the power of decision concerning and the possibility of enjoying the common patrimony, on the basis of the principles of justice, equality, fraternity and human unity.

3. As is stated in resolution 5 (XXXV) of the Commission on Human Rights, the right to development presupposes the equality of opportunity of nations and of individuals. However, the present unjust international economic and social system has created inequalities in a world divided into developed countries and underdeveloped countries. In a world in which both great wealth and abject poverty



exist, the right to development means the conversion of charity into a right and assistance into an obligation, by virtue of human solidarity.

4. The right to development has two dimensions, the one international and the other regional and national. At both these levels the responsibility for development efforts rests primarily with States. This is stated in article 8 of the Declaration on Social Progress and Development adopted by the United Nations General Assembly on 11 December 1969. However, there is no development without solidarity: solidarity between States and solidarity between individuals. Article 7 in chapter II of the Charter of Economic Rights and Duties of States declares that every State has the primary responsibility to promote the economic, social and cultural development of its people, but this must be based on the genuine fulfilment of the obligation to co-operate that has been contracted by the Members of the international Organization. Under article 56 of the Charter, the Members of the United Nations pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of certain purposes, including the attainment of "higher standards of living, full employment, and conditions of economic and social progress and development".

5. The exercise of the right to development requires certain conditions at the international level:

(a) The strengthening of international security: a real and lasting peace guaranteeing inviolable international security will make it possible to use the enormous sums devoted to military expenditures to ensure the harmonious development of all the States in the human family;

(b) The creation of a new international economic order based on the principles of justice and equity should aim not only at the improvement of the material well-being of peoples but also at "the fullest possible development of each human being through a global cultural process involving at one and the same time the environment, social relations, education and culture". This idea, which we have called the right to development, is what we oppose to the notion of basic needs, which was invented by the cunning supporters of the hierarchization of civilisations, and we oppose it also to the fragmentary concept of economic, social and cultural rights. Article 25 of the Universal Declaration of Human Rights, which is referred to in resolution 5 (XXXV) of the Commission on Human Rights, declares that everyone has the right to an adequate standard of living. But economic relations, particularly in the realm of trade, are today based on the exploitation of the resources and services of the South by the North. This situation has to be changed. We must look far ahead, overcome egotisms and tackle today's injustices without delay lest they become the cause of unimaginable difficulties tomorrow;



(c) A new and just international economic order will require the genuine exercise of the right of peoples to self-determination and of their rights over their natural resources, equitable remuneration for goods and services in international trade relations and the stabilization of the prices of raw materials; real control and effective regulation, by treaty, of the multinational companies, and explicit recognition of the right of States to participation and nationalization, the fair transfer of appropriate technology, a broadening and improvement of trade relations and many other conditions which we are today far from attaining;

(d) The promotion and creation of a new world order in the sphere of information and communication, with a view to maintaining international peace and security and establishing a new and just international economic order, should be aimed at reducing the gap that exists between the developed countries and the underdeveloped countries and at achieving a more balanced distribution of the means of communication and a better circulation of information.

6. Once the requisite international conditions have been achieved, the exercise of the right to development necessitates the attainment of certain prior conditions at the regional and national level. In this connection, the principle that fulfilment of the development obligation is a condition of the legitimacy of Governments was affirmed by the participants in the symposium at Dakar which was organized by ASERJ (Senegalese association for juridical studies and research) in September 1978:

(a) Each people must take the responsibility for its own destiny and with complete independence choose the path it will follow in the exercise of its right to development. The choice of a development model is the fundamental right of every State;

(b) It is necessary for the people to participate actively in the definition and management of the supports and standards for growth, in the adoption of the relevant decisions and in the actual enjoyment of the right to development. This means that the primary interests of the people must be at the basis of the development effort as part of the duty of co-operation between individuals within the community;

(c) There must be no discrimination, and in particular no discrimination based on race, as is the case in South Africa with its policy of apartheid. The right to full development implies "equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of

civilization and cultures, both national and world-wide". This is stated in article 3 of the UNESCO Declaration on Race and Racial Prejudice adopted on 27 November 1978;

(d) The exercise of the right to development necessitates, in addition, guarantees respecting individuals in general, and in particular agents of the State, users of public services and workers. The right to development includes civil and political rights;

(e) The first action of every State should be to ratify the International Covenant on Economic, Social and Cultural Rights and to fulfil the obligations flowing therefrom, in particular as regards co-operation with a view to achieving economic, social and cultural progress.