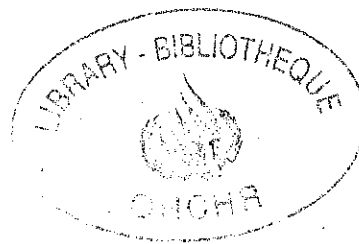


ST/HR/SER.A/8

SEMINAR ON THE EFFECTS OF THE EXISTING UNJUST
INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES
OF THE DEVELOPING COUNTRIES AND THE OBSTACLE
THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS



Geneva, Switzerland
30 June-11 July 1980



UNITED NATIONS

80-17875

/...

CORE/CONF/56

CORE/CONF/56

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
INTRODUCTION	1 - 16	2
A. Organization of the seminar	1 - 2	2
B. Participation	3 - 9	2
C. Opening of the seminar and election of officers	10 - 12	3
D. Agenda	13	3
E. Documentation	14 - 16	4
CHAPTER		
I. THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, PARTICULARLY THE RIGHT TO ENJOY ADEQUATE STANDARDS OF LIVING AS PROCLAIMED IN ARTICLE 25 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS	17 - 58	7
II. THE RIGHT TO DEVELOPMENT AS A HUMAN RIGHT. EQUALITY OF OPPORTUNITY TO ACHIEVE IT. THE RIGHT TO DEVELOPMENT AS A RIGHT OF INDIVIDUALS AND NATIONS.	59 - 95	17
III. THE SEARCH FOR FORMULAS FOR INTERNATIONAL CO-OPERATION WHICH HELP IN ELIMINATING THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER AND PERMIT THE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL, WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION	96 - 130	25
IV. CONCLUSIONS AND RECOMMENDATIONS	131 - 132	33
V. ADOPTION OF THE REPORT AND CLOSING OF THE SEMINAR	133	36
ANNEXES		
I. OPENING STATEMENT BY MR. LUIGI COTTAFANI, DIRECTOR-GENERAL, UNITED NATIONS OFFICE AT GENEVA		37
II. OPENING STATEMENT BY MR. THEO C. VAN BOVEN, DIRECTOR, DIVISION OF HUMAN RIGHTS AND REPRESENTATIVE OF THE SECRETARY-GENERAL		39
III. ATTENDANCE		44

/...

INTRODUCTION

A. Organization of the Seminar

1. In connexion with its consideration of the 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 the study of special problems which the developing countries face in their efforts to achieve these human rights, the Commission on Human Rights, at its thirty-fifth session, adopted resolution 5 (XXXV). In this resolution the Commission recommended to the Economic and Social Council that a seminar be held in 1980, within the framework of the advisory services programme, on "the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights". In its resolution 34/46, dated 23 November 1979, the General Assembly requested the Secretary-General to give, through the programme of advisory services in the field of human rights, priority to the holding, in 1980, of the seminar. At its thirty-sixth session, the Commission on Human Rights adopted resolution 6 (XXXVI) in which it requested the Secretary-General to arrange for the seminar and to accord priority to the items mentioned in the annex to that resolution.

2. The seminar was held at the Palais des Nations, Geneva, from 30 June to 11 July 1980.

B. Participation

3. Invitations to nominate participants were extended to the Governments of Algeria, Argentina, Brazil, Burundi, Byelorussian SSR, Canada, China, Cuba, Denmark, Ethiopia, France, Germany, Federal Republic of, Ghana, India, Iraq, Italy, Jamaica, Japan, Kuwait, Mongolia, Mozambique, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Poland, Senegal, Spain, Tanzania, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Yugoslavia.

4. Specialized agencies having an interest in the subject-matter were invited to send representatives. Invitations were also addressed to the United Nations Children's Fund, the United Nations Institute for Training and Research, the United Nations Conference on Trade and Development, the Office of the United Nations High Commissioner for Refugees, the Office of the Director-General for Development and International Economic Co-operation, the Department of International Economic and Social Affairs, and the United Nations Research Institute for Social Development.

5. The following regional intergovernmental organizations were invited to send observers: Economic Commission for Europe, Economic Commission for Asia and the Pacific, Economic Commission for Latin America, Economic Commission for Africa,

/...

Council of Europe, League of Arab States, Organization of African Unity, Organization of American States and the Council for Mutual Economic Assistance.

