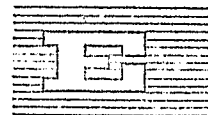
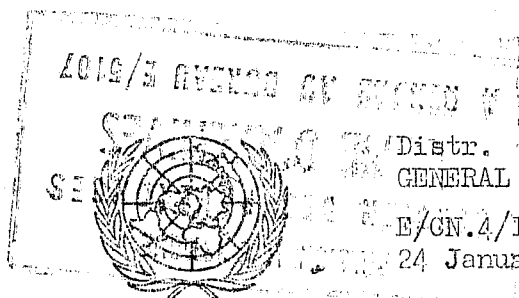


UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



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COMMISSION ON HUMAN RIGHTS

Forty-first session

Item 8 (a) of the provisional agenda

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, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT

Report of the Working Group of Governmental Experts on the Right to Development

Rapporteur: Mr. Georges Gautier (France)

Introduction

1. By its resolution 1984/16 of 6 March 1984, the Commission on Human Rights, following its consideration of the report of the Working Group of Governmental Experts on the Right to Development, 1/ decided to reconvene the Working Group with the same mandate. The Commission requested the Working Group to submit to it at its forty-first session, in 1985, a report and concrete proposals for a draft declaration on the right to development. It decided to consider this question as a matter of priority at its next session in 1985.

2. By its decision 1984/132 of 24 May 1984, the Economic and Social Council noted resolution 1984/16 and endorsed the Commission's decision to reconvene the Working Group with the same mandate. The Council also endorsed the Commission's request to the Working Group to hold two sessions of two weeks each at Geneva.

Composition of the Working Group and its Bureau

3. At its previous sessions, the Working Group had been composed of governmental experts from the following countries: Algeria, Cuba, Ethiopia, France, India, Iraq, Netherlands, Panama, Peru, Poland, Senegal, Syrian Arab Republic, Union of Soviet Socialist Republics, United States of America and Yugoslavia.

1/ E/CN.4/1984/13 and Corr. 1 and 2.

4. At its eighth session, the membership of the Working Group was modified in the following manner: the Polish expert, Mr. H.J. Sokalski, having informed the Chairman of the Commission on Human Rights that he was no longer able to continue to participate in the work of the Group, the Chairman of the Commission on Human Rights, decided, on the proposal of the regional group concerned, to appoint Mrs. I. Kolarova, expert from Bulgaria, to replace him. This decision was communicated to the Chairman of the Working Group, who made it known to the Group at the opening of the eighth session. Furthermore, Mr. V. Ramachandran, expert from India and Vice-Chairman of the Working Group, assumed other responsibilities and was replaced by Mr. K.L. Dalal. The Working Group decided unanimously that Mr. Dalal should succeed Mr. Ramachandran as Vice-Chairman of the Working Group.

5. At its eighth and ninth sessions, the Bureau was composed, as at previous sessions, of the experts from Senegal (Chairman), Cuba, India and Yugoslavia (Vice-Chairmen), and France (Rapporteur). At the ninth session, in the absence of the Chairman of the Working Group, who was engaged on other duties for reasons beyond his control, the session was chaired on an alternating basis by the Vice-Chairmen.

Dates of sessions

6. The Working Group held its eighth session from 24 September to 5 October 1984 and its ninth session from 3 to 14 December 1984 at Geneva.

Attendance

7. A list of the governmental experts, alternates and States and organizations represented by observers at the eighth and ninth sessions appears in annex I.

Organization of work

8. At its eighth session, the Working Group held 13 plenary sessions. Informal consultations also took place, as well as a number of meetings of a drafting group. At its ninth session, in order to speed up its work, the Working Group decided to meet largely in plenary session and held 18 plenary meetings. At its eighth and ninth sessions the Working Group pursued its efforts to reach a consensus. 2/ When necessary, informal consultations and meetings took place as well.

Work of the Group at its eighth session

9. At its eighth session, the Working Group had before it: those paragraphs of the preamble adopted at the seventh session, as they appear in the report of the Working Group submitted to the Commission on Human Rights at its fortieth session (E/CN.4/1984/13, para. 9); 3/ the technical consolidated text annexed to that document (E/CN.4/1984/13, annex II); 4/ and various drafts and proposals submitted by the governmental experts at the seventh session, which were kept at the disposal of members of the Working Group by the Secretariat. 5/

2/ For the texts on which the Working Group worked, see annexes II to IX.

3/ See paragraph 34(h) below. The understanding was reached that final agreement on these provisions would take place only within the framework of an agreement on the draft declaration as a whole.

4/ See below, paragraph 34(c).

5/ See below, paragraph 34(e).

10. After a second reading of those paragraphs adopted at the seventh session ^{6/} and which did not give rise to any further comment, the Working Group considered in detail paragraphs 6, 9, 12 and 15 of the preamble to the draft declaration on the basis of the corresponding texts contained in the technical consolidated text and of the various drafts and proposals mentioned above in paragraph 9. In addition, paragraph 16 was the subject of a general discussion in the course of which some members referred to article 1 of the operative part. During the debate in plenary and in the drafting group, many new proposals were made in order to help the Working Group to discharge its mandate. ^{7/}

Work of the Group at its ninth session

11. At its ninth session, in addition to the documents before it at its seventh and eighth sessions, the Working Group had before it the interim report on the eighth session. ^{8/}

12. The Working Group resumed its detailed consideration of paragraphs 6, 9, 12 and 15 of the preamble to the draft declaration. In addition, it considered paragraph 16 of the preamble, article 1 of the operative part, and articles 2, 3 and 4. During the debate on these paragraphs and articles, drafts and proposals were submitted by experts. ^{9/}

13. The work done by the Group is presented below in a composite manner in the order in which the different paragraphs of the preamble and articles of the operative part appear in the technical consolidated text mentioned in paragraph 9 above.

Paragraph 6

14. The Working Group reached consensus on the desirability of including the following provision in this paragraph: "Recalling the right of peoples to self-determination, by virtue of which all peoples have the right freely to determine their political status and freely to pursue their economic, social and cultural development". With regard to the second part of this provision, which refers to the sovereign right of peoples freely to dispose of their natural resources, various proposals were advanced. Some experts considered that the link between the principle of permanent sovereignty and its exercise in accordance with international law must be made clear. For some experts, the reference to international law, through international instruments such as the Covenants, was insufficient. Other experts took the view that there should be a reference to the pertinent principles of international law and to the principles of

^{6/} See below, paragraph 34 (h). The understanding was reached that final agreement on these provisions would take place only within the framework of an agreement on the draft declaration as a whole.

^{7/} See below, paragraph 34 (f).

^{8/} E/CN.4/AC.39/1984/L.2/Rev.1

^{9/} These texts have been put together in a consolidated form by the Secretariat in the same way as the texts submitted at the seventh and eighth sessions. See below, paragraph 34 (g).

mutual respect and equity, in particular in order to qualify the exercise of permanent sovereignty. Some experts, on the other hand, considered that, in view of the relevant provisions of the fundamental United Nations instruments relating to economic and social progress, the full sovereignty of peoples over their natural resources should be reaffirmed without reservation or qualification. Although the gap between the points of view put forward narrowed considerably, in particular during the ninth session, the members of the Working Group as a whole were unable to reach agreement on a text.

