



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2003/SR.17
2 April 2003

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-ninth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 March 2003, at 3 p.m.

Chairperson: Mr. SMITH (Australia)
(Vice-Chairperson)

CONTENTS

THE RIGHT TO DEVELOPMENT (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.03-12463 (E) 310303 020403

In the absence of Ms. Al-Hajjaji (Libyan Arab Jamahiriya),
Mr. Smith (Australia), Vice-Chairperson took the Chair.

The meeting was called to order at 3.05 p.m.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/2003/7, 25, 26, 122, 125 and 128; E/CN.4/2003/NGO/5, 33, 67, 124, 156, 163, 210, 251 and 254).

1. Mr. DEMBRI (Algeria) said that civil and political rights continued to monopolize the mass media and mobilize most of the Commission's efforts and resources and those of the Office of the High Commissioner for Human Rights (OHCHR). The right to development was thereby relegated to an inferior status, responsibility for its implementation being placed solely on the shoulders of national Governments. Some Commission members even denied the very existence of the right to development, contrary to the objectives of all recent United Nations conferences and summits, and particularly the Millennium Summit.

2. He regretted the missing link between the national and international dimensions of the right to development; attempts to confine such a right exclusively within the limits of an equitable national redistribution system constituted a very simplistic analysis. The imbalance in the multilateral trading system had led to precarious conditions for the developing countries and ignoring that reality implied that the developing countries were being unduly held responsible for the inconsistency of the international order. The current economic order had been set up with no input from most developing countries and, as a result, they were marginalized and excluded from the decision-making processes which affected them.

3. He regretted that the Working Group on the Right to Development had been unable to reach a consensus and that some of the partners had backtracked on their initial positions. His delegation had been astonished at the completely new attitude of some States whereby the right to development was a national responsibility, without any obligations on the part of the international community. Moreover, if the developed partners continued the dangerous trend of according certain working groups more attention than others, it would aggravate the divide within the Commission and undermine its credibility. He thus appealed to all Commission members to take steps to safeguard the spirit of the Vienna Declaration and maintain a balanced approach to all human rights, including the right to development.

4. Ms. SARAN (India) said that, 50 years after the adoption of the Universal Declaration of Human Rights, the international community was still nowhere near to realizing the goal of the "inherent dignity" of all members of the human family.

5. Her delegation believed that rights were actual entitlements and that the right to development could be ensured only if the existence of corresponding obligations was acknowledged at both the national and the international levels. As for the implementation of implementing the right to development, only democracy, transparency, accountability and participatory government could ensure that the actions of States were in the best interests of their peoples. Prescriptive norms imposed from outside were counter-productive and contrary to the sovereign equality of States.

6. The developing countries continued to be starved of the resources required for the realization of the right to development and, as a result of globalization, they were no longer invulnerable to external financial and economic influences. The work of the United Nations needed to be better adapted to the imperatives of the right to development and much more needed to be done at the international level.

7. The preliminary study on the impact of international economic and financial issues on the enjoyment of human rights by the independent expert on the right to development had provided valuable insights into the obstacles that existed to the realization of the right to development. It was therefore deeply disappointing that the Working Group had been unable to arrive at a consensus at its fourth session. She called upon all States to join the international community in operationalizing the right to development and urged the Commission to renew unanimously the mandate of the Working Group for another two years.

8. Mr. ABUZAIID (Sudan) said that the Universal Declaration on the Right to Development was a turning point in international law as it had made it possible for development issues to be integrated into the international system of human rights. The acceptance of the right to development was also a reflection of the international community's commitment to deal with the suffering of needy societies. There was a strong link between international peace and security and the right to development, as stated in the preamble and indicated by article 3, paragraph 2, of the Declaration and his delegation also emphasized the need to take into account the protection of the environment when implementing the right to development.

9. In order to comply with article 10 of the Declaration, his Government had taken the necessary steps at the national level to enact laws affirming the rights of groups and individuals to development. The Constitution of Sudan confirmed the importance attached to sustainable, environmentally-sound development and, in 1998, a law had been enacted regulating the development of the oil industry.

10. His delegation agreed with the comment by the Working Group on the Right to Development that the right in question was linked to other rights, all of which had to be respected. Assistance for development should thus be part and parcel of the respect for all human rights. The right to development should be enjoyed by all people and the international community must contribute to its realization.

11. Mr. ATTAR (Saudi Arabia) said that, although it was important to focus primarily on the aspects of equality and non-discrimination in implementing the right to development at the national level, the international dimension had also to be taken into consideration. Placing full responsibility on the shoulders of the developing countries would serve only to marginalize them still further. Rapid, practical steps could be taken in favour of the developing and least-developed countries, the most significant being the waiving of debts. The Kingdom of Saudi Arabia, for its part, had waived the repayment of loans amounting to US\$ 6 billion from 11 developing and least-developed countries. Realization of the right to development was also contingent on the international community's pledges to achieve the target of devoting 0.7 per cent of gross national product (GNP) to foreign aid. It was essential, however,

that political will and good intentions should precede any legal obligation to advance the right to development, since a sincere desire rather than compulsion was the fundamental requirement for realization of that right.