6. The following national liberation movements were also invited to send observers: African National Congress of South Africa, Pan Africanist Congress of Azania (South Africa), South West Africa People's Organization and the Palestine Liberation Organization.

7. Non-governmental organizations in consultative status with the Economic and Social Council whose interests are related to the topic of the seminar were invited to send observers.

8. Participants from the following countries attended the seminar: Algeria, Argentina, Brazil, Burundi, Byelorussian SSR, China, Cuba, Denmark, Ethiopia, France, Ghana, India, Iraq, Italy, Jamaica, Mongolia, Mozambique, the Netherlands, Nigeria, Norway, Peru, Poland, Tanzania, the Union of Soviet Socialist Republics, Venezuela and Yugoslavia.

9. A list of persons who attended the seminar will be found in annex III to this report.

C. Opening of the seminar and election of officers

10. The seminar was opened on behalf of the Secretary-General of the United Nations by Mr. Luigi Cottafavi, Director-General of the United Nations Office at Geneva, who made a statement. A statement was also made by Mr. Theo C. van Boven, Director of the Division of Human Rights. The texts of these statements are reproduced in annexes I and II.

11. The following officers were elected by the seminar:

<u>Chairman:</u>	Mr. Dimitrije Pindić (Yugoslavia)
<u>Vice-Chairmen:</u>	Mrs. Maria A. Florez (Cuba)
	Mr. Henning Kjeldgaard (Denmark)
	Mr. Adenow Yirgou (Ethiopia)
<u>Rapporteur:</u>	Mr. Nigam Prakash (India)

12. The Secretary-General was represented by Mr. Theo C. van Boven, Director, Division of Human Rights. Mr. E. Palmer, Chief, Advisory Services Unit, was Secretary of the seminar.

D. Agenda

13. The agenda of the seminar was as follows:

1. The effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that this

/...

represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights

2. The right to development as a human right. Equality of opportunity to achieve it. The right to development as a right of individuals and nations
3. The search for formulas for international co-operation which help in eliminating the existing unjust international economic order and permit the enjoyment of human rights and fundamental freedoms by all, without distinction as to race, sex, language or religion.

E. Documentation

14. The following background papers were prepared for the seminar at the request of the United Nations Secretariat:

HR/GENEVA/1980/BP.1 prepared by Mr. Rajni Kothari
Centre for the Study of Developing Societies
Delhi
India

HR/GENEVA/1980/BP.2 prepared by Dr. Bibiano F. Osorio-Tafall
Director-General
Third World Centre for Economic and Social
Studies
Mexico

HR/GENEVA/1980/BP.3 prepared by Mr. Wil D. Verwey
Professor of International Law
University of Groningen
The Netherlands

HR/GENEVA/1980/BP.4 prepared by Professor I. P. Blischenko
Institute of World Economy and International
Relations
USSR Academy of Sciences

15. The following working papers were prepared by participants:

Working Paper 1 - Mr. Ramiro Reynaga (World Council of Indigenous Peoples)
2 - Mr. James Avery Joyce (World Association of World Federalists)
3 - Mr. Bassil Youssif (Iraq)
4 - Prof. P. J. I. M. de Waart (International Commission of Jurists)
5 - Dr. Dimitrije Pindić (Yugoslavia)
6 - Mr. P. L. Oyedele (Nigeria)

- Working Paper 7 - Mr. Karel de Vey Mestdagh (The Netherlands)
- 8 - Mr. Joe Jele (African National Congress of South Africa)
 - 9 - Mrs. María Florez Prida (Cuba)
 - 10 - Mr. Ransford Smith (Jamaica)
 - 11 - International Labour Organisation
 - 12 - Mr. Asbjørn Eide (Norway)
 - 13 - Mr. Nigam Prakash (India)
 - 14 - World Federation of Trade Unions
 - 15 A - Mr. Michel Rougé (France)
 - B - Mr. Louis Giustetti (France)
 - 16 - Mr. Henning Kjeldgaard (Denmark)