Paragraph 9

15. In the view of some experts, denial of the various human rights was only one of the obstacles to development, the main obstacle being the present prevailing international economic order; in that connection, one expert felt that paragraph 9 might be considered in conjunction with paragraph 15; other experts took the view that the implementation of a development strategy based on the denial of human rights, or of some of them, might constitute an obstacle to development and to the fulfilment of the human being. Other experts opposed the idea of including in this paragraph a provision to the effect that the denial of human rights is a serious obstacle to development, for such a provision would be contrary to the fundamental United Nations instruments concerning economic and social development, according to which the main obstacle to the economic and social development of the countries which have won independence are the sequels of colonialism, neo-colonialism, apartheid, and foreign exploitation, aggression and occupation, and interference in internal affairs, which need not be mentioned in the paragraph. Several experts spoke in favour of including in the paragraph a provision on the need to contribute to the full exercise of the rights of peoples. Finally, other experts considered that paragraph 9 should not be too negative in tone and that emphasis should be placed on means conducive to overcoming the obstacles in question, as well as on the indivisibility and interdependence of the various rights. The discussions which took place on this paragraph during the two sessions were nevertheless unsuccessful in securing general agreement to one of the texts proposed.

Paragraph 12

16. Some members of the Working Group considered that, in view of their conciseness, use might be made of provisions comparable to those of draft paragraph 12 in the technical consolidated text, such as the provisions appearing in General Assembly resolution 38/124. Other experts took the view that, in drafting the paragraph, the Group might bear in mind certain provisions of the Final Document of the 1978 first special session of the General Assembly devoted to disarmament. Other experts called for a reference in the paragraph to the need for urgent measures to eliminate the threat of war, to put an end to the arms race, particularly the nuclear arms race, and considered that the paragraph should not be confined to a general provision on the relationship between disarmament and development. At the ninth session, it was proposed that the paragraph should be drafted taking account of certain provisions of the above-mentioned final document, and supplemented by a paragraph 12 bis which would refer more particularly to the duty of States to contribute to the maintenance and strengthening of international peace and security and the urgent need to avert the danger of nuclear war. In the course of the ensuing discussion, an agreement in principle was reached on the following text:

"Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and in particular those of the developing countries.".

Paragraph 15

17. This paragraph was the subject of extensive exchanges of views among the members of the Working Group. At a plenary meeting held during the eighth session, the members of the Group who were present took the view that, as far as they were concerned, the wording of the paragraphs appearing in the technical consolidated text was acceptable. After several members of the Group had made their favourable opinions known, it was nevertheless found that unanimous agreement could not be reached on the basis of that text. Alternative proposals for the wording of the paragraph were put forward subsequently, but they too failed to command acceptance by the experts as a whole. 10/

Paragraph 16 and article 1, and additional paragraphs

18. At its eighth session, the Working Group agreed that paragraph 16 of the technical consolidated text should be considered jointly with article 1 of the operative part concerning the definition of the right to development, which was the central feature of the draft declaration. The Group considered a draft paragraph 15 ter at the same time. 11/

19. In extensive exchanges of views which took place on the texts submitted to the Working Group at its eighth and ninth sessions, the notion of the right to development as a human right was largely accepted, although the view was expressed that it would be possible to accept this concept only after a satisfactory definition of the scope and content of such a right was agreed upon in the body of the declaration.

20. The general view was that the right to development has both an individual and a collective dimension. Different judgements were expressed about the content and scope of the rights of individuals and communities, in particular as regards communities such as States and entities established pursuant to the right of association. Several experts took the view that States and organizations had rights and obligations as far as the realization of human rights was concerned and in relation to the right to development as a human right, although that did not mean that they possessed human rights as such. However, the view was taken that some entities could, in certain circumstances, be the beneficiaries of human rights. Some experts had doubts as to the necessity of including the word "entities" which might be ambiguous. Other experts took the view that some entities might be set up in violation of human rights and even that their activities might constitute an obstacle to the realization of those rights. However, the view was taken that certain entities

10/ See annex VIII (cf para. 34 (g) below).

11/ See annex VII (cf, para. 34 (f) below).

could be the beneficiaries of human rights, such as entities established pursuant to the right of association, which acted for the promotion and protection of the interests of their members. Some experts had in mind associations whose role should be assessed in the light of the activities they undertake to promote the right to participation and economic development.

21. Some experts considered that the chief dimension of the right to development lay first in the right of all States and all peoples to peaceful, free and independent development. Other experts expressed the view that it was axiomatic that States could not claim or enjoy "human rights". Nevertheless, some experts took the view that while human beings were the main beneficiaries of developments, States, as subjects of international law and the main actors in international relations, had rights and obligations the exercise of which should contribute to the realization of the right to development. At the ninth session of the Working Group, it was generally recognized that the right to development presupposed the full realization of the right of peoples to self-determination and their sovereign right freely to dispose of their natural resources.

22. Further to extensive exchanges of views, two experts were requested to prepare for the Group a draft text elaborated, in the light of the discussions, on all of the drafts and proposals submitted in connection with paragraphs 15 ter and 16 and article 1 of the operative part, possibly to serve as a working basis. The discussion on this text, and on the new proposals, revealed that divergences of views still remained and that no agreement could be envisaged at that stage.

23. Moreover, in connection with the consideration of preambular paragraph 16 and article 1 at the ninth session, draft supplementary paragraphs intended for insertion between preambular paragraphs 15 and 16 were submitted. They relate to the following implications of the right to development: the right of all States and all peoples to peaceful, free and independent development; the need to respect the values of civilizations and cultures; and the principle of economic interdependence. Some experts emphasized in this respect the importance of the achievement of economic independence. In the course of the discussion at the ninth session, none of these proposals commanded unanimous agreement.

Article 2

24. At its ninth session, the Group engaged in extensive exchanges of views on this article. Proposals for amendments were formulated first in connection with the technical consolidated text, and then in connection with a new draft submitted to the Group on the basis of its earlier discussions. Paragraph 1 of the latter text met with no objections of principle. A proposal was none the less made to bring the formulation into line with preambular paragraph 16. The discussions on the other points raised related essentially to the following matters.

25. The question of those bearing the responsibility for development was discussed, in its individual and collective dimensions. The question of a social, economic, cultural and political order propitious to development was also raised and some experts advanced various proposals in that connection. The idea was expressed that, in view of the corresponding paragraph which it had been agreed to insert in the preamble, the articles should contain a provision concerning the primary responsibility of States in matters pertaining to development. In that connection, it was proposed that paragraph 3 of article 2 should be inserted before paragraph 2. It was stressed that there was no reason to include a provision to the effect that individuals are primarily responsible for their development. Another view was that article 2 must maintain the primacy of the individual as responsible for his own development within a context where his human rights are protected and respected by the State.

26. A proposal for the adoption of the first two paragraphs of article 2 of the technical consolidated text, as amended in the course of the discussions, none the less failed to command acceptance among all members of the Group, despite a narrowing of the gap between views.

27. In addition, it was proposed to reformulate paragraph 3 of article 2 of the technical consolidated text, to which paragraph 3 of the new proposals submitted to the Group relates. In the opinion of some experts, this latter proposal is intended to take account of respect for human rights and fundamental freedoms. The view was expressed that this article should not deal primarily with the question of respect for human rights in general, but specifically with the exercise of the right to development, the central theme of the declaration which the Group was seeking to draft. A number of proposals were made, but no general agreement emerged.