12. He hoped that the current consultations on the draft resolution on the right to development would lead to a balanced text, endorsed by the majority of Commission members.

13. Mr. UMER (Pakistan) said that the World Conference on Human Rights had reaffirmed that the right to development, as embodied in the 1986 Declaration on the Right to Development, was a universal and inalienable right. However, a decade of deliberations on the issue since had yielded little progress and a handful of major countries had chosen to disregard the provisions of the Declaration, reinforcing the view among many Non-Aligned Countries that progress on the issue could be made only through legally-binding provisions.

14. The third session of the Working Group on the Right to Development had reached agreement on the need to address simultaneously both the national and international dimensions of the right to development. It had also agreed on the need for international action to explore ways of eliminating the discrimination that marginalized the poor countries and of promoting their effective participation in the international institutions which drove the global economic and financial systems. Regrettably, however, those agreements had unravelled as a result of the regressive positions adopted by some delegations.

15. Globalization and interdependence had, paradoxically, spawned increasing global fragmentation, and concerns about globalization had themselves become a global phenomenon. There was great frustration in the developing countries about the unbalanced distribution of economic power, a frustration which, if not addressed, would be bound to implode.

16. The drafters of the Declaration on the Right to Development had rightly considered peace and security to be essential for its realization. Obstacles to development were not restricted to the economic sphere alone, therefore, and a new international consensus, based on the right to development approach should seek to rectify the growing phenomenon of deprivation.

17. The emphasis on the right to development was not intended to detract from civil and political rights. The objective of the Working Group on the Right to Development was to place economic and social rights on the same level as civil and political rights. The realization of the right to development would, in fact, facilitate the realization of civil and political rights in that infringements of those rights occurred mostly in the poorer segments of society. Economic development, social enhancement and the spread of literacy would help to rectify that situation.

18. Mr. NENE (South Africa) said that, although the current global dialogue on the right to development could not be derailed, its momentum needed to be intensified if the agreed sustainable development targets were to be achieved.

19. In the nine years since the attainment of democracy in his country, good progress had been made in national programmes to improve its citizens' quality of life. Land reform programmes had been introduced, housing schemes and public health programmes set up and

schools built. There was still a great deal more to be done, however, and constructive partnerships with the international community, based on respect, equality and dignity of all the parties were essential in that regard.

20. His delegation was seriously concerned at the attempts by some of the developed countries to emasculate the mandate of the Working Group on the Right to Development. Such attempts also undermined the broader mandate of the Commission itself. Some of those members had even suggested that the international community had no obligation to make collective efforts for the realization of the right at the international level. That was entirely contrary to the spirit of the Charter, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and the Millennium Declaration.

21. His delegation believed in the balanced treatment of all human rights, including the right to development, and considered that the duty of States to cooperate towards the full and effective enjoyment of all human rights was fundamental to the Commission and its proceedings.

22. Mr. CHIARADIA (Argentina), having endorsed the statement made by the representative of Costa Rica on behalf of the Group of Latin American and Caribbean States and the forthcoming statement by the representative of Paraguay on behalf of Mercosur, Bolivia and Chile, commended the report of the Working Group on the Right to Development (E/CN.4/2003/26), and particularly its consideration of the report by the independent expert on the right to development, which had outlined the obstacles to be overcome before the world trade system could address the needs of the developing countries.

23. In that context, his delegation considered that trade liberalization on the basis of the principles of justice and equity and the adoption of a human rights approach to the rules of the World Trade Organization (WTO) would constitute a significant step towards establishing the just social and international order provided for in article 28 of the Universal Declaration of Human Rights. The varying degrees of development within the international economy affected the capacity of States to comply with their international human rights obligations. There was thus an undeniable link between the international trading system and the enjoyment of human rights.

24. His delegation had been particularly interested in the independent expert's views concerning the barriers to agricultural trade, since that was a core sector in the developing countries on which development, food security, job creation and foreign exchange often depended. The report by the previous High Commissioner for Human Rights, entitled "Globalization and its impact on the full enjoyment of human rights" (E/CN.4/2002/54) pointed out that the reduction and eventual elimination of export subsidies would be an important step towards achieving a just international and social order. It was crucial that the developing countries should be given the opportunity to enjoy the right to development, from which the enjoyment of economic, social and cultural rights would flow.

25. It was regrettable that the Working Group had not succeeded in approving final conclusions and recommendations and that that aborted operation had not been rectified by the informal consultations which were customary in other working groups. His delegation therefore took the view that the conclusions contained in the report of the Working Group on its third

session (E/CN.4/2002/28/Rev.1) must be regarded as retaining their validity. Lastly, he trusted that the draft resolution on the right to development could be adopted without a vote.