16. The following United Nations documentation relating to the subject-matter of the seminar were made available:

- | | |
|--------------|---|
| ST/TAO/HR/21 | Seminar on human rights in developing countries
(Kabul, Afghanistan, 12-25 May 1964) |
| 25 | Seminar on human rights in developing countries
(Dakar, Senegal, 8-22 February 1966) |
| 29 | Seminar on the effective realization of civil and
political rights at the national level
(Kingston, Jamaica, 25 April-8 May 1967) |
| 31 | Seminar on the realization of economic and social
rights contained in the Universal Declaration of
Human Rights
(Warsaw, Poland, 15-28 August 1967) |
| 36 | Seminar on special problems relating to human rights
in developing countries
(Nicosia, Cyprus, 26 June-9 July 1969) |
| 40 | Seminar on the realization of economic and social
rights with particular reference to developing
countries
(Lusaka, Zambia, 23 June-4 July 1970) |
| 48 | Seminar on the study of new ways and means for
promoting human rights with special attention to
the problems and needs of Africa
(Dar es Salaam, United Republic of Tanzania,
23 October-5 November 1973) |

/...

E/CN.4/1334

The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and the fundamental human needs: report of the Secretary-General

A/AC.196/L.2

General Assembly resolutions relevant to the basic principles and objectives of a new international development strategy

A/CN.9/176

Legal implications of the New International Economic Order - Report of the Working Group on the New International Economic Order on the work of its session held in New York, 14-25 January 1980

General Assembly
resolutions

32/130)
and 34/46)

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

34/138

Global negotiations relating to international economic co-operation for development

CHAPTER I

THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER
ON THE ECONOMIES OF THE DEVELOPING COUNTRIES AND THE OBSTACLE
THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS, PARTICULARLY THE RIGHT TO ENJOY ADEQUATE
STANDARDS OF LIVING AS PROCLAIMED IN ARTICLE 25 OF THE
UNIVERSAL DECLARATION OF HUMAN RIGHTS

17. The seminar considered this item at its third to sixth meetings held on 1 and 2 July 1980. Mr. P. L. Oyedele (Nigeria) acted as discussion leader.

18. In introducing the item, the discussion leader stated that when the existing international economic order first came into being during the second part of the nineteenth century and the first half of the twentieth century, most of today's developing countries were dependent territories of different European Powers. Decisions were taken on their behalf by their colonial masters. Treaties were signed and economic commitments were made by the ruling Powers for the colonial subjects without due consultation with those affected. During this era also, there was little scope for the enjoyment of full human, political and economic freedom. The governed had no control over their resources and could not get an equitable price for what they produced. The colonial masters made huge profits from their territories and carried them home for the development of the mother country. The little that was left in the territories was meant to keep the administration going and also to maintain law and order.

19. The existing economic order therefore, by the simple fact that it came into being when many of today's developing countries were still dependent territories and so could not participate effectively in its formation, cannot but be unfair and unjust to those countries. For human rights and fundamental freedoms to be fully enjoyed, the economic system must be such that it is equitable and allows for mutual co-operation.

20. The present international economic and international monetary law is supposedly based on the following three liberal principles: those of freedom, equality and reciprocity. These principles are the cornerstones of the laws governing international trade and monetary relations. In a world of equals these principles might serve the purpose of common prosperity. However, in a world of "haves" and "have-nots", the latter could hardly be expected to accept these principles since they tend to benefit the strong and harm the weak. In the relationship between economically strong and weak nations, freedom of economic activity tends to invite exploitation; legal equality tends to produce material inequality; and reciprocity of concessions tends to widen the gap between the rich and the poor.

21. The situation with respect to the existing international economic order can be compared to that which obtained with respect to the national economic order in the industrializing European States around the turn of the century. At that time, national economies in their liberal setting had come to the point where the system-promoted interests of the haves, the entrepreneurs, became incompatible with the

/...

system-neglected interests of the have-nots, the working masses. On the brink of violent revolution the ruling classes were forced to allow restriction of liberal enterprise by the enactment of special legislation, which provided for a gradually expanding minimum of social security and economic welfare for the hitherto exploited. In other words, to meet the demands of the less privileged the three basic principles of liberalism underwent the following changes: the principle of freedom was restricted by the introduction of the principle of protection; the principle of legal equality was in part replaced by that of material equality; and the principle of reciprocity was conditioned by the fact that the working class was endowed with rights which restricted the operational freedom of the entrepreneurs. Today one can observe the tendency towards a similar development on the international scene.

