



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/25
29 November 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Note by the Secretariat

The Secretariat has the honour to transmit to the members of the Commission on Human Rights the present report, submitted in response to Commission resolution 2005/4, containing a summary of views and ideas with respect to the right to development discussed at the fifty-seventh session of the Sub-Commission on the Promotion and Protection of Human Rights.

In its resolution 2003/83, the Commission requested that a concept document be submitted by the Sub-Commission establishing options for the implementation of the right to development and their feasibility, inter alia an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, including issues which any such instrument might address. The concept document, prepared by Sub-Commission member Ms. Florizelle O'Connor, is contained in document E/CN.4/Sub.2/2005/23.

**SUMMARY OF VIEWS AND IDEAS WITH RESPECT TO THE RIGHT TO
DEVELOPMENT DISCUSSED AT THE FIFTY-SEVENTH SESSION
OF THE SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS**

1. In its resolution 2005/17, the Sub-Commission on the Promotion and Protection of Human Rights decided to submit the concept document (E/CN.4/Sub.2/2005/23) prepared by Ms. Florizelle O'Connor, together with a summary of the other views and ideas on this subject discussed at its fifty-seventh session to the Commission on Human Rights at its sixty-second session. The present document is submitted in accordance with that decision.
2. In introducing the concept document, Ms. O'Connor explained that the paper contained preliminary views and purposefully had left some areas open in order to stimulate discussion.
3. Most Sub-Commission members commented positively on the document, some referring to its potential to bring concrete issues to light. Some members reaffirmed the need to pay close attention to the issue of participation, particularly of marginalized groups; it was suggested that the next report include explicit mention of some marginalized groups. One member also recommended the use of human rights indicators, in particular impact indicators, and statistics.
4. The paper also prompted comments from Sub-Commission members regarding international cooperation. The question was posed whether international cooperation was an international obligation. Some Sub-Commission members were inclined to answer this question affirmatively, with reference in particular to article 2 (1) of the International Covenant on Economic, Social and Cultural Rights. It was stressed that there was a role for both developed and developing States in international cooperation. For donor countries, issues included increased official development assistance (ODA), deeper debt relief and improved trade conditions. With respect to developing countries, issues included reforms on, inter alia, effective governance and national spending. Reference was also made to the General Assembly resolution requesting donor States to allocate 0.7 per cent of their GDP for ODA, and to the need for more donor countries to make greater efforts to attain this goal.
5. One Sub-Commission member stated that the study did not directly address the original mandate given by the Commission, but that this could be the right approach at the present stage, as it complemented the more operational bottom-up approach of the Working Group on the Right to Development with a more conceptual perspective. He suggested that it would be useful in the Sub-Commission's future work on the right to development to explore the ways in which it could continue to complement the work of the Commission and the existing frameworks elaborated in that context.
6. Sub-Commission members further raised the importance of taking into consideration the questions of empowerment; the gender perspective; and key obstacles to the realization of the right to development.

7. Ms. O'Connor thanked the Sub-Commission members for their comments and suggestions, which she would take into consideration. She said that she would be challenged in her future work to reconcile the realities of people and the existing frameworks developed with respect to the right to development. In her view, violations of some human rights were consequences of some of the very frameworks mentioned, and those violations occurred due to the failure of the people to be heard in the appropriate forums. She wished to focus on what she termed people-based initiatives, which would ensure development regardless of existing frameworks. The willingness of the dispossessed to endure the existing disparities was fast diminishing.
