



# OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



## The right to development

### Commission on Human Rights resolution 2003/83.

The Commission on Human Rights,

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

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

Reaffirming the agreed conclusions of the Working Group on the Right to Development at its third session (E/CN.4/2002/28/Rev.1, chap. VIII) and the need for their follow-up and effective implementation,

Recognizing that the Working Group on the Right to Development is the only global forum on the right to development mandated to monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration,

Noting with appreciation the report of the United Nations High Commissioner for Human Rights on the importance and application of the principle of equity at both the national and international levels (E/CN.4/2003/25), which makes a contribution to the deliberations of the Commission and of the Working Group,

Noting the approach adopted by the High Commissioner for Human Rights in his report to the Working Group (E/CN.4/2003/7), which develops appropriate linkages between the substantive outcomes of the major United Nations summits and conferences in the economic and social fields,

Recognizing the valuable contribution made by the independent expert on the right to development through his fifth report to the Working Group (E/CN.4/2002/WG.18/6) and the preliminary study on the impact of international economic, financial and trading issues on the enjoyment of human rights (E/CN.4/2003/WG.18/2),

Regretting that the Working Group on the Right to Development at its fourth session could not reach a conclusion, in particular on the implementation of the agreed conclusions of the third session of the Working Group, while aware of the views and observations of the Chairperson-Rapporteur,

1. Recognizes the importance of maintaining political will and commitment on the part of all members of the Working Group on the Right to Development for the realization of its mandate;
2. Requests the Sub-Commission on the Promotion and Protection of Human Rights to prepare a concept document establishing options for the implementation of the right to development and their feasibility, inter alia an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address, for submission to the Commission at its sixty-first session for its consideration and determination of the feasibility of those options;
3. Also requests the Sub-Commission in this respect to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields as

well as the agreed conclusions and the report of the third session of the Working Group on the Right to Development (E/CN.4/2002/28/Rev.1);

4. Requests the Office of the United Nations High Commissioner for Human Rights to assist the Sub-Commission in its work on the preparation of the concept document by providing studies on existing bilateral and multilateral programmes and policies, with a view to identifying lessons learnt, best practices and the role that could be played by relevant actors, including national human rights institutions, in the creation and implementation of the development partnership;

5. Requests the United Nations High Commissioner for Human Rights to convene a two-day high-level seminar immediately prior to the next session of the Working Group and within its 10 working days, inviting all the relevant actors from the human rights, trade, financial and development fields to review and identify effective strategies for mainstreaming the right to development in the policies and operational activities of the major international organizations/institutions, and as a contribution to the Sub-Commission's work on the proposed concept document;

6. Takes note of the latest reports of the independent expert and requests him to collaborate actively with the Sub-Commission in preparing the proposed concept document;

7. Requests the independent expert, in consultation with all relevant United Nations agencies and Bretton Woods institutions, to deepen his study on the elements contained in his preliminary study on the impact of international economic and financial issues on the enjoyment of the right to development, including by analysing the existing efforts and means of assessing and evaluating such an impact, focusing in particular on the question and impact of the transfer of technology, and to submit a report to the Working Group on the Right to Development at its next session;

8. Requests the Office of the High Commissioner for Human Rights to provide all necessary administrative support and financial and human resources to the Sub-Commission and the independent expert in their work on the proposed concept document;

9. Decides to renew the mandate of the Working Group for one year and to convene its fifth session before the sixtieth session of the Commission, for a period of 10 working days, to consider the outcome of the seminar and further initiatives in accordance with its mandate;

10. Decides to review the progress in the implementation of the present resolution as a matter of priority at its sixtieth session;

11. Recommends the following draft decision to the Economic and Social Council for adoption:  
"The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/83 of 25 April 2003, decides to endorse the decision of the Commission to renew the mandate of the Working Group on the Right to Development for one year and to convene its fifth session before the sixtieth session of the Commission for a period of 10 working days."

63rd meeting  
25 April 2003

[Adopted by a recorded vote of 47 votes to 3,

with 12 abstentions. See chap. VII.]