22. There is widespread agreement in the international community that the present international economic order is not conducive to the achievement of one of the goals of the United Nations, namely, to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. When it launched the International Development Strategy for the Second United Nations Development Decade, the General Assembly, in resolution 2626 (XXV), observed that the level of living of countless millions of people in the developing part of the world is still pitifully low. These people are often under-nourished, uneducated, unemployed and wanting in many other basic amenities of life. While part of the world live in great comfort and even affluence, much of the larger part suffers from abject poverty, and in fact the disparity is continuing to widen. This lamentable situation has contributed to the aggravation of world tension.

23. In 1974, when it adopted the Declaration on the Establishment of a New International Economic Order, the General Assembly in resolution 3201 (S-VI) noted that the present international economic order is in direct conflict with current developments in international political and economic relations. Since 1970, the world economy has experienced a series of grave crises which have had severe repercussions, especially in the developing countries because of their generally greater vulnerability to external economic impulses. The developing world has become a powerful factor that makes its influence felt in all fields of international activity. These irreversible changes in the relationship of forces in the world necessitate the active, full and equal participation of the developing countries in the formulation and application of all decisions that concern the international community.

24. The General Assembly also noted that all these changes have thrust into prominence the reality of interdependence of all the members of the world community. Current events have brought into sharp focus the realization that the interests of the developed countries and those of the developing countries can no longer be isolated from each other, that there is a close interrelationship between the prosperity of the developed countries and the growth and development of the developing countries, and that the prosperity of the international community as a whole depends upon the prosperity of its constituent parts. International co-operation for development is the shared goal and common duty of all countries.

Thus the political, economic and social well-being of present and future generations depends more than ever on co-operation between all the members of the international community on the basis of sovereign equality and the removal of the disequilibrium that exists between them.

25. In the Charter of Rights and Duties of States adopted by the General Assembly in 1974 it was noted that economic as well as political and other relations among States shall be governed, inter alia, by the principle of "Respect for human rights and fundamental freedoms". In other words, the Charter recognizes that the ideal of free human beings enjoying freedom from fear and from want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.

26. Further, when it considered alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, the General Assembly, in resolution 32/130, expressed deep concern at the continuing existence of an unjust international economic order which constitutes a major obstacle to the realization of the economic, social and cultural rights in the developing countries. It then expressed the view that the approach to the future work of the United Nations system with respect to human rights should take into account among other things the concept that "the realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms and should be accorded priority".

27. Attention may also be called to resolution 6 (XXXVI) adopted by the Commission on Human Rights which recognized the need to create, at the national and international levels, conditions for the full promotion and protection of human rights of individuals and peoples. The Commission also recognized that, in order to guarantee fully human rights and complete personal dignity, it is necessary to guarantee the right to work, education, health and proper nourishment through the adoption of national and international measures, including the establishment of the new international economic order. The Commission once again reiterated that the right to development was a human right and that equality of opportunity for development was as much a prerogative of nations as of individuals within nations.

28. The economies of the developing countries today are in a very difficult state. Countries that were marginally poor 10 years ago are today in a state of near economic collapse. Per capita incomes of many developing countries have dropped below subsistence level. Several economies of the developing countries are today in a state of decline. Countries which were wealthy some 20 years ago when they first achieved independence are now finding it difficult to balance their budgets. The reason, while partly due to mismanagement by some bad rulers, is mainly attributable to the existing unjust international economic order. Since the system compels the developing countries to rely heavily on the economies of the advanced countries, the economies of the former are bound to undergo the stress and strain experienced by the economies of the latter. In other words, if there is a recession or a high rate of inflation in the advanced economies, this will certainly affect the economies of the developing countries.

/...

29. The effects of the unjust existing international economic order are also manifest in the worsening balance of trade and/or balance of payments deficit that the developing countries have to grapple with. The developing countries have become a dumping ground for the goods and services produced by the advanced countries. The rising prices of the goods and services the developing countries have to import constitute a drain on the meagre resources of those countries, thereby exposing them to serious foreign exchange problems. Consequently, many developing countries today are deep in debt and some have no possibility of repaying those debts. This has necessitated the re-scheduling of the payment of some debts or the total cancellation of some others.

