

CHECK AGAINST DELIVERY

GLOBAL CONSULTATION ON THE REALIZATION OF THE RIGHT
TO DEVELOPMENT AS A HUMAN RIGHT

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Opening statement
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Permettez-moi tout d'abord de vous souhaiter la bienvenue au Palais des Nations.

Je suis en effet heureux et honoré, au nom de l'Office des Nations Unies à Genève et du Centre pour les droits de l'homme, d'ouvrir cette Consultation qui nous réunit aujourd'hui avant de participer aux délibérations dont elle sera le cadre.

La Commission des droits de l'homme, de même que le secrétariat, attendent beaucoup de cette Consultation, comme vous tous ici rassemblés. Le droit au développement est en effet: au carrefour de deux thèmes d'importance majeure au niveau international : celui de la promotion et de la protection des droits de l'homme, et celui de la réalisation du développement économique et social. Il est en effet de notre devoir de formuler aujourd'hui les propositions spécifiques qui permettront de concrétiser ces deux exigences vitales sur la base d'une mise en oeuvre effective de la Déclaration sur le droit au développement.

Je souhaite saisir cette occasion pour vous faire part brièvement des raisons de cette Consultation et de son objectif; pour rappeler les normes internationales applicables en matière de droits de l'homme, les récents rapports établis sur ces questions par nos experts indépendants, ainsi que certaines résolutions émanant des organes des Nations Unies participant à l'action en faveur des droits de l'homme.

Mais je souhaite également faire référence aux discussions actuellement en cours sur le respect et la mise en application de nos normes en matière de

droits de l'homme, et tout particulièrement du droit au développement, ainsi qu'au rôle du Centre pour les droits de l'homme en coopération avec certains autres organes et agences du système des Nations Unies, au moyen d'un système d'éducation et d'information approprié, et dans le sens d'une reconnaissance et d'un respect des multiples aspects du droit au développement au sein des diverses activités de l'Organisation.

Afin de mener à terme la mission qui lui est confiée en matière de promotion et de protection des droits de l'homme, le Centre pour les droits de l'homme a défini une approche triangulaire dont les trois éléments constitutifs sont l'élaboration de normes internationales, l'application de ces normes, enfin l'information relative à leur contenu et aux mécanismes établis afin de les faire respecter, c' est à dire le processus de législation, mis en oeuvre et information.

En matière de droit au développement, les normes existent d'ores et déjà. Elles sont formulées dans la Déclaration sur le droit au développement complétée par divers autres instruments.

Nous nous trouvons donc dans la seconde phase, à laquelle peut déjà être intégrée la troisième étape du processus : à savoir la mise en oeuvre du droit **au développement au moyen de procédures spécifiques d'application, par le biais d'une coordination et d'une coopération appropriée avec les divers gouvernements et organisations concernés, et sur la base d'un programme adéquat d'information et autres services consultatifs.**

La Déclaration de 1986 sur le Droit au développement nous donne plusieurs indications quant à la manière d'assurer un respect véritable de ce droit. Parmi elles figurent le plein respect des droits de l'homme à tous niveaux, et la coopération bilatérale et multilatérale requise dans cette perspective : la Déclaration ne prévoit cependant pas les instruments spécifiques requis à cette fin.

Nous avons, quant à nous, reçu pour mission de travailler également à l'élaboration de ces procédures d'application.

Par sa résolution 41/120 du 4 décembre 1986, établissant les bases de l'élaboration d'instruments internationaux en matière de droits de l'homme, l'Assemblée Générale a demandé que notre réglementation s'appuie sur des droits et obligations bien définissables et pouvant, concrètement être mis en pratique au moyen de mécanismes efficaces et réalistes, incluant des systèmes de rapports.

At the outset I believe it important for us to reflect a moment on what we mean by the right to development as a human right. The Declaration on the Right to Development in its preamble describes development as a comprehensive economic, social, cultural and political process, that aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. First we must note that development in the sense of the Declaration is much more than continued increases in the leading economic indicators. Development is a many faceted concept which encompasses the whole human being in all the aspects of

her or his basic rights -- be they economic, social or cultural or civil and political and attempts to do so in the context within which the individual must live. Development means real respect for all the individual's human rights and the basic rights of the community to which she or he belongs and the access to the necessary resources for growth. Development is relevant to all individuals, whether they live in countries economically favoured or in developing countries.