26. Mr. PRONGTHURA (Thailand), having endorsed the statement made by the representative of Malaysia on behalf of the Non-Aligned Movement, expressed his disappointment that the most recent session of the Working Group had concluded without any substantive agreement on recommendations that could be submitted to the Commission. In a world in which more than a billion people scraped by on less than a dollar a day and 11 million children died annually before the age of 5, the right to development was more crucial than ever. The international community must therefore reinvigorate its commitment to ensuring the right of every individual to participate in his country's economic, social, cultural, civil or political development. The right to development should be used as a guiding principle in national and international policies, enabling people to mould their own futures.

27. Where there were rights, there must also be responsibilities. The recognition of precise roles - whether of States, multinational corporations, local authorities, multilateral agencies, non-governmental organizations (NGOs) or civil society - was thus all the more necessary. Since the right to development involved the whole international community at every level, action to share commitments and responsibilities would be testimony to the universal acceptance that development was an inalienable human right.

28. The right to development should be regarded holistically: nations should work side by side in a spirit of cooperation to create an enabling environment within which every nation could make the right to development a reality for all. States should join together in a determined effort to ensure that poverty was eradicated and persistent economic growth achieved while, at the same time advancing international relations towards a fully inclusive and equitable global economic system. His delegation therefore strongly encouraged all the stakeholders to give serious consideration to the mainstreaming of the right to development into all relevant activities and to provide for a monitoring mechanism capable of assessing progress on development at both the national and international levels.

29. Mr. Youn-soo LEE (Republic of Korea) said that the comprehensive and detailed report by the Chairperson-Rapporteur of the open-ended Working Group on the Right to Development (E/CN.4/2003/26), revealed views that differed in many respects from those of his own delegation. It would, however, provide a point of reference for further reflections as would the fifth report of the independent expert (E/CN.4/2002/WG.18/6), who had made great efforts to develop a practical model for the realization of the right to development.

30. Since development was recognized as a comprehensive economic, social, cultural and political process, leading to the realization of all human rights and fundamental freedoms, it was clear that a comprehensive and integrated approach was required at both the national and international levels. The international community should build on the momentum provided by the International Conference on Financing for Development and the World Summit on Sustainable Development to achieve a consensus on how the right to development should be realized. At the national level, States should seek to establish good governance, the rule of law and democracy.

31. Although consensus had not yet been reached on implementing the right to development, discussions on the issue must continue. The outcome of the Working Group's fourth session, although disappointing, provided a valuable lesson. Since realization of the right to development required voluntary engagement and an active willingness of States to participate, work on the issue must be undertaken in a spirit of compromise, cooperation and understanding.

32. His country had found the cooperation of the international community to be an important part of the process of developing its economy and strengthening its democracy. Much, however, depended on an individual country's own efforts. His Government, as a responsible member of the international community, would continue its efforts to increase its official development assistance (ODA), which had amounted to US\$ 265 million in 2001.

33. Mr. RODRÍGUEZ-CEDENO (Venezuela), having endorsed the statement by the representative of Costa Rica on behalf of the Group of Latin American and Caribbean States, said that the right to development was, beyond any shadow of a doubt, a universal and inalienable human right, recognized as such in various international instruments. Without its full realization, it would not be possible to attain the enjoyment of all human rights.

34. The law established a close relationship between a right and the corresponding obligation. Consequently, the right to development implied an obligation on all Governments, vis-à-vis their own societies, but, above all, an obligation on the developed countries, in their relations with the developing world. It was the responsibility of States to ensure good governance for which democracy was required; there was a clear link between poverty eradication, good governance and the fight against corruption. An equal responsibility must, however, also be recognized at the international level, particularly in the form of international cooperation that would give all countries the opportunity for development. Such cooperation was the duty not only of the developed countries but also of the international financial institutions, in whose policies the Governments of the developed countries played a decisive role. No national development would be possible until those Governments participated more fully in promoting conditions in which every country could achieve proper levels of development.

35. Lastly, he wished to reiterate his delegation's support for the Working Group on the Right to Development, which was the body best suited to examining the issue within the United Nations system.

36. Mr. ACEMAH (Uganda), having endorsed the statements made on behalf of the African Group and the Non-Aligned Movement, said that, while his Government recognized that States had the primary responsibility for their own economic and social development, it believed that the United Nations and other multilateral and regional organizations had an important contribution to make in creating an enabling environment conducive to the realization of the right to development.

37. In the modern globalized world, events at a local level had a wide impact and worldwide events had a local impact. Mechanisms that promoted synergies and enhanced coherence between national policies and global processes were therefore essential. For Uganda, as a developing country, market access was essential. It welcomed the decisions by the European

Union, the United States and other developed countries that had taken positive steps towards opening their markets to products from the least developed countries (LDCs) and the African countries. More, however, needed to be done to address the inequalities in the current global trading system.

38. Poverty eradication was a key element in the realization of the right to development. His Government had adopted and was implementing a Poverty Eradication Action Plan aimed at halving absolute poverty by 2020. It was, however, concerned that Africa as a region might not be able to achieve the Millennium Development Goal of halving poverty by 2015. He therefore appealed to the international community to maintain or increase its official development assistance (ODA) and promote foreign direct investment (FDI) to developing countries. The New Partnership for Africa's Development (NEPAD) deserved particular support. He urged the developed countries to reach the agreed ODA target, namely, 0.7 per cent of GNP for developing countries and 0.15 to 0.2 per cent for the LDCs. The internationally agreed targets adopted, by consensus, at various international conferences should also be reached within the agreed time frames.