28. In connection with paragraph 4 in the technical consolidated text, a number of proposals were made, either to delete the paragraph, to insert it in another part of the declaration, or to supplement the wording on the basis of provisions in existing international instruments. Lastly, a number of experts hoped that there would be no ambiguity regarding the entities mentioned in the paragraph. To that end, a number of proposals were made to specify the objectives pursued by such entities.

29. It was also suggested that it would be of value to introduce the notion of popular participation in the text of paragraph 4 of article 2 of the technical consolidated text. Lastly, emphasis was placed on the need for a precise definition of the substance of the expression "traditional entities", and several other expressions were proposed. However, no formulation proposed in connection with this paragraph commanded unanimous approval.

Article 3

30. At its ninth session, the Working Group engaged in extensive exchanges of views on the basis of draft article 3 in the technical consolidated text, and then considered a new text submitted to the Group by some experts following the discussions on article 3.

31. In the course of the discussion, a number of experts submitted amendments designed essentially to pinpoint the scope of the responsibility of all States for development, particularly in so far as the developing countries are concerned. In this regard, it was pointed out that, in the matter of responsibility for the realization of the right to development, there might be a contradiction between the primacy attached to the State in that article and the primacy of the individual recognized in article 2. Various observations were submitted regarding some principles set forth in paragraph 3 of article 3 of the technical consolidated text.

32. Several experts called for clarification of the nature of the international orders referred to a number of times in the texts submitted to the Group, more particularly the international order for development mentioned in a new proposal. For example, the principles on which such an order was to be based should be clarified, namely, equity, sovereign equality, interdependence, common interest and co-operation among all States, regardless of their economic and social systems.

Article 4

33. At its ninth session, the Working Group proceeded to initial consideration of this article, as contained in the technical consolidated text, on which amendments were submitted. A number of experts also referred to some relevant provisions in a text submitted by the non-aligned countries at the Working Group's sixth session. Further proposals for texts were also submitted to the Group by a number of experts. The discussions on the issues raised in the context of this article related essentially to the following points: some experts emphasized the importance, for effective realization of the right to development, of a transfer of resources in favour of the developing countries; other experts stressed the realization of mutually accepted programmes of co-operation; other experts mentioned guarantees for a system of more favourable treatment towards the developing countries; lastly, other experts emphasized that the draft declaration should include the right of liberated countries to compensation for the damage incurred as a result of colonial domination and neo-colonialist exploitation. It was proposed that an article 4 bis should be included in the draft declaration.

34. Lastly, the Working Group decided to transmit to the Commission on Human Rights at its forty-first session, as annexes to this report, all the documents, drafts and proposals submitted to it at its sixth, seventh, eighth and ninth sessions. These texts, some of which have been annexed to the Group's reports to the Commission on previous sessions, whereas others have been held at the disposal of the experts in the Secretariat since the sixth session, are as follows:

- (a) Draft declaration submitted to the Working Group on 16 June 1983 by the Group of Non-Aligned Countries (annex II to this report);
- (b) Draft declaration submitted to the Group by the experts from France and the Netherlands, at the sixth session (annex III);
- (c) Technical consolidated text (annex IV);
- (d) Proposals for article 1 and other articles, submitted by the expert from the USSR, on 17 June 1983 (annex V);
- (e) Compendium of proposals submitted at the seventh session of the Working Group (annex VI);
- (f) Compendium of proposals submitted at the eighth session of the Working Group (annex VII);
- (g) Compendium of proposals submitted at the ninth session of the Working Group (annex VIII);
- (h) Texts of the draft declaration on which a general understanding was reached at the seventh session, including paragraph 11, former paragraph 12, adopted at the ninth session (annex IX).

35. At the eighth and ninth sessions the members of the Working Group did their utmost to adopt each provision by consensus, but the Group was unable to fulfil all the terms of its mandate within the time at its disposal.

36. At its meeting on 14 December 1984, the Working Group adopted this report for transmittal to the Commission on Human Rights at its forty-first session.

Annex IList of participants

<u>Country</u>	<u>Name</u>
Algeria	Mrs. Fatma Zora Ksentini Mr. Abd-El-Naceur Belaïd <u>a/</u>
Bulgaria	Mrs. Irina Kolarova
Cuba	Mr. Julio Heredia Pérez
Ethiopia	Miss Kongit Sinigiorgis
France	Mr. Georges Gautier Miss Sylvaine Carta <u>a/</u>
India	Mr. Kantilal Lallubhai Dalal Mr. Jayant Prasad <u>a/</u>
Iraq	Mr. Riyadh Aziz Hadi
Netherlands	Mr. Paul J.I.M. de Waart Mr. Hans L.J. van den Dool <u>a/</u>
Panama	Mr. Luís Aguirre Gallardo
Peru	Mr. Juan Alvarez Vita
Senegal	Mr. Alioune Sène <u>c/</u> Mr. Ibrahim Sy <u>a/</u>
Syrian Arab Republic	Mr. Ahmed Saker
Union of Soviet Socialist Republics	Mr. Dimitry Bykov <u>c/</u> Mr. Alexej Petroukhine <u>a/</u> Mr. Eduard P. Sviridov <u>a/</u> Mr. Victor Vinnik <u>a/</u>
United States of America	Mr. Peter L. Berger <u>b/ c/</u> Mr. Stephen Bond <u>a/</u> Mr. Robert Perito <u>a/</u>
Yugoslavia	Mr. Danilo Türk

a/ Alternate.b/ Not present at the eighth session.c/ Not present at the ninth session.

States Members of the United Nations represented by observers

Australia, Austria, Canada, China, Germany (Federal Republic of), Japan, Libyan Arab Jamahiriya, Morocco, Sweden, Venezuela.

Non-member States represented by observers

Holy See

United Nations bodies

Office of the Director-General for Development and International Economic Co-operation

Specialized agencies

United Nations Educational, Scientific and Cultural Organization

Intergovernmental organizations

League of Arab States

National liberation movements

Palestine Liberation Organization

Non-governmental organization in consultative status

Category II

International Commission of Jurists

Annex II

DRAFT DECLARATION ON THE RIGHT TO DEVELOPMENT

SUBMITTED BY THE EXPERTS FROM THE NON-ALIGNED COUNTRIES

The General Assembly,

Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and the promotion and encouragement of respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling again the relevant provisions of the declarations and resolutions adopted by the General Assembly including inter alia the Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly resolution 1803 (XVII) of 14 December 1962 on "Permanent sovereignty over natural resources", the Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on Social Progress and Development, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on Strengthening of International Security, the Declaration and the Programme of Action on the Establishment of a New International Economic Order, the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, the Charter of Economic Rights and Duties of States, the Declaration on Preparation of Societies for Life in Peace, General Assembly resolutions 32/130 and 34/46 on "alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", General Assembly resolution 35/56 on the International Development Strategy for the Third United Nations Development Decade,

Recalling further the right of peoples to self-determination, by virtue of which all peoples have the right to freely determine their political status and have an inalienable right to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources,

Recalling also the principle of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and persons affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

Considering that international peace and security are essential elements for the realization of the right to development,

Being aware that there is a close relationship between disarmament and development, and that the resources released as a result of measures for disarmament should be deployed for the economic and social development of all nations, especially the developing nations, so as to bridge the gap between the developed and developing countries,

Recognizing that the human person is the central subject and object of the development process and that therefore development policy should have the human being as the main participant and beneficiary of development,

Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

Recognizing further that the establishment of a new international economic order is an essential element for the full realization of human rights and fundamental freedoms of all,

Recognizing also that the right to development as an inalienable individual and collective human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Solemnly proclaims the following Universal Declaration of the Right to Development:

I

Article 1

1. The right to development is an inalienable human right of all peoples and all individuals. Equality of opportunity for development is a prerogative of nations and of individuals within nations.
2. By virtue of the right to development, every human person, individually or collectively, as the right to participate in, contribute to and enjoy a peaceful and independent political, economic, social and cultural development in which all human rights can be fully realized.
3. The human right to development implies the full realization of the rights of peoples to self-determination, by virtue of which all peoples freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources.