The Commission on Human Rights, by Resolution 1989/45 subsequently approved by the Economic and Social Council, has therefore convened this Global Consultation on the Realization of the Right to Development as a Human Right for good reasons. The Commission resolution has established the mandate of the Consultation along these lines, namely "to focus on the fundamental problems posed by the implementation of the Declaration, the criteria which might be used to identify progress, and mechanisms for evaluating and stimulating such progress". The resolution goes on to request that the right to development be fully integrated with other human rights in the World Public Information Campaign for Human Rights and in the programme of activities of the Advisory Services and Technical Assistance Section of the Centre. The resolution also recognizes "the need for a continuing evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained" in the Declaration.

The report of the Consultation will be submitted to the forty-sixth session of the Commission which starts already at the end of this month. With your participation, experts with relevant experience gained at the national level and representatives of the United Nations system, including the

Secretariat, the specialized agencies and other bodies involved, regional intergovernmental organizations and interested non-governmental organizations, especially those active in development and human rights, together with the present representatives of Governments, it is our hope that the Consultation **will** produce a report with conclusions and recommendations in which the Commission will find concrete elements for the necessary implementation **measures**.

The human rights instrument which forms the basis for our current work is a unique one, the Declaration on the Right to Development which was adopted by the General Assembly in 1986. I am certain that you are all thoroughly familiar with this text and that there is no need for me to go through its individual articles. Let me nevertheless restate some of its crucial components. The Declaration establishes the right to development as an inalienable human right with the human being as the central subject of the right. Furthermore, the Declaration provides that all the aspects of the right to development set forth in the Declaration are indivisible and interdependent and this includes expressly civil, political, economic, social **and** cultural rights. And finally the text reaffirms the duty of States and of the international community to cooperate in ensuring development and in **eliminating obstacles to development**.

All of these standards relating to the right to development as a human right can and should also be read and interpreted in conjunction with a number of other standards. The foundation of our work in this field dates back to the Charter of the United Nations and the whole idea of the intertwined

relationship between civil and political rights and economic, social and cultural rights emerges already from the Universal Declaration of Human Rights. The reference in the 1986 Declaration to the indivisibility and interdependence of all rights is therefore more of a confirmation than innovation. Additional provisions come to mind quickly as especially relevant. I will mention a few.

Article 28 of the Universal Declaration of Human Rights establishes: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." And as I just stated, the Universal Declaration provides for a wide range of civil, cultural, economic, political and social rights which thus have to be realized for the desirable order to come into being. As an example, one can mention Article 2b of the Universal Declaration which states that everyone has the right to a standard of living adequate for their health and well-being, including food, clothing, housing and medical care and necessary social services, as well as the right to security when lack of livelihood occurs beyond one's control. The right to an adequate standard of living is also laid down in Article 11 of the International Covenant on Economic, Social and Cultural Rights.

The two International Covenants on Human Rights, referring to the Universal Declaration in their preambles, state that "the ideal of free human **beings** enjoying freedom from fear and want can only be achieved if conditions **are** created whereby everyone may enjoy" his or her human rights. The two Covenants also set forth in Article 1 the rights of peoples concerning self-determination and natural wealth and resources.

Several other instruments have a special bearing on the right to development as a human right, such as the Proclamation of Tehran adopted at the International Conference on Human Rights at Tehran in 1968; the Declaration on Social Progress and Development proclaimed by the General Assembly in 1969; and the Universal Declaration on the Eradication of Hunger **and** Malnutrition adopted by the World Food Conference in 1974 and endorsed by **the** General Assembly the same year.

One could continue this listing of international human rights standards, applicable to the theme of our Consultation. Yet one conclusion emerges, namely that our instruments spell out standards which oblige Governments and international organizations to respect the right to development as a human right, with all of its components and all other human rights in the process, and to create the conditions necessary for the realization of these rights. We do therefore have a solid normative basis for moving on to implementation.

Two Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities have in recent years been entrusted with studies which touch upon the issues before us.

In 1983, Mr. Raul Ferrero submitted his final report on "The New **International** Economic Order and the Protection of Human Rights" to the **Sub-Commission**. Mr. Ferrero, as you will see in his study which is available **as a blue cover publication, devotes entire** chapters to the **link** between **development,** economic issues **and** human rights.

By decision 1989/103, the Commission on Human Rights approved the

appointment of Mr. Danilo Turk as Special Rapporteur of the Sub-Commission on a study of the problems policies and progressive measures relating to the more effective realization of economic, social and cultural rights. This summer, at the latest session of the Sub-Commission, the Special Rapporteur submitted to it his first preliminary report. The report is available in document E/CI\1.4/Sub.2/1989/19 and, because it is very much up-to-date on the contents of the human rights discourse in this field, you will definitely find it worthwhile to take a close look at it and I hope that Mr. Turk who is with us here will elaborate further on his preliminary findings.