39. His Government recognized the important role played by women in realizing the right to development and had introduced special programmes to empower them. It had also organized a workshop in Kampala at which the stakeholders had met to discuss the establishment of effective partnerships between the Government, civil society organizations and the private sector to eradicate poverty, enhance development and promote good governance. The workshop had been held as a follow-up to the Kampala Declaration adopted by the Fourth Conference of African National Human Rights Institutions in August 2002.

40. Lastly, he wished to stress the need to mainstream the right to development in United Nations operational development programmes.

41. Mr. ALZAROUG (Libyan Arab Jamahiriya) said that, as affirmed by the Millennium Declaration and various international conferences, the right to development could not be divorced from other human rights. Practical measures were needed to ensure its realization. Efforts must be made to combat poverty, hunger and disease; people must be allowed to benefit from the most recent advances in science and technology. Poorer countries should be relieved of their foreign debt burden so that they could achieve economic, social and cultural rights. In that connection, he drew attention to the contradiction between the appeals by some Governments for the introduction of human rights, while those same Governments imposed unilateral sanctions that put a heavy burden on the countries at which they were aimed.

42. In its belief that people should be at the centre of development efforts, his Government had built large numbers of hospitals, schools and medical facilities. It had also removed the burden of rent for poorer people and introduced a social protection system covering children, mothers, the elderly and disabled people. Such measures enabled a people to live in peace; and peace and democracy were important elements of sustainable development.

43. Although much still remained to be done the progress that had been made by international bodies in the field gave rise to optimism. The tragic situation in Iraq, involving an unjustified, illegal military intervention in violation of international humanitarian law and human

rights, including the right to development, was thus all the more disturbing. His delegation called for the immediate withdrawal of their troops by the United States of America and the United Kingdom.

44. Mr. AL-SISI (Bahrain) said that the definition of development as a specific process designed for the realization of all human rights was particularly relevant in a globalized world, where enormous strides had been made in the technologies of transport, communications and information and where obstacles to international trade and investment had been removed. All such activities were interdependent and could accelerate development. If no regard was paid to justice and equity, however, the process broke down. An education in human rights principles should thus be an integral part of school curricula. Technical and financial assistance should be given to the developing countries to help them fight corruption and introduce transparency, responsibility and improved governance. Developed countries should open up their markets still further to goods from the developing countries.

45. The modernization and democratization process under way in his country had led to greater transparency as well as to a greater emphasis on social development. Progress had been achieved through general policies encouraging economic growth and strengthening individual capacities. The inspiration for such policies was drawn from the Constitution, which stated that the family was the foundation of society. Women's rights had been enhanced and social services had been extended. The result was that Bahrain had one of the best health records among Arab countries.

46. His Government sought, however, to improve conditions still further with the establishment of a tripartite committee made up of financial institutions, private firms and the Bahrain stock exchange, which would team up with Bahrain University to train specialized staff to provide technical information. The cause of development was best served if a country's economic situation was healthy.

47. Mr. MINDUA KESIA-MBA (Democratic Republic of the Congo), having endorsed the statement by the representative of South Africa on behalf of the Africa Group, said that the right to development was particularly crucial for his country at a decisive moment in its history following a war of aggression that had brought in its train serious human rights violations. The Commission should devote its energies to promoting the right to development, rather than attacking poor countries for their record on civil and political rights. Development could, however, take place only when a country was at peace: indeed, peace, development and human rights in general were inextricably bound up together.

48. Many factors had unfortunately hindered the development of his country and of its citizens, including a long period of dictatorship, which had been attended by such obstacles to development as bad governance and general corruption. Other factors, however, were external also: the continued deterioration in terms of trade, the burden of external debt, the outward directed economy inherited from colonial times, the unjust international trading system and the failure to take account of the social and economic realities of poor countries when structural adjustment programmes were introduced. All these factors, together with the 10-year-embargo against his country, had combined to prevent development. Further burdens were caused by the war of aggression, orchestrated by Rwanda and Uganda, countries which had engaged in the

illicit exploitation and pillage of his country's natural resources. As the Commission was aware, the Rwandan army was threatening to attack the Ugandan army in order to gain control of the rich Ituri district of the Democratic Republic of the Congo.

49. Diseases that almost had been eradicated were spreading again; the number of HIV/AIDS sufferers was rising, basic infrastructure had been destroyed, agriculture had been abandoned, investment was lacking and unemployment was growing, all because of the war of aggression. Despite the humanitarian disaster, however, his Government was sparing no effort to achieve sustainable development and, to that end, had introduced a comprehensive socio-economic rehabilitation policy, had set up a national commission to combat corruption and had strengthened bilateral and multilateral international cooperation. He called on all peace-loving States to help his country muster its energy and resources so that it could fully and effectively enjoy its right to development.

