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Agenda item 7

THE RIGHT TO DEVELOPMENT

**Malaysia (on behalf of the States members of the Non-Aligned Movement
and China) and the Russian Federation: draft resolution**

2005/... The right to development

The Commission on Human Rights,

Recalling the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which confirmed the right to development as an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

Stressing that in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the High Commissioner for Human Rights, among others, shall be to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose,

Recalling all its previous resolutions on the right to development, in particular resolution 1998/72 of 22 April 1998 in which it referred to the urgent need to make further progress towards the realization of the right to development as set out in the Declaration,

Recognizing that the open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development is the only global forum mandated to monitor and review progress made in the promotion and implementation of this right at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment,

Recognizing also the valuable contribution made by the independent expert on the right to development through his series of reports to the Working Group on the Right to Development which provide valuable input for the implementation of the right to development,

Reaffirming the agreed conclusions of the third session of the Working Group (E/CN.4/2002/28/Rev.1) and the need for their follow-up and effective implementation,

Reaffirming also the agreed conclusions and recommendations adopted by consensus by the Working Group at its fifth session (E/CN.4/2004/23, paras. 41-51),

Welcoming the establishment of the high-level task force on the implementation of the right to development established within the framework of the Working Group with the objective of assisting the Working Group in fulfilling its mandate as contained in paragraph 10 (a) of Commission resolution 1998/72 comprising five experts with practical experience related to the implementation of the right to development, and high-level representatives of United Nations agencies, funds and programmes, multilateral financial and development institutions and the World Trade Organization,

Recognizing the broad participation by States, international organizations and non-governmental organizations at the sixth session of the Working Group on the Right to Development and welcoming their active participation in enhancing the realization of the Declaration on the Right to Development as well as the adoption by consensus of the Working Group's conclusions and recommendations (E/CN.4/2005/25, paras. 35-58),

Taking note of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2005/24),

1. *Recognizes* the importance of maintaining political will and commitment on the part of all members of the Working Group on the Right to Development and welcomes their ongoing cooperation towards the realization of its mandate;
2. *Welcomes* the convening of the first meeting of the high-level task force on the implementation of the right to development from 13 to 17 December 2004 and expresses its appreciation to the task force for the work it has undertaken;
3. *Also welcomes* the active participation of all members of the task force, including the five regional experts and the representatives of the United Nations Development Programme, the United Nations Children's Fund, the United Nations Conference on Trade and Development, the International Monetary Fund, the World Bank and the World Trade Organization;
4. *Endorses* the conclusions and recommendations adopted by the Working Group on the Right to Development at its sixth session as reflected in its report and calls for their immediate, full and effective implementation;
5. *Notes with appreciation* that the high-level task force, at its next meeting, will examine Millennium Development Goal 8 on a global partnership for development and suggest criteria for its periodic evaluation with the aim of improving the effectiveness of global partnership with regard to the realization of the right to development;
6. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide all necessary administrative support and financial and human resources to the high-level task force on the implementation of the right to development;
7. *Notes with concern* that the Sub-Commission on the Promotion and Protection of Human Rights has not submitted the concept document requested by the Commission in its resolution 2003/83 of 25 April 2003 establishing options and their feasibility for the implementation of the right to development, inter alia an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address, for consideration and

determination of the feasibility of these options, and requests the Sub-Commission, without further delay, to submit the concept document at the sixty-second session of the Commission;

8. *Takes note* of decision 2004/104 of 9 August 2004 of the Sub-Commission on the Promotion and Protection of Human Rights relating to the right to development;

9. *Requests* the Office of the High Commissioner to continue to provide all necessary administrative support and financial and human resources to the Sub-Commission in its work on the concept document;

10. *Requests* the High Commissioner, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect these activities in detail in her report to the Commission at its sixty-second session;

11. *Decides* to renew the mandate of the Working Group on the Right to Development for one year and to convene its seventh session before the sixty-second session of the Commission for a period of 10 working days, five of which shall be allocated to the second meeting of the high-level task force to be held well in advance of the session of the Working Group;

12. *Also decides* to review the progress of the implementation of the present resolution as a matter of priority at its sixty-second session;

13. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2005/... of .. April 2005, approves the decision of the Commission to renew for one year the mandate of the Working Group on the Right to Development and to convene its seventh session before the sixty-second session of the Commission for a period of 10 working days, five of which shall be allocated to the second meeting of the high-level task force to be held well in advance of the session of the Working Group.”