From the report, it emerges that the problem of poverty does not take place in an economic vacuum and that it constitutes a part of broader socio-economic realities and that the economic position of heavily indebted developing countries facing problems of structural adjustment is among the phenomena which generate the most adverse effects on the realization of economic, social and cultural rights. As regards the realization of these rights at the national level, the study should focus on two questions: extreme poverty and the effects of structural adjustment policies. At the level of international cooperation, it proposes to look at questions relating to the future work of the specialized agencies (ILO, FAO, UNESCO, and WHO) which operate in these areas and questions relating to the impact of the activities of international financial institutions (IMF and IBRD) on the realization of these same rights.

In addition to these standards and reports which I have now enumerated, several resolutions of the Commission adopted at its latest session are also related to our assignment and I draw your attention to them, in particular those on:

- "Human rights and extreme poverty";
- "Realization of economic, social and cultural rights";
- "Question of the realization in all countries 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 which the developing countries face in their efforts to achieve these human rights";
- "Popular participation in its various forms as an important factor in development and the full realization of all human rights"; and
- "Foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

Finally, before concluding my remarks about the standards and the current elaboration on these, I would also like to stress that when talking about real or potential obstacles to the realization of the right to development and of all other human rights, such as external debts and expenditures on arms, we are facing obstacles whose removal may well be necessary for the full implementation of human rights. This understanding is acknowledged in several of our treaties and declarations and reaffirmed in a number of resolutions. **Nevertheless, we** must be careful not to raise our expectations of the human **rights programme** too high in order to avoid misunderstandings and disappointments. It is fair and realistic to require us to set the standards, to implement them through human rights procedures and to spread the word about **them, but we are** not in a position in this forum to rewrite international economic policies and laws. Instead, we can and we should ensure that those

organizations which are so empowered take human rights fully into account when formulating, carrying out and evaluating their programmes.

Conversely, as it might be imprudent for human rights specialists to suggest specific, technical mechanisms for reaching economic and social goals so too might it be imprudent for experts in economics or international finance for example, to try to develop norms for the respect for the basic rights of the human person. For more than 40 years the international community has developed through painstaking effort standards protecting basic human rights which are and should remain the fundamental rules of the international community in whatever domain of operation.

Having dwelt on the background and purpose of the Consultation and on the standards, I now come to the last aspect of my introductory remarks and the very topic of our meeting : implementation. This aspect is of course closely intertwined with my other observations and we can and we should draw on the many ideas promulgated in the various instruments, resolutions and reports of the Special Rapporteurs. The same is true for other available sources as far as the ideas are concerned.

As previously stated, following the proclamation of the Declaration of the Right to Development, the Working Group of Governmental Experts on this topic continued its sessions with the mandate of looking for concrete measures for enhancing and realizing the right. The latest report of the Working Group, contained in document E/CN.4/1989/10, was before this year's session of the Commission which in turn, by Resolution 1989/45, requested the Secretary-General to transmit a questionnaire to all the interested parties,

including Governments and intergovernmental and non-governmental organizations, in order to elicit from them additional, updated and more specific views on the subject of the implementation and further enhancement of the Declaration. The replies which we have received are available to you for consultation.

The coordinating role of the Centre for Human Rights should also be seen among the implementation possibilities. This is a clearly established assignment of ours, I can in that connection refer to Commission on Human Rights Resolution 1989/54 with that very title. In operative paragraph 1 of that resolution, the Commission expresses its support for the efforts of the Secretary-General to enhance the role and importance of the Centre as a coordinating unit in the system of bodies dealing with the promotion and protection of human rights. This role constitutes a rapidly growing sector of the human rights programme, and it is still expanding. The implementation and enhancement of the right to development as a human right is obviously part and parcel of this task assigned to us.

Accordingly, in an introductory statement to the General Assembly in November of last year, I informed the Assembly about the Centre's activities in regard to the right to development. I outlined the resolutions of the Commission and the purpose of our Consultation, both of which I have already mentioned. As to the Consultation, I expressed the hope that it will have a significant influence on the future activities of the United Nations in the field of development, including the Special Session of the General Assembly on International Economic Cooperation scheduled for April 1990, the preparation of the International Development Strategy for the Fourth United Nations

Development Decade, the 1990 Conference on Least-Developed Countries, UIMCTAD VIII in 1991, and the proposed 1992 Conference on the Environment and Development.