50. Mr. MADI (Observer for Egypt), having endorsed the statement by the representative of Malaysia on behalf of the Non-Aligned Movement and the statement by the representative of South Africa on behalf of the African Group, said that his delegation had participated fully in the deliberations of the Working Group on the Right to Development and had submitted proposals aimed at enhancing the developing countries' ability to realize their right to development. Unfortunately, the Working Group had been unable to arrive at a consensus, because some developed countries had not adopted a serious and objective attitude and had refused to regard the right to development as a fundamental right. Nevertheless, his Government fully supported the Working Group and hoped that its mandate would be renewed, together with that of the independent expert.

51. Future efforts should concentrate on practical steps to liberalize trade, secure the developing countries' economic and social rights, ensure the transparency of the work of international financial institutions and strengthen the international community's commitment to the realization of the right to development. In that connection, his delegation greatly appreciated the Commissioner's report on the principle of equity in human rights (E/CN.4/2003/25).

52. There was no doubt that firmer backing for NEPAD would result in the establishment of exemplary international cooperation between developed and developing countries and in more assistance from the international community to the African continent. His Government had noted with great interest the observations made by the independent expert after his visit to Egypt in January 2003. Those comments would help the Egyptian authorities to implement policies leading to the full enjoyment of the right to development. It was to be hoped, therefore, that the independent expert would be given the requisite support so that the right to development of all developing countries could be realized.

53. Mr. MAHMOUD (Observer for Iraq) said that development was a fundamental right. The realization of that right required a national will, effective development policies and international cooperation to eradicate poverty, hunger and disease. States should honour their commitment to reconstruction and abandon sanctions and economic embargoes. His country had achieved a great deal between 1970 and 1990 but, since then, its progress in many fields had been hampered by the United States and British military aggression, which had also led to the death of 2 million people. Deteriorating conditions were exacerbating unemployment, poverty

and disease, and hospitals, places of worship, residential areas, power stations and infrastructure were being destroyed. The whole world was under a moral and legal obligation to put an end to that aggression, because international instruments would be devoid of credibility unless a firm stance were taken on that onslaught on human rights.

54. Mr. ACHARYA (Observer for Nepal) said that the time had come to move from theory to practice in implementing the right to development. Many of the LDCs were grappling with numerous challenges which could not be overcome without global action and cooperation. Grinding poverty was a formidable impediment to the full and effective enjoyment of human rights and, because of it, world peace, democracy and sustainable development had become fragile.

55. His Government had endeavoured to create an enabling legal, political, economic and social environment for development by striving to alleviate poverty, promote decentralization, improve accountability and popular participation and to give higher priority to education, primary health, environmental conservation and women's empowerment. In addition, an independent national Dalit commission had been established to monitor the protection and promotion of the rights of oppressed and marginalized people and minority groups.

56. His Government considered that the Working Group on the Right to Development should continue to exist, as it was the only global forum in which a frank exchange of views on the whole spectrum of issues related to that right was held. The development compact proposed by the independent expert contained elements offering a good basis for the Working Group's future studies. To implement rights-based development, national efforts and international cooperation should reinforce each other in a spirit of partnership and as an expression of collective responsibility.

57. Mr. AMIN (Observer for Bangladesh), having endorsed the statement by the representative of Malaysia on behalf of the Non-Aligned Movement and the statement to be made by the representative of Benin on behalf of the LDCs, said that, although progress had stalled in the Working Group on the Right to Development, the only forum dealing with the issue in a comprehensive manner, which should be reinvigorated, the lack of political will on the part of some countries to uphold the international consensus on the right to development was troubling, because, although primary responsibility for development lay with national Governments, the success of a country's efforts largely depended on the external environment. The challenges of development were more pronounced in a globalizing world living through troubled times. If developing countries were further marginalized, extreme poverty would worsen still further to the detriment of human rights.

58. For that reason, there should be system-wide coordination within the United Nations of the effective implementation of the right to development. A viable mechanism should be sought to monitor progress towards the realization of that right throughout the world and serious consideration should be given to the adoption of a legally binding international instrument on the topic.

59. Mr. HASHEM (Observer for Yemen) said that the right to development was a fundamental human right and the whole international community was responsible for ensuring

its realization. The efforts of the Working Group to strengthen the right to development and secure its implementation were thus commendable. His Government was endeavouring to overcome the obstacles to development and had integrated the right to development in its human rights policies. Consequently, it had passed many laws concerning administrative and financial reforms in which emphasis had been placed on decentralization and partnership with the private sector. Foreign investment had also been encouraged. Research had been carried out to detect problems in the fields of health and education and much had been done to combat poverty, which constituted the worst violation of human rights. Subsidies had been targeted on social services like education and health and funds had been set up for the development of agriculture and fisheries.

60. Mr. MOJTAHED SHABESTARI (Observer for the Islamic Republic of Iran) said that realization of the right to development as an inalienable element of human rights hinged on international cooperation. The international community bore prime responsibility for facilitating the implementation of the right to development and the Millennium Development Goals. Progress towards those goals was uneven and too slow and many nations would not attain them without substantial outside expertise and resources.

61. Realization of the right to development also called for a fair and enabling international economic environment. The current economic order was not only obstructing the economic and social well-being of developing countries, it was also aggravating the poverty and despair which triggered violence and political instability and was causing a debilitating recession in a number of poor countries. Market-based globalization tended to favour countries with plenty of assets and had marginalized developing countries still further.

62. Moreover, sustainable development would not be achieved unless the active participation of all countries in decision-taking was ensured. The accession of every country to international financial, monetary and trade organizations should thus be facilitated. The international economy would not be responsive to the needs of developing countries if they were sidelined during the process of coordinating macroeconomic policy.

63. Mr. AL-RIYAMI (Observer for Oman) expressed his Government's appreciation of the Commission's efforts to guarantee the exercise of the right to development on an equal footing with other human rights. Many years had gone by since the adoption of the Declaration on the Right to Development and many people were still waiting for results. Unfulfilled promises were causing frustration and could undermine the Commission's credibility.

64. Aspirations to peace and stability had been disappointed and the concentration of wealth in the hands of a few meant that there was a gap between the rich and poor nations of the world. In those circumstances, the efforts of the Working Group on the Right to Development, were essential to save entire peoples from the spectre of poverty, and a fairer and more transparent economic order was vital to help the countries of the South achieve sustainable development.

65. In view of the importance of the right to development, his Government had initiated several measures, including the incorporation of that right into the Constitution, which also guaranteed the rights to health, education and justice, all of which were components of the right to development.

66. His Government had been extremely active at the international level; it had participated in the work on an instrument on the right to development and had contributed US\$ 2 million to the fight against poverty in Africa. It had also appealed for the adoption of balanced rules applying to the countries of both the North and the South, so as to enable all regions to enjoy economic development.

67. Ms. AL-ADSANI (Observer for Kuwait) said that her Government attached great importance to the right to development as a means of assisting humankind. It had therefore adopted a long-term development strategy. As citizens' living standards had risen, they had gained improved access to health and education services and all residents benefited from the social services provided by the State. Her Government paid great attention to women, who made up a large section of the labour force. The highly developed services provided by the State meant that her country was the Arab State ranking highest on the Human Development Index.

68. Her country was prominent among donor States because of its commitment to reducing poverty in the developing countries, a commitment that had prompted the setting up of the Kuwaiti Fund for Economic Development. On 30 March 2002, its capital had amounted to approximately US\$ 6 billion and it had funded over 600 projects to date. ODA amounted to 3 to 4 per cent of GDP. Her Government had likewise cooperated with international organizations in providing aid to developing countries and had cancelled the debt of many of them.

69. Mr. MANSOUR (Observer for Tunisia) said that, 16 years after the Declaration on the Right to Development, there were still many obstacles to the realization of that right, although the destitution and extreme poverty experienced by one fifth of the world's population constituted a denial of the most elementary human rights and undermined human dignity. Globalization, which should be an effective tool for promoting development, had even widened the gap between the rich and poor countries. It was true that the countries themselves were primarily responsible for creating the conditions for implementing the right to development, but the international community shared some of the responsibility in that regard. It should therefore adopt a strategy that recognized the need to secure global, sustainable development and cooperation resting on solidarity and fairness.

70. It was in that spirit that the President of Tunisia had called for the setting up of a World Solidarity Fund to alleviate poverty. The General Assembly's support for that proposal reflected a genuine awareness of the size of the challenges that lay ahead and an act of faith in international solidarity to preserve the dignity of humankind.

71. Mr. POKU (Observer for Ghana), having endorsed the statement made by the representative of South Africa on behalf of the African Group, said that, within the United Nations, deliberations on the right to development had been marred by political posturing and unbridgeable differences of opinion. National positions had ranged from cautious support to outright hostility and it was deeply regrettable that the Commission, supposedly the conscience of the world, had been unable to further the achievement of that right. The strong linkage between human rights and development was undeniable and a sterile debate over which should take precedence did nothing to further a holistic approach.

72. Ensuring the right to development was the primary responsibility of each State, but the international community had complementary obligations, including the creation of the proper international climate and the removal of structural rigidities in the international system. His Government thus supported the independent expert's view that there were mutual obligations for everyone. What was required was a shift in international thinking that would create a more humane and caring world. A united effort was needed to provide an enabling environment at the national, regional and international levels so as to achieve sustainable economic growth and development for all. To that end, benchmarks should be established as a triggering mechanism for the fulfilment of those mutual obligations. His Government supported all attempts to mainstream the right to development into national and international economic policies.

73. Mr. MUNZU (United Nations Development Programme (UNDP)) said that the consolidated UNDP report (E/CN.4/2003/128) was the first in a series that his body intended to submit to every session of the Commission with a view to informing the international community about its activities in the field of human rights and its follow-up to Commission resolutions. Feedback on the report would be most welcome.