30. Another bad effect of the existing unjust international economic order is the slow pace of development that the developing countries have witnessed during the past decade. Development is a human right which the existing economic order tends to deny the developing countries. In certain cases where some growth has been noticed, there has been an absence of development. Growth and development have to go hand in hand if some positive result is to be achieved and any system that breeds one to the exclusion of the other is a bad one. This means that the existing economic order, inasmuch as it makes development well-nigh impossible in some developing countries and permits development and growth to be mutually exclusive of each other in others, is bad and needs to be changed not only because it is unfair and unjust, but also because it denies the people of the developing world their fundamental human rights to development and decent economic well-being, especially the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights.

31. The present system denies the developing countries the right to have adequate and fair reward for the natural resources with which they are endowed. The developed countries use their strong and monopolistic economies to suppress the legitimate aspirations of the developing countries for equity and adequate compensation for their products.

32. In South Africa, for example, the transnational corporations have used their tremendous power to sustain the criminal apartheid system. The sad effect of this is that 84 per cent of the population are denied their human, political and economic rights. In that apartheid country, the sole aim of the policy of bantustanization and other repressive economic and political measures is to deny the black population their right to enjoy an adequate standard of living. It should be noted as well that economic factors constitute root causes of apartheid and racial discrimination.

33. Finally, the discussion leader suggested that in considering the item the seminar should also note that one of the essential objectives of the non-aligned movement set by the Heads of State or Government of Non-Aligned Countries, at their Sixth Conference held at Havana in September 1979, is "the early establishment of the New International Economic Order with a view to accelerating the development of developing countries, eliminating the inequality between developed and developing countries and eradicating poverty, hunger, sickness and illiteracy in the developing countries". The Conference also called on the United Nations to

continue working towards the comprehensive achievement of human rights, in order to ensure the dignity of human beings. The seminar was a step in that direction.

34. There was wide agreement, in the ensuing discussion of the item, that the existing unjust international economic order constituted a great obstacle in the way of realization of the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, in particular article 25, which states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family. It was pointed out that, more than 30 years after the formulation and acceptance of the Universal Declaration of Human Rights, 800 million people, or about 40 per cent of the people in the developing countries, are still living in abject poverty.

35. Many participants shared the view of United Nations bodies which in recent years have consistently acknowledged the indispensability of adopting an integrated approach to development issues. They endorsed the two main aspects of integration in the development process. The first aspect, reflecting the fundamental principle that all human rights and fundamental freedoms are indivisible and interdependent, is the adoption of an integrated approach which takes into account the political, economic, social and cultural dimensions of development issues. The second aspect of this approach requires the recognition of the fundamental link between a wide range of national and international issues and policies. Reference was made in this connexion to the Report of the Independent Commission on International Development Issues, chaired by Willy Brandt, which stated that "the work for international and national order and reforms must belong together".

36. Many participants agreed that the time had come to replace the existing unjust international order by a new order which should be based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems, which would correct irregularities and redress existing injustices. Such a new order would make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations.

37. A number of participants, on the other hand, observed that respect for human rights and fundamental freedoms should constitute a basic element in the creation of the new international economic order, which should not only be conducive to the promotion of human rights but should also guarantee their protection.

38. The seminar discussed at length the adverse effects of the existing unjust economic order on the economic and social development of the developing countries. In this connexion some participants pointed out that the developing countries received barely more than one fourth of the world's income, and that their economic development was subjected, among other things, to the injustice of present trade relations, the methods and characteristics of the transfer of technologies, the "brain drain" and the negative role played by some foreign investments. Mention was also made of the role of transnational enterprises in the continued political domination and economic exploitation of the developing countries.

/...

39. Several participants also pointed out that the situation of the people in some of the developing countries was further aggravated by flagrant, massive violations of human rights resulting from apartheid, racism, foreign occupation and domination, zionism, attacks on and threats to national sovereignty, national unity and territorial integrity, and especially the refusal to recognize the peoples' basic right to self-determination and the right of all nations to exercise full sovereignty over their national wealth and resources. The deplorable situation of the black people in South Africa was cited as an illustration. Several participants also believed that the right to self-determination was a key prerequisite for the new international economic order.