Article 2

1. The human person is the central subject of development and should therefore be the active participant and beneficiary of the right to development.
2. The State has the right and the duty to formulate appropriate development policies which should lead to the realization of potentialities of each human being and the well-being of entire population.

Article 3

1. States have the right and the primary responsibility to ensure development both within each nation and internationally.
2. It is the duty of all States to co-operate with each other in promoting and assisting the achievement of development and in eliminating the obstacles to development by observing and by promoting realization of, inter alia, the following principles:
 1. Self-determination and equal rights of peoples;
 2. Equality of opportunity of all nations and individuals;
 3. Sovereignty, territorial integrity and political and economic independence of States, as well as their sovereign equality;
 4. Non-aggression;
 5. Peaceful settlement of disputes;
 6. Non-intervention in matters within the domestic jurisdiction of any State;
 7. Peaceful coexistence;
 8. International co-operation on an equitable basis, with a view to eliminating existing disparities in the world and ensuring prosperity for all;
 9. Promotion of international social justice;
 10. Remedying of injustices which have been imposed by force and deprive nations of the means necessary for their normal development;
 11. Fulfilment in good faith of international obligations;
 12. Promotion of universal respect for and observance of human rights;
 13. Permanent sovereignty of each nation over its wealth, natural resources and economic activities.

Article 4

1. States shall have the duty to take steps, individually and collectively, to formulate adequate development policies with a view to creating the conditions necessary for the full realization of the right to development.
2. Sustained action is required to ensure more rapid progress of developing countries. As a complement to the efforts that the developing countries make, individually and collectively for their development, it is essential to provide them with effective international assistance.

Article 5

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and persons affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, and the refusal to recognize the fundamental rights of peoples to self-determination and of all nations to exercise full sovereignty over their wealth and natural resources.

Article 6

All States should promote the establishment, maintenance and strengthening of international peace and security and should for this purpose take immediate steps towards the achievement of general and complete disarmament under effective international control and towards the utilization of resources released by effective disarmament measures for development, in particular that of the developing countries.

Article 7

1. All States should co-operate with a view to promoting, encouraging and strengthening the universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language and religion.
2. All human rights and fundamental freedoms are indivisible and interdependent, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

Article 8

For the purpose of the effective enjoyment of the right to development, it is necessary to take, as a matter of priority, adequate measures towards the establishment of a new international economic order, as envisaged in the Declaration on the establishment of a New International Economic Order, 1/ in the Programme of Action on the Establishment of a New International Economic Order, 2/ in the Charter of Economic Rights and Duties of States 3/ and in other relevant United Nations resolutions.

Article 9

1. Each State has the primary responsibility to ensure the full realization of the right to development within its territory and should therefore ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment, opportunities for participation and the fair distribution of income.

1/ Adopted by the General Assembly at its sixth extraordinary session on 1 May 1974. (3201 (S-VI))

2/ Ibid. (3202 (S-VI)).

3/ Adopted by the General Assembly at its twenty-ninth session on 12 December 1974 (3281 (XXIX)).

2. Particular attention should be paid to the interests, needs and aspirations of discriminated and disadvantaged groups. Appropriate economic and social reforms should be made with a view to eradicating all social injustices.

Article 10

1. States should take appropriate action to provide a comprehensive framework for popular participation in development and for the full exercise of the right to popular participation in its various forms which is an important factor of development and of the full realization of civil and political rights as well as economic, social and cultural rights.

2. States should give high priority and adopt appropriate and effective measures for the integration of women in development and for ensuring their equality of rights.

III

Article 11

1. All the aspects of the right to development set forth in this Declaration are indivisible and interdependent and each of them should be construed in the context of the whole.

2. Nothing in this Declaration shall be construed contrary to the purposes and principles of the United Nations.

3. Nothing in this Declaration shall be construed as prejudicing in any manner the right of peoples to self-determination and of all nations to the exercise of full sovereignty over their natural wealth and resources.

Article 12

Steps should be taken with a view to full exercise, further codification and progressive development of the right to development as a principle of international law.

Article 13

In the formulation of strategies and programmes designed to promote development, international organizations and agencies should take this Declaration into account.

Annex III

DRAFT DECLARATION ON THE RIGHT TO DEVELOPMENT

SUBMITTED BY THE EXPERTS FROM FRANCE AND THE NETHERLANDS

Preamble

The General Assembly,

1. Bearing in mind the purpose and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and the promotion and encouragement of respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion;
2. Considering that under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized;
3. Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;
4. Recalling that equality of opportunity for development is a prerogative of nations as well as of individuals who make up nations;
5. Recalling the right of peoples to self-determination, by virtue of which all peoples have the right to freely determine their political status and have an inalienable right to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources taking into account obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law;
6. Recalling the obligation of States to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, languages, religion, political or other opinion, national or social origin, property, birth or other status;
7. Affirming that a development strategy based on the denial of either civil and political rights or economic, social and cultural rights, or both sets of rights, is both a violation of international human rights standards and a negation of the concept of development and that, accordingly, the promotion of respect for the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms;
8. Reiterating that there exists a close relationship between disarmament and development; that progress in the field of disarmament would considerably promote progress in the field of development; and that the resources released as a result of measures taken in the sphere of disarmament should be redirected towards the economic and social development of all nations and should contribute to bridging the gap existing between the economies of developed and developing countries;
9. Concerned at the continuing existence in too many countries of serious obstacles to the free development of the human being such as the denial of civil and political rights and individual freedoms and the absence of conditions favourable to the implementation of economic, social and cultural rights;

10. Recalling that the full development of the human being must be the ultimate aim of any development policy;

Proclaims the present universal Declaration on the right to development as a human right.

Article 1

For the purpose of this Declaration development is understood as a comprehensive economic, social and cultural as well as civil and political process, which aims at the promotion and protection of the fulfilment of the human being and the well-being of all peoples and is based on the free, active and meaningful participation of all human beings, individually and collectively, peoples and States.

Article 2

The right to development as a human right has an individual and collective dimension. It embodies everyone's entitlement to a local, national and international order in which the civil and political rights as well as the economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenants on Human Rights are fully realized.

Article 3

The right to development as a human right is the right of all persons and groups of persons including peoples to participate in, and to enjoy development. The final purpose of the right to development is the fulfilment of the human being.

Article 4

The right to development as a human right involves a social order which is properly attuned to the encouragement of everyone's full and active participation, individually and through appropriate associations, so as to ensure to the largest possible extent the respect for human dignity and the promotion of a fair distribution of the benefits from development.

Article 5

The right to development as a human right involves an international order which is properly attuned to the encouragement of every nation's full and active participation, individually and collectively, so as to ensure respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

Article 6

In respect of human beings the primary responsibility for development rests with themselves, individually and collectively, taking into account their duties to the community in which alone the free and full fulfilment of the human being is possible and which therefore should promote and protect an appropriate social order for development, bearing in mind that all human rights are interdependent and indivisible.

Article 7

In respect of nations the primary responsibility for development rests with themselves, taking into account their responsibility to the human beings and to the

international community. The international community should promote and protect an appropriate international order for development, bearing in mind that all human rights are interdependent and indivisible.

Article 8

Every State should promote the establishment and maintenance of international peace and security as well as of international economic relations giving full opportunity to development of all nations and individuals who make up nations.

Article 9

In a spirit of solidarity and regardless of the differences which exist between political, economic and social systems States and the international community as a whole should focus on the creation of local, national and international conditions favourable to the promotion and protection of the rights set forth in the Universal Declaration of Human Rights and the Human Rights.

International action should aim at the eradication of obstacles to equality of opportunity for development of peoples and individuals resulting from inter alia, aggression, colonialism, foreign domination, occupation and from a non-observance of generally accepted international standards in respect of education, employment, food, health, housing, information and participation, as well as at the formulation of such standards.

Local and national action should, as a matter of priority, aim at the elimination of obstacles to development resulting from a non-observance of generally accepted national or international standards in respect of education, employment, equitable distribution of income, food, health, housing, information and participation as well as at the eradication of apartheid and of discrimination as to race, sex, language or religion.

Article 10

The full realization of the right to development as a human right involves the formulation, adoption and implementation of policy, legislative, administrative and other measures at the national level and of international instruments which reflect a consensus among States with different economic, social and political systems.

Article 11

The effectiveness of measures at the international and national level should be promoted and secured by, inter alia, adequate mobilization of resources, information, participation and full opportunity for development of all individuals and peoples as well as a fair distribution of the benefits from development, taking into account the specific needs of disadvantaged groups.

Article 12

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of the rights set forth in the Universal Declaration of Human Rights

and the International Covenants on Human Rights as well as of the rights and duties of States embodied in the Charter of the United Nations and pertinent international conventions.

Article 13

The United Nations, the specialized agencies, States and international non-governmental organizations should co-operate in promoting and implementing the right to development as a human right and full opportunity for development as a prerogative of nations and individuals who make up nations.

Annex IVTechnical Consolidated Text
(E/CN.4/1984/13, Annex II)"The General Assembly,

1. Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and the promotion and encouragement of respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,
2. Considering that under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,
3. Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,
4. Recalling again the relevant provisions of the declarations and resolutions adopted by the General Assembly including inter alia the Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly resolution 1803 (XVII) of 14 December 1962 on 'Permanent Sovereignty over Natural Resources', the Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on Social Progress and Development, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on Strengthening of International Security, the Declaration and the Programme of Action on the Establishment of a New International Economic Order, the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, the Charter of Economic Rights and Duties of States, the Declaration on Preparation of Societies for Life in Peace, General Assembly resolutions 32/130 and 34/46 on 'Alternative Approaches and Ways and Means within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms', General Assembly resolution 35/56 on the International Development Strategy for the Third United Nations Development Decade,
5. Recalling also the relevant provisions of the Proclamation of Teheran, the Declaration of Philadelphia, and the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and incitement to War of the United Nations Educational, Scientific and Cultural Organization,
6. Recalling further the right of peoples to self-determination, by virtue of which all peoples have the right to freely determine their political status and have an inalienable right to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources, without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law,
7. Mindful of the obligation of States to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

8. Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and persons affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

9. Concerned at the continuing existence of serious obstacles to the free development of the human being such as the denial of civil and political rights and individual freedoms and the absence of conditions favourable to the implementation of economic, social and cultural rights,

10. Recognizing that development is a comprehensive economic, social, cultural and political process which 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,

11. Considering that international peace and security are essential elements for the realization of the right to development,

12. Reiterating that progress in the field of disarmament would considerably promote progress in the field of development; and that resources released as a result of measures taken in the sphere of disarmament should be directed towards the economic and social development of all nations, so as to contribute as well to bridging the gap existing between the economies of developed and developing countries,

13. Recognizing that the human person is the central subject of the development process and that therefore development policy should have the human being as the main participant and beneficiary of development,

14. Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

15. Recognizing further that the establishment of a new international economic order is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all,

16. Recognizing also that the right to development is an inalienable human right, individually and collectively, and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Proclaims the present Universal Declaration of the Right to Development as a human right.

Article 1

1. The right to development is an inalienable human right of every person, individually or in entities established pursuant to the right of association, and of other groups, including peoples. Equality for opportunity is a prerogative of nations and of individuals within nations.

2. By virtue of the right to development, every human person, individually or collectively, has the right to participate in, contribute to, and enjoy a peaceful international and national political, social and economic order, in which all universally recognized human rights and fundamental freedoms can be fully realized.

3. The human right to development implies the full realization of the right of peoples to self-determination, by virtue of which all peoples freely determine their political status and freely pursue their economic, cultural and social development and may for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principles of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence.

Article 2

1. The human being is the central subject of development and should therefore be the active participant and beneficiary of the right to development.

2. All human beings have the primary responsibility for their development, individually and collectively, taking into account their duties to the community in which alone the free and full fulfilment of the human being is possible and which therefore should promote and protect an appropriate social order for development.

3. The State has the right and the duty to formulate appropriate development policies which should lead to the realization of potentialities of each human being and the well-being of entire populations.

4. Entities established pursuant to the right of association and traditional entities aiming at development of individuals which compose them, being intermediate between individuals and the State, are of special significance for the realization of the right to development and should be respected as such by States.

Article 3

1. The right to development implies an international order based on full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

2. States have the right and the primary responsibility to ensure development both within their territory and internationally taking into account their responsibilities to the human beings and to the international community.

3. It is the duty of all States to co-operate with each other in promoting and assisting the achievement of development and in eliminating the obstacles to development by observing and by promoting realization of, inter alia, the following principles of international law and fundamentals of international economic relations embodied in the Charter of the United Nations and pertinent international instruments:

1. Equal rights and self-determination of peoples;
2. Equality of opportunity for development of all nations and individuals within nations;

3. Sovereignty, territorial integrity and political and economic independence of States;
4. Sovereign equality of all States;
5. Non-aggression;
6. Peaceful settlement of disputes;
7. Non-intervention in matters which are essentially within the domestic jurisdiction of any State;
8. Mutual and equitable benefit;
9. Peaceful coexistence;
10. International co-operation for development;
11. Promotion of international social justice;
12. Remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for its normal development;
13. No attempt to seek hegemony and spheres of influence;
14. Fulfilment in good faith of international obligations;
15. Respect for human rights and fundamental freedoms;
16. Free access to and from the sea by land-locked countries within the framework of the above principles;
17. Permanent sovereignty over natural wealth and resources within the framework of the above principles.

Article 4

1. States shall have the duty to take steps, individually and collectively, to formulate adequate development policies with a view to creating the conditions necessary for the full realization of the right to development.

2. Sustained action is required to ensure more rapid progress of developing countries. As a complement to the efforts that the developing countries make, individually and collectively, for their development, it is essential to provide them with effective international assistance.

Article 5

1. In a spirit of solidarity and regardless of the differences which exist between political, economic and social systems, States and the international community as a whole should focus on the creation of local, national and international conditions favourable to the promotion and protection of the rights set forth in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

2. States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, the refusal to recognize the fundamental right of peoples to self-determination and of all nations to exercise full sovereignty over their wealth and natural resources.

3. States should take resolute steps to eliminate obstacles to development resulting from a non-observance of civil and political rights as well as of the generally accepted standards, which underlie the Universal Declaration of Human Rights in respect of economic, social and cultural rights.

Article 6

All States should promote the establishment, maintenance and strengthening of international peace and security and should for this purpose do their utmost for the achievement of general and complete disarmament under effective international control as well as for the utilization of resources released by effective disarmament measures for development of all human beings, peoples and States, in particular the developing countries.

Article 7

1. All States should co-operate with a view to promoting, encouraging and strengthening the universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language and religion.

2. All human rights and fundamental freedoms are indivisible and interdependent, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

Article 8

For the purpose of the effective enjoyment of the right to development and for the full realization of all human rights, it is necessary to take, as a matter of priority, adequate measures towards the establishment of a new international economic order, as envisaged in the Declaration on the Establishment of a New International Economic Order, 1/ in the Programme of Action on the Establishment of a New International Economic Order, 2/ in the Charter of Economic Rights and Duties of States 3/ and in other relevant United Nations resolutions.

1/ Adopted by the General Assembly at its sixth extraordinary session on 1. May 1974 (3201 (S-VI)).

2/ Ibid., (3202 (S-VI)).

3/ Adopted by the General Assembly at its twenty-ninth session on 12 December 1974 (3281 (XXIX)).

Article 9

1. States should continuously strive for a further elaboration of economic, social and cultural standards, which underlie the Universal Declaration of Human Rights and the pertinent International Covenant so as to ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment, opportunities for participation and the fair distribution of income.

2. Particular attention should be paid to the interests, needs and aspirations of discriminated and disadvantaged groups. Appropriate economic and social reforms should be made with a view to eradicating all social injustices.

Article 10

1. States should take appropriate action to provide a comprehensive framework for popular participation in development and for the full exercise of the right to popular participation in its various forms which is an important factor of development and of the full realization of civil and political rights as well as economic, social and cultural rights.

2. States should give high priority and adopt appropriate and effective measures for the integration of women in development and for ensuring their equality of rights.

Article 11

1. All the aspects of the right to development set forth in this Declaration are indivisible and interdependent and each of them should be construed in the context of the whole.

2. Nothing in this Declaration shall be construed contrary to the purposes and principles of the United Nations, or as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of the rights set forth in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

3. Nothing in this Declaration shall be construed as prejudicing in any manner the right of peoples to self-determination and of all nations to the exercise of full sovereignty over their natural wealth and resources.

Article 12

Steps should be taken with a view to full exercise, further codification and progressive development of the right to development as a principle of international law. This includes the formulation, adoption and implementation of policy, legislative, administrative and other measures at the national level as well as the formulation, adoption and implementation of international instruments which reflect a consensus among States with different economic, social and political systems.

Article 13

The United Nations, the specialized agencies, States and international non-governmental organizations should co-operate in promoting and implementing the right to development as a human right and should consider this Declaration as an important basis for action."

Annex V

Draft Articles to be included in the Draft Declaration
on the Right to Development

Submitted by the expert from the USSR

Article 1

The main content of the right to development means the inherent right of all States and peoples to peaceful, free and independent development. Any manifestation of inequality, dictate, discrimination in the international economic relations is inadmissible and shall be eliminated.

With regard to persons the right to development means the provision to every member of society of the possibility of exercising the entire complex of rights that are necessary for the comprehensive development of the personality and above all the social and economic rights that determine the material basis and the conditions of people's life.

Article ..

The maintenance and strengthening of international peace and security, the curbing of arms race, the removal of the threat of war are necessary prerequisites for ensuring the realization of the right to development.

Article ..

Effective realization of the right to development requires the elimination of such main obstacles to social and economic development as the remnants of colonialism, neocolonialism, apartheid, racial discrimination, foreign aggression, occupation and exploitation and interference in the internal affairs of States.

Article ..

1. Every State shall have full permanent sovereignty over its natural resources and economic activities, including the right to nationalization. No State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right.
2. The States and peoples subjected to colonial or foreign domination or exploitation shall enjoy the right to full compensation for the damage caused to their natural and other resources as a result of such domination and exploitation.

Annex VICompilation of proposals submitted at the
seventh session

This compilation reproduces the different proposals which were before the Working Group at its seventh session with respect to various paragraphs of the preamble and the first operative paragraph and on which consensus was not reached. The date indicates the day on which the proposal was tabled.

Paragraph 6 of the Preamble

1 November 1983

6. Recalling further the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development; and all peoples may, for their own ends, freely dispose of their natural wealth and resources, without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law, and to the principle that in no case may a people be deprived of its own means of subsistence.

Proposal by the expert from Algeria

8 November 1983

Recalling further the right of all peoples (no change) freely dispose of their natural wealth, resources and economic activities, without prejudice to the obligation of promoting international economic co-operation based on mutual respect, equitable exchange and the principles of international law. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

Proposal by the expert from France

10 November 1983

6. Recalling further the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development; and that all nations have an inalienable right to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources subject to the principles referred to in article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights and contained in United Nations General Assembly resolution 1803 (XVII).

Paragraph 9 of the Preamble

2 November 1983

9. Further considering that the elimination of serious obstacles to development and to the complete fulfilment of the human being constituted by the denial or derogation of civil and political rights and fundamental freedoms and by the absence of conditions favourable to the implementation of economic, social and cultural rights is fundamental to any development strategy and that accordingly the promotion of respect for and the enjoyment of certain human rights and fundamental freedoms can never justify the denial or derogation of other human rights and fundamental freedoms.

Proposal by the expert from Senegal

2 November 1983

9. Considering that attention ought to be paid equally to the safeguarding of civil and political as well as economic, social and cultural rights, and that the protection of one of these categories of rights can in no way justify the denial of the other category of rights,

9. Concerned at the existence of serious obstacles to the realization of civil and political rights and economic, social and cultural rights and considering that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that accordingly, the promotion of, respect for and the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.

Proposal for a new article 9 A

3 November 1983

9A. Considering further that human rights and fundamental freedoms are indivisible and interdependent and that equal attention should be given to the promotion of, respect for and enjoyment of civil and political rights and economic, social and cultural rights and that accordingly, development and the fulfilment of the human being would not be achieved, if certain human rights and fundamental freedoms are promoted, while denying certain others.

Paragraph 15 of the Preamble

Proposal by the expert from the United States

4 November 1983

Aware that efforts to promote and protect human rights at the international level should be accompanied by efforts to establish a new international economic order,

Proposal by the expert from Ethiopia

4 November 1983

Aware that the establishment of a new international economic order is an essential element in the efforts to promote and protect human rights and fundamental freedoms for all, at the national and international level.

Proposal by the expert from Cuba

4 November 1983

Considering that the present unjust international economic order is an obstacle to the full realization of human rights and fundamental freedoms and that therefore the establishment of a new international economic order should be given the highest priority,

Paragraph 16 of the Preamble and Operative Paragraph 1

Proposal by the expert from Cuba

3 November 1983

16. Considering further that the right to development is an inalienable individual and collective human right and that equality of opportunity for development is a prerogative both of nations and of the individuals who make up nations,

Proclaims the following Declaration on the Right to Development:

1. The right to development is an inalienable human right of all peoples and all individuals. Equality of opportunity for development is a prerogative both of nations and of the individuals within nations.

3 November 1983

16. Recognizing also that all peoples and individuals have an inherent right to development;

Article 1

1. The right to development is an inalienable human right of all peoples and all individuals.

2. By virtue of the right to development, every human person, individually or in collectivities, including those established pursuant to the right to association, has the right to participate in, contribute to and enjoy a peaceful and independent political, economic, social and cultural development in which all human rights can be fully realized.

3. The human right to development implies the full realization of the right of peoples to self-determination, by virtue of which all peoples freely determine their political status and freely pursue their economic, social and cultural development in conditions of international peace and security and may, for their own ends, freely dispose of their natural wealth and resources, without prejudice to any obligations arising out of international economic co-operation, based upon the principles of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence.

Annex VII

Compilation of proposals submitted
at the eighth session

(24 September - 5 October 1984)

Proposal by the expert from India

27 September 1984

Paragraph 6

Recalling further the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development; and that all nations have an inalienable right to exercise full and complete sovereignty over all their natural resources based on principles of mutual respect, equity and other relevant international contemporary law and to the principle that in no case may a people be deprived of its own means of sustenance.

Proposal by the expert from India

27 September 1984

Paragraph 6

Recalling further the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development; and that all nations have an inalienable right to exercise full and complete sovereignty over all their natural resources based on the necessity of promoting international co-operation according to the principles of mutual respect, equity and other relevant principles of international law.

Proposal by the expert from Bulgaria

27 September 1984

Paragraph 9 of the Preamble

Convinced that the complete fulfilment of the human being which is the main goal of the process of development can be achieved only within a just social order (after that the proposal of the non-aligned).

Proposal by the expert from Yugoslavia

1 October 1984

(This proposal constitutes an amendment to last year's proposal from India on Paragraph 9 contained in the compilation of proposals submitted at the seventh session)

Paragraph 9

Concerned at the existence of serious obstacles to development and to the realization of Human Rights including the denial of civil, political, economic, social and cultural rights and considering that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that accordingly, the promotion of, respect for and the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.

Proposal by the expert from the Netherlands

2 October 1984

Paragraph 9

Concerned at the existence of serious obstacles to development and to the complete fulfilment of the human being constituted by the denial of civil and political rights and economic, social and cultural rights and considering that all human rights and fundamental freedoms are indivisible and interrelated, and considering that in any development strategy equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that accordingly, the promotion of, respect for and the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.

Proposal by the expert from Panama

2 October 1984

Paragraph 9

Concerned at the existence of serious obstacles to development and to the complete fulfilment of the rights of peoples and individuals, including the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that accordingly, the promotion of, respect for and the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.

Proposal by the expert from Cuba

3 October 1984

Paragraph 9

Recognizing that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights,

Proposal by the expert from the USSR

26 September 1984

Paragraph 12 of the Preamble

Reaffirming that there is the pressing need for urgent measures to remove threat of war and to curb arms race, particularly nuclear arms race, and that the progress in the field of disarmament would considerably promote progress in the field of development and that resources released as a result of measures taken in the sphere of disarmament should be directed towards the economic and social development and well-being of all peoples, in particular for the benefit of developing countries.

Proposal by the expert from India

November 1983/27 September 1984

Paragraph 12 of the Preamble

Reiterating that progress in the field of disarmament could considerably promote progress in the field of development, so as to contribute as well to bridging the gap existing between the economies of developed and developing countries.

Proposal by the expert from France

3 October 1984

Paragraph 12

Considering that progress in the field of disarmament could considerably promote progress in the field of development and that, through disarmament, resources could be released to contribute in a meaningful way to the development of all States, particularly the developing countries,

Proposal by the expert from India

3 October 1984

Paragraph 12

Recognizing that, through disarmament, resources could be released to contribute in a meaningful way to the development of all States, particularly the developing countries, so as to contribute as well to bridging the gap existing between the economies of developed and developing countries.

Proposal by the expert from Senegal

3 October 1984

Paragraph 12

Reaffirming that there is a close link between disarmament and development and that progress in the field of disarmament could considerably promote progress in the field of development and that resources released as a result of the implementation of disarmament measures should be directed towards the economic and social development and well being of all peoples and in particular those of the developing countries.

Proposal by the expert from the United States

3 October 1984

Paragraph 12

Recognizing that there is an urgent need to resume arms control negotiations in the nuclear field and to reduce the vast stockpiles of armaments in the world and that progress in the field of disarmament could considerably promote progress in the field of development, so as to contribute as well to bridging the gap existing between the economies of developed and developing countries.

Proposal by the expert from the USSR

26 September 1984

Paragraph 15 ter

Considering that in its main aspects the right to development implies the right of all States and peoples to peaceful, free and independent development and as a human right it implies the provision to every member of society of the possibility to exercise the entire complex of right that are necessary for the comprehensive development of the personality.

Proposal by the expert from Cuba

27 September 1984

Preambular paragraph 15 bis

Recognizing that the right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide.

Proposal by the expert from Senegal

1 October 1984

Paragraph 15 A

Affirming that the achievement of economic independence is of vital importance for every State, including developing countries, and that in an increasingly interdependent world, the economic fortunes and political stability of both developing and developed countries are more and more intertwined.

Proposal by the expert from the United States

3 October 1984

Paragraph 15

Aware that there should be efforts at the international level both to promote and protect human rights and to establish a new international economic order.

Annex VIII

Compilation of proposals submitted
at the ninth session

(3-14 December 1984)

Paragraph 6 of the Preamble

Proposal by the expert from Yugoslavia

3 December 1984

Recalling further the right of peoples to self-determination by virtue of which all peoples have the right to freely determine their political status and have an inalienable right to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources in accordance with the principles of mutual respect, equity and with relevant principles of international law.

Proposal by the expert from India

5 December 1984

Recalling the right of peoples to self-determination by virtue of which they have the right to freely determine their political status and to pursue freely their economic, social and cultural development and recalling further the right of peoples to exercise their inalienable right to full and complete sovereignty over all their natural wealth and resources in accordance with the principles of mutual respect, equity and the relevant principles of international law.

Paragraph 2 of the Preamble

New proposal

4 December 1984

Concerned at the existence of serious obstacles to development as well as to the complete fulfilment of human being and the rights of peoples constituted inter alia by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that in order to best promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that accordingly, the promotion of, respect for and the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.

Proposal by the expert from India

4 December 1984

Anxious to accelerate development as well as to promote complete fulfilment of human being and rights of peoples by strengthening civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that in order to best promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that accordingly, the promotion of, respect for and the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.

New proposal as amended on 10 December 1984

10 December 1984

Concerned at the existence of serious obstacles to development as well as to the complete fulfilment of human beings and of peoples constituted inter alia by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that accordingly, the promotion of, respect for and the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.

Paragraph 12 of the Preamble

Proposal by the expert from Senegal

4 December 1984

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures be devoted to the economic and social development and well-being of all peoples and in particular those of the developing countries.

Paragraph 12 bis

Reaffirming further the duty of all States to promote the maintenance and strengthening of international peace and security and the urgent need to prevent nuclear war and to negotiate meaningful measures to stop the arms race.

Paragraph 15 of the Preamble

Proposal by the expert from the Netherlands

6 December 1984

Recognizing that the establishment of a new international economic order is an important element for the effective promotion of human rights and fundamental freedoms and for the full enjoyment of economic, social and cultural rights.

Paragraph 15 bis of the Preamble

Revised text

10 December 1984

15 bis. Recognizing also that States have rights and duties in respect of an international order for peaceful development based on freedom, sovereign equality and independence, and urging States to fulfil those rights and duties in order to promote and protect the right to development.

Revised text as amended by the expert from Syria
on 11 December 1984

11 December 1984

15 bis. Recognizing also that States have rights and duties for peaceful, free and independent development, and urging States to exercise those rights and fulfil duties in order to promote and protect the right to development.

Paragraph 16 of the preamble

Revised text

10 December 1984

16. Confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations;

Proclaims the following Declaration on the Right to Development:

* * * * *

Article 1 of the operative part

Proposal by the expert from the United States

The right to development, which is based upon article 28 of the Universal Declaration of Human Rights, is the human right of every person, individually or in entities established pursuant to the right of association, to participate in, contribute to, and enjoy a political, social, and economic order in which all human rights set forth in the International Bill of Rights can be fully realized.

Article 1

10 December 1984

1. The right to development of individuals and peoples is the inalienable human right, by virtue of which every human person and all peoples, pursuant to their right of self-determination, are entitled to participate in, contribute to and enjoy a comprehensive economic, social, cultural and political process for the promotion of a national and international order, in which human rights and fundamental freedoms can be fully realized. Equality of opportunity for development is a prerogative of nations and of individuals who make up nations.

2. The human right to development implies the realization of the right of peoples to exercise their inalienable right to full sovereignty over all their natural wealth and resources in accordance with the relevant principles of international law.

Revised text

11 December 1984

The right to development is the inalienable human right by virtue of which every individual, and all peoples pursuant to the right of self-determination, are entitled to participate in, contribute to and enjoy a comprehensive political, economic, social and cultural order, in which all human rights are fully respected and can be fully realized. Equality of opportunity for development is a prerogative both of nations and of individuals who make up nations. The human right to development implies the realization of the right of peoples to exercise their inalienable right to full sovereignty over their natural wealth and resources in accordance with relevant principles of international law.

Revised text as amended by the expert from Syria
on 11 December 1984

11 December 1984

Article 1

1. The right to development is the inalienable human right, by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy a peaceful, independent economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. Equality of opportunity for development is a prerogative of nations and of individuals who make up nations.

2. The human right to development implies also the full realization of the right of peoples of self-determination which includes, inter alia, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources in accordance with the relevant principles of international law.

Proposal by the expert from USSR

12 December 1984

The main aspect of the right to development implies the right of all States and peoples to peaceful, free and independent development. Any manifestation of inequality, dictate and discrimination in the international economic relations is inadmissible and shall be eliminated.

As a human right the right to development implies the provision to every member of society of the possibility to exercise the entire complex of rights that are necessary for the comprehensive development of the personality and above all the social and economic rights that determine the material basis and the conditions of people's life.

Article 2 of the operative part

Informal draft by the experts from the Netherlands and Yugoslavia 10 December 1984

Article 2

1. The human person is the central subject of development and should therefore be the active participant and beneficiary of the right to development.

2. All human beings have their own responsibility for the realization of their potentialities, individually and collectively, taking into account their duties under national law to the community in which alone the free and full fulfilment of the human being is possible and which therefore should promote and protect an appropriate political, social and economic order for development.

3. The State has the right and the duty to formulate appropriate national development policies which promote and protect the realization of potentialities of each human person and the well-being of the entire population with full respect for human rights and fundamental freedoms.

4. The active participation of all elements of society, individually or through associations, whose aspirations and objectives are the promotion of human rights and fundamental freedoms, is of special significance to the realization of the right to development and should be encouraged and supported as such by the States.

Informal draft by the experts from the Netherlands and Yugoslavia as amended by the expert from Bulgaria on 12 December 1984 12 December 1984

Article 2

1. The human person is the central subject of development and should therefore be the active participant and beneficiary of the right to development.

2. The State has the right and the primary duty to formulate appropriate national development policies which aim at the constant improvement of the well-being of the entire population of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

3. All human beings have also their own responsibility for the realization of their potentialities, taking into account their duties under national law to the community in which alone the free and full fulfilment of the human being is possible and which therefore should promote and appropriate political, social and economic order for development.

4. The active participation of all elements of society, individually or through associations in defining and in achieving the common goals of development is also important to the realization of the right to development and should be respected by States.

Article 3 of the operative part

Informal draft by the experts from the Netherlands and Yugoslavia

10 December 1984

Article 3

1. The right to development implies an international order based on full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

2. States have the primary responsibility for the creation of conditions favourable to the realization of the human right to development.

3. States have the duty to co-operate with each other in achieving development and in eliminating obstacles to development. States should fulfil their rights and duties so as to promote an international order for development, based on sovereign equality.

Article 3 paragraph 3

Proposal by the expert from Senegal

12 December 1984

States shall have the duty to co-operate with each other in ensuring development and eliminating the obstacles to development. States should assert their rights and discharge their duties in such a manner as to promote a new international economic order based on equity, sovereign equality, interdependence, mutual interest and co-operation among all States, regardless of their economic and social systems, and to encourage the observance and realization of human rights.

Article 4 of the operative part

Informal draft by the experts from the Netherlands
and Yugoslavia

10 December 1984

Article 4

1. States have the duty to take steps, individually and collectively, to formulate appropriate international development policies with full respect for human rights and fundamental freedoms.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to efforts of developing countries, individually and collectively for their development, effective international co-operation is essential in providing these countries with appropriate means and facilities, such as transfer of resources to developing countries and preferential treatment for developing countries in international economic relations.

Article 4 paragraph 2 of the operative part

Proposal by the expert from Senegal

10 December 1984

2. In order to ensure the effective enjoyment of the right to development, the developed countries should accelerate the transfer of resources to the developing countries and guarantee them favourable treatment in the economic, trade and technological spheres.

Article 4 bis of the operative part paragraph 3

Proposal by the expert from USSR

12 December 1984

3. The States and peoples subjected to colonial or foreign domination or exploitation shall enjoy the right to full compensation for the damage caused to their natural or other resources as a result of such domination and exploitation.

Annex IX

TEXTS OF THE DRAFT DECLARATION ON WHICH GENERAL AGREEMENT IN PRINCIPLE
HAS ALREADY BEEN REACHED AT THE SEVENTH AND NINTH SESSIONS

"The General Assembly,

1. Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and the promotion and encouragement of respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,
2. Considering that under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,
3. Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,
- (4. formerly 4 and 5 of technical consolidated text) Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples including those instruments concerning decolonization, prevention of discrimination, respect for, and observance of, human rights and fundamental freedoms, maintenance of international peace and security and further promotion of friendly relations and co-operation among States in accordance with the Charter of the United Nations,
- (6. formerly 7) Mindful of the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,
- (7. formerly 8) Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and persons affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,
- (9. formerly 10) Recognizing that development is a comprehensive economic, social, cultural and political process which 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,

(10. formerly 11) Considering that international peace and security are essential elements for the realization of the right to development,

(11. formerly 12)

"Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and in particular those of the developing countries."

(12. formerly 13) Recognizing that the human person is the central subject of the development process and that therefore development policy should have the human being as the main participant and beneficiary of development,

(13. formerly 14) Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,"