74. Human rights were not the reward of development, but a critical prerequisite for achieving it and politics were thus as important as economics. For that reason, institutions must be structured and power distributed in a way that gave poor people a real voice and created mechanisms through which the powerful could be held accountable for their actions. At the national level, that meant strengthening the democratic institutions that were crucial to the achievement of national development goals while, at the international level, a more democratic space was needed in which the international institutions and transnational coalitions would operate with the highest degree of transparency and give developing countries a meaningful say in the decisions affecting them. Respect for human rights in general and the right to development in particular lay at the heart of such efforts and processes. UNDP would, to that end, reinforce its collaboration with the Commission and with other partners that placed the human being at the centre of development.

75. Mr. LAOUROU (Observer for Benin), speaking on behalf of the Least Developed Countries (LDCs), thanked the High Commissioner for his support for the Working Group on the Right to Development. The right to development implied the realization of basic rights such as the right to education, to food, to health care and to housing, and all actors were expected to play their part, individually and collectively, in its attainment. Governments must ensure the defence of human rights and public freedoms and promote democracy, good governance and transparency. It was also important to create conditions favouring sustainable development and to provide access to markets, debt relief, new information technologies and development assistance.

76. Multilateral cooperation and coordinated implementation of the plans of action of the major international conferences would support the efforts being made by developing countries, particularly the LDCs, to realize the right to development. In that regard, the LDCs recommended the implementation of the draft guidelines prepared by OHCHR on integrating human rights into poverty-reduction strategies.

77. Mr. AL-MALKI (Observer for Qatar) said that the right to development was a legitimate and inalienable human right, and that equal opportunity was also a right both of nations and of the individuals that made up those nations. The realization of those rights required peace and stability, but aggression, the desire to cause trouble and destruction and to undermine stability, had unfortunately become characteristic of certain parties who flouted human rights on a variety of pretexts.

78. His Government believed that poverty was one of the main obstacles to the realization of human rights and should be eradicated through the implementation of global development programmes in developing countries and LDCs in particular. The developed countries, which claimed to be humane and to respect rights, in fact attempted to subjugate peoples for their own political purposes, rather than working for their development.

79. Fifty years after the proclamation of the Universal Declaration of Human Rights, more than 1 billion people were still suffering from hunger, illiteracy and poverty because cooperation programmes and poverty-reduction projects were not taken seriously. To achieve those objectives, it was necessary to act in good faith and not fall prey to the temptations of exploitation.

80. Mr. SELESHI MENGESHA (Observer for Ethiopia), having endorsed the statement made by the representative of South Africa on behalf of the African Group, said that his Government attached great importance to the Declaration on the Right to Development, which embodied a dynamic and comprehensive conception. Realization of the right to development required States to exercise their individual and collective responsibilities in simultaneous action at the national and international levels. The international community must provide additional, predictable resources, take steps to reduce the debt burden and eliminate trade barriers and unfair trading practices. NEPAD provided a regional framework for the realization of the right to development, but it required the backing of a global development partnership, one in which developed and developing countries could participate on an equal footing in decision-making on major international issues.

81. Ethiopia's own core strategy revolved around agricultural development-led industrialization, which combined participation, poverty-alleviation, supportive environmental growth and the promotion of human rights and welfare, and which fully integrated the gender perspective. Mechanisms had been put in place to root out corruption and reform his country's civil service.

82. The greatest challenge facing the country was, however, famine, caused by recurrent drought, which was currently threatening some 15 million people. He appealed to the international community to act rapidly to counter the threat to the right to food in his country.

83. Mr. PARY (Indian Movement Tupaj Amaru), speaking also on behalf of the Cuban Movement for Peace and the Sovereignty of the People and the Union of Arab Jurists, said that the right to development should enable three basic needs to be met: namely, food, clothing and shelter. The World Summit on Sustainable Development, in September 2002, had recognized

the right of all peoples to sovereignty over their natural resources. It had also urged States to respect the cultural diversity of indigenous peoples and to conserve their value systems and knowledge. The political content of the final Declaration had been thin, however, and the strategy inadequate to confront the challenges of free market globalization.

84. Indigenous peoples saw natural and genetic resources and traditional knowledge as collective property, vital to their survival. Access to and distribution of such resources led to the pillaging of indigenous peoples' lands, destruction of biological diversity and illicit appropriation of their knowledge by pharmaceutical companies in developed countries. Latin American Governments had privatized with the slightest market value, in violation of General Assembly resolution 1803 (XVII), on permanent sovereignty over natural resources. The trade in pharmaceuticals derived from patented indigenous medicinal plants was worth US\$ 50 billion per year, while indigenous peoples were dying for lack of a few cents to pay for food and medicines.

85. He called on States to cooperate with the Working Group on Indigenous Populations, under the auspices of the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), to prepare a binding code of conduct that would guarantee the sustainable use of genetic resources and traditional knowledge and protect them from the greed of transnational corporations.