40. Other participants argued that not all the economic problems confronted by the developing countries were necessarily attributable to the existing international economic order. For instance, as a result of the rapid growth of the populations of the developing countries agricultural production in those countries was unable to keep up with the growing demand for food. The increase in oil prices, which had adverse effects not only for the developing but also for the developed countries, was considered as a new phenomenon in the world economic situation. One participant noted that the following elements should be taken into account in any discussion of the existing economic order: (a) the fact that it is not a static order; (b) its historic perspective; and, (c) the present world economic crisis. It was therefore suggested that the term "a more just order" would better reflect the proposed order. He assured the seminar that in spite of the recession in the developed countries there was a willingness on the part of the developed countries to support the efforts of the developing countries to improve their economic and social conditions. The developed countries were, however, far from reaching the goal of the Second Development Strategy on transfer of resources, and pressure must therefore, in his view, be maintained on all industrialized countries - both Eastern and Western, to step up this transfer. This view was supported by some other participants.

41. One participant disagreed with the suggestion that the new international economic order should be called a "more just order", because that implied that the existing order was a "just economic order". It was stated that under-development, rapid population growth, and the rising debts of the developing countries were all results of the present unjust order, which prevented developing countries from increasing their earning power and thus being able to meet their development needs, create medical, economic and information infrastructure to regulate growth of population, and repay debts. Inflation, refusal to cancel debts and export barriers worsened the economic state of the developing countries. The participant added that the present economic recession was also a result of the present order and the present approach to development problems. The seminar was reminded that the General Assembly had noted by an overwhelming vote the resolution in which the existing international economic order was declared as an "unjust" order.

42. In the course of the debate the concept of the existing international economic order was given different interpretations. Some interpreted the order in its narrow sense and thereby took into account only its economic aspects. A broader interpretation was given by others who considered the order as a socio-economic system. Still others subscribed to a very broad interpretation, namely that it was a continuation of an older order, in other words, an historical reality.

43. Many participants expressed the view that an important pre-condition for the creation of the new international economic order was effective international co-operation whereby the efforts of all States would be combined to find appropriate solutions to the global problems of humanity, such as increasing food production, exploring the ocean, protecting the environment, population growth, disarmament, disease control, etc. In this connexion it was stated that the United Nations had already embarked on a concerted attack on global problems by holding conferences on the human environment, population, food and nutrition, and other global issues. Similar conferences should be organized in the future.

44. Some participants expressed the view that the economies of the developing countries were affected not only by factors of an international character, such as deteriorating terms of trade and high debts, but also by internal factors, such as development practices and policies detrimental to human rights. It would be naïve, therefore, to believe or to expect that the new international economic order would automatically bring physical, spiritual and social welfare. They pointed out that in the final analysis it was not the establishment of the new international economic order in itself which would be capable of providing solutions to the present problems faced by the developing countries; rather, the political will of the people and the leaders of the countries concerned would be the decisive factor. This restrictive interpretation was contested by several participants.

45. One of the main obstacles in the way of realization of the right to development was the arms race and the expenditure of resources on military activities. It was widely agreed that the resources released through disarmament could be utilized for economic and social development. The conversion of such resources to peaceful purposes has become increasingly urgent. Some participants disagreed with those who maintained that the arms race was an effect of the existing international economic order. They said that it was rather a result of a new military order.

46. It was pointed out by some participants that in the creation of the new economic order attention should be paid to the different needs of the developing countries, since they are at present at various stages of development. In this connexion the conditions of the absolutely poor countries deserves special attention and the seminar was reminded of General Assembly resolution 33/48 which stated that the new international development strategy should duly stress the need for each country to define within the context of its own development plans and priorities an appropriate social development policy taking account of its socio-economic structure and its degree of development.

47. With a view to breaking the stranglehold imposed by the existing economic order on developing countries, it was suggested that the United Nations should study questions relating to the transfer of resources and the introduction of appropriate technology to the developing countries. It was stated that any major transformation which would ensure that the development process encompasses the totality of the peoples of the developing countries would necessarily require a massive inflow of foreign aid. The developing countries deserve the type of aid that some industrial countries received from the Marshall Plan. While the developed countries should be called upon once more to step up their transfer of resources, the developing countries should themselves step up their regional

/...

monetary funds to help tackle balance-of-payments problems. Furthermore, the developed countries should stop using the developing countries as dumping grounds for obsolescence. Instead, in collaboration with technicians from developing countries, they should introduce appropriate technology designed to meet the respective needs of the developing countries.

48. The opinion was expressed that responsibility for the economic and social backwardness of the developing countries rests with the capitalist States.