In connection with the ongoing consideration of a new Development Strategy for the Fourth United Nations Development Decade, I further referred to a recent statement of mine to a joint meeting of the ACC and the CPC, namely the Administrative Committee on Coordination and the Committee on Programmes and Coordination, which are the major coordinating organs of the United Nations system. I pointed out to the Assembly that I had drawn the attention of ACC and CPC to the crucial human rights dimension of the development strategy and stated:

"To reflect human rights elements in our conceptual and strategic planning on development will help ensure that the strategy is truly relevant to the 1990s and that the citizens of the world find in the United Nations work a reflection of their real preoccupations and goals. The enjoyment of human rights will constitute an essential element in evaluating socio-economic perspectives for the future. Factors such as the ratification of basic human rights instruments and the degree of respect for such basic, human rights as freedom from racial discrimination, access to food, health, education, the right to participate in decision-making, and the freedom to think and express oneself freely, will have to be taken into account in considering the realization of development objectives."

Last April, I had another opportunity to address the ACC, and to emphasize the important role of information and education with regard to human rights in

general and the right to development in particular. I explained that, in the context of the work and functions performed by the Centre for Human Rights, information was used in the broadest and most comprehensive sense and meant awareness, knowledge, consciousness, teaching and education as to the existence of rights and the willingness and ability to claim them and to seek **their prevalence and vindication.** To **this end,** with ample space for coordination activities under the leadership of the Centre, the World Public **Information** Campaign for Human Rights had been launched and was gaining momentum. This was also true, I said, for the activities of the Programme of Advisory Services and Technical Assistance administered by the Centre and comprising expert advice, seminars, training courses, and fellowship programmes. Needless to say, since April, these activities of the Centre have been further strengthened and expanded and it is our intention to continue on that path, not the least in cooperation with the corresponding and appropriate United Nations departments and agencies, such as UNDP, UNICEF and UNESCO.

I would like to take this opportunity to mention the encouraging example set **by** UNICEF in their promotion of the new Convention on the Rights of the **Child and their** incorporation **in** this conventional text in their programmes. **What we** need, among all the other envisaged projects, is more development **organizations following this** example in **an** active and constructive way. I would also like to refer to a recent letter jointly signed by Mr. Draper, the Administrator of UNDP, and myself addressed to UNDP Resident Representatives outlining inter alia the new priorities of the Centre for Human Rights and the possibilities available to Governments upon request for technical assistance in the field of human rights. The letter also called on UNDP resident representatives to offer suggestions and advice with respect to

possible forms of cooperation concerning on-going UNDP projects having a human rights dimension or new projects related to human rights issues in response to a specific Government's request.

This introduction has focused on the human rights side of the right to development enterprise, but we must also relate the rights to the realities of the developing world. The whole issue of development in the broad sense touches upon a variety of activities of the United Nations system and we must find ways of employing the human rights standards and implementation machinery to confront and overcome malnutrition, extreme poverty, deaths of infant children, lack of education and vocational training and the long list of other problems. All the universal human rights standards on our books, in a unified approach, including self-determination, democratization and popular participation, including civil, cultural, economic, political and social rights, need to be emphasized in development. Better standards of life in larger freedoms is our goal.

The Charter's objective of promoting better standards of life in larger freedoms is equally applicable to the national and international levels and includes a certain and definite obligation of social justice. Here, we are well advised to remember the first article of the Universal Declaration of Human Rights which reads: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." We do have a duty to our brothers - both within our nations and internationally - and the promotion of the right to development as a human right will certainly prove in the future, an important tool for that purpose.

Development projects which are structured in a way that promotes human dignity can, I am firmly convinced, have important impacts on other aspects of our human rights programme. Projects which, through the participation and involvement of persons from the weaker or poorer sectors of society can strengthen the dignity of those individuals and increase respect for them in the eyes of others which may well prove to be an important factor in reducing various types of human rights abuses, in particular at the hands of the authorities or of stronger sectors of society.

The international human rights community is showing an increasing determination to incorporate human rights into the process of development. It is our anticipation that the results of the Consultation will prove important for the continued consideration of issues related to development and human rights by the United Nations human rights and development policy-making and operational organs, thus bringing us closer to the goal of finding realistic means of implementing the right to development within and through the human rights programme.

Ladies and gentlemen,

We are gathering here not to adopt resolutions or communiqués or to apportion the blame. The objective of our meeting is to gain a better understanding of the crucial issues of human rights and development in their close interrelationship and to determine what the United Nations can do to promote them. As we benefit from the presence of international experts from various fields who will introduce the main subjects, I truly hope that participants will interact with them through lively discussions.

The structure we have chosen for the Global Consultation will assist us in achieving our objectives, of identifying the problems involved in the implementation of the Declaration, of identifying criteria which can indicate progress towards the realization of the right to development and to suggest possible mechanisms for evaluating and stimulating the implementation of the Declaration.

We begin this morning with this exchange of views on global perspectives and new policy directions on development and human rights. We have at this table outstanding experts whose experience and thoughtfulness will be an important element in providing the framework for this week's discussions.

Thank You