86. Ms. PONCINI (International Federation of University Women), speaking also on behalf of the Women's International Zionist Organization, the International Council of Women, the International Council of Jewish Women, Socialist International Women, the World Federation of Methodist and Uniting Church Women, Zonta International and the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, said that gender inequalities affected people's well-being and hindered development, and thus imposed costs on productivity, efficiency and economic progress. Women, had for centuries worked in the informal economy and the domestic sphere but they had never been recognized as contributors to economic growth and development and had been largely denied social and legal protection and excluded from macroeconomic policies.

87. Despite having made significant inroads into the global labour market, they still comprised 70 per cent of the poor and were still exploited in terms of pay and conditions. The "race to the bottom" characterized by employment in export-processing zones and in services or production contracted out to small or family businesses and home workers, also had a significant gender dimension. Those phenomena were exacerbated by the unfair rules concerning ownership of property by women and their lack of land rights.

88. No international strategy for sustainable development could be effective as long as men and women did not participate in decision-making on an equal footing, the conventional view of the way economies worked was not transformed, and national statistics were not disaggregated by sex and age. Gender equality in sustainable development could be promoted by adopting economic policies that reflected an understanding of gender relations; providing a favourable environment for women to use information and communications technologies; and reallocating

resources on the basis of gender-responsive budget analysis. She called upon the Commission to renew the mandate of the Special Rapporteur on violence against women and to consider establishing a permanent mechanism to monitor such violations of women's rights.

89. Mr. MIOT (International Federation of Rural Adult Catholic Movements), said that more than 25 million small coffee producers in 70 countries derived no benefit from the Doha Development Agenda adopted by the WTO, the purpose of which was supposedly to integrate the developing countries into trade. Since the abandonment of the International Coffee Agreement in 1989, prices had been subject to the laws of supply and demand, with disastrous consequences. Coffee stocks were controlled by a few transnational corporations, which appropriated the lion's share of the value added along the entire production chain. Producing countries had stepped up their output in order to bring in foreign exchange and new producers had emerged, making use of cheap rural labour. The market was collapsing under the weight of overproduction. Coffee prices had halved over the last three years and were currently at a 30-year low.

90. His organization called on the members of the Commission, most of whom were also members of the WTO, to urge that agriculture be excluded from the WTO negotiations and that the International Coffee Agreement be revived.

91. Ms. SRIVASTAVA (International Institute for Non-Aligned Studies) said that gross inequalities in health and education made promotion and protection of the right to development a major challenge in underdeveloped countries, where social and educational deprivation still prevailed as a result of the legacy of colonialism. Demographic, geographical and social factors in such countries had an uneven effect on development indicators and it was by no means clear that globalization and technological development had boosted development. In addition, terrorism and armed conflict seriously threatened the right to development of vast segments of the world's population.

92. Strategies to promote and protect the right to development should be devised at the community level and subsequently networked up to the national level, rather than being imposed in a top-down approach. NGOs had a significant role to play in such working partnerships between civil society and Governments, for they could help to optimize the available resources, particularly in the areas of primary health care and education, while remaining sensitive to specific communities, and situations and minimizing confrontation.

Statements made in exercise of the right of reply

93. Mr. KAVARUGANDA (Observer for Rwanda), referring to the statement by the representative of the Democratic Republic of the Congo, said what was happening in that country was sad, but the war was a civil war between Congolese not a war of aggression. His Government had, it was true, once sent troops into the Democratic Republic of the Congo, but they had gone there in pursuit of Interahamwe and the former Rwandese Government Forces (FAR) who had taken refuge in that country after having committed genocide, and not in pursuit of the resources of the Democratic Republic of the Congo.

94. Rwanda was on good terms with those neighbouring countries which had welcomed unarmed refugees but the Democratic Republic of the Congo had taken in the ex-FAR, who were armed, and his Government felt it was justified in entering the country in pursuit of such criminals.

95. Mr. MINDUA KESIA-MBE (Democratic Republic of the Congo), replying to the previous speaker, said it was well known that the rebellions in his country had been fomented from outside, by Rwanda and Uganda. The Rwandan army had penetrated more than 1,000 kilometres across the border; it had been in pursuit of the Interahamwe and ex-FAR for more than four years and had still not found them. The Security Council report stated clearly that the wealth of the Democratic Republic of the Congo was being pillaged.

96. Mr. ACEMAH (Uganda), said that the previous speaker's statement had come as a surprise to his delegation in view of the agreements recently signed between Uganda and the Democratic Republic of the Congo. His Government was committed to withdrawing its troops from that country and had already withdrawn most of them, the remainder having been left behind at the request of the United Nations. Those troops were certainly not involved in pillaging the resources of the Democratic Republic of the Congo and he denied the baseless allegations made by the representative of that country.

97. Mr. MINDUA KESIA-MBE (Democratic Republic of the Congo), said that the representative of Uganda was denying well-known facts. The Security Council report he had mentioned highlighted Uganda's role in pillaging his country's wealth. Agreements had indeed been signed, but the Ugandan soldiers still on the territory of the Democratic Republic of the Congo were encouraging conflict between various ethnic groups. He hoped that, as the representative of Uganda had stated, they would soon be withdrawn, in any case before 24 April 2003, as envisaged under the agreements.

The meeting rose at 6.10 p.m.