49. Commenting on the suggestion of providing massive financial aid for the developing countries, one participant expressed doubt that such demand for transfer of resources would receive a favourable response if the resources were to go to developing countries where there was great internal economic and social inequality as well as political repression.

50. Endorsing the identification of the many negative aspects of the existing international economic order, mentioned by the discussion leader in his introductory note, and noting the failure of the International Development Strategy of the First and Second United Nations Development Decades in solving the multifarious problems of development of the developing countries, including the observance of the human rights and fundamental freedoms, some members felt that a thorough and in-depth analysis of the present international economic and social situation was necessary in order to avoid a repetition of past mistakes.

51. The factor of participation was emphasized in the realization of the right to development. People should participate in decision-making in connexion with the drawing-up of development programmes and in the implementation of the programmes. They should also be given the opportunity to enjoy the benefits derived from the programme. One participant stressed, in this connexion, the active role which could be played by the workers and their organizations.

52. The view was expressed that the new international economic order should be viewed as a dynamic process rather than a static system of rules. From the point of view of human rights it should be considered as a process of international legal protection of human rights. At the same time the corresponding duties of the people should not be overlooked.

53. It was also noted that demands for a new international economic order were in a profound sense demands for human rights, and that a restructuring of the international economic order required a reorientation of the basic premises of international law.

54. Participants in the general debate agreed with the view expressed in the Secretary-General's report (E/CN.4/1334), which recognizes the concept of development as encompassing "the realization of the potentialities of the person in harmony with the community". The human person is to be seen as the subject and not a mere object of the development process, and development is interpreted as requiring the satisfaction of both material and non-material needs.

55. A number of participants suggested that the right to development as a synthesis of economic, social and cultural rights and civil and political rights be included in the international development strategy of the Third United Nations Development Decade. Other participants held the opinion that the concept of the right to development went beyond a synthesis of other rights.

56. Some participants expressed regret that certain industrialized countries had chosen not to nominate participants to attend the seminar in spite of the very important questions included in its agenda. At the same time some other participants felt that had the title of the seminar been formulated in a more general fashion without prejudging the issues in advance this problem of non-attendance might not have arisen. Some participants stated that certain capitalist developed countries had stayed away from the seminar not because of the appropriateness or lack of appropriateness of the title but rather because they wish to evade their responsibility, given the existing international economic situation.

57. One participant stated that the elimination of exploitation of man by man is the main pre-condition for real and comprehensive insurance of the exercise of all rights. Human rights present a single complex in which social and economic rights (right to work, right to rest and leisure, right to education, etc.) must have priority, because it is these rights which determine the material basis of human life.

58. At the end of the debate on the item the discussion leader summed up the discussion. The main elements of this summing up were:

- (i) Most speakers agreed that the existing international economic order was unjust and unfair for a variety of reasons such as the lack of participation in its formation by the developing countries who today have to bear the brunt of its adverse consequences, and that resolute steps should be taken to create a new and just order that will have a favourable and comprehensive effect on insuring human rights;
- (ii) The present unjust order was also generally considered to be a legacy of colonialism which had contributed to the widening gap between the rich and the poor. It was also considered that the system was not conducive to the achievement of one of the goals of the United Nations, namely, international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;
- (iii) Many participants had expressed concern over the fate of the 800 million people in developing countries living in conditions of abject poverty which the present system did not seem to do much to help. Reference was also made to the right to self-determination which some participants identified as a major step towards the enjoyment of other rights. The situation in South Africa where the apartheid system had dehumanized the vast majority of the population and sustained the economic and political dominance of a mere 18 per cent of the country's inhabitants was severely criticized by many participants.

/...

- (iv) It was generally agreed that current events had brought into focus the realization that the interests of the developed and the developing countries are interwoven and so cannot be separated from each other. In this connexion, the conspicuous absence of certain industrialized countries was noted with regret by several participants, especially since the seminar had been called for by the United Nations General Assembly, and particularly as the countries concerned were benefiting from the existing unjust order which the international community was trying to rectify.
- (v) Many participants decried the deplorable state of the economies of many developing countries and called for a new order that would ensure a fair and equitable redistribution of wealth. The role of transnational corporations in the existing unjust order was highlighted and many participants observed that those corporations were helping to perpetuate the existing unjust order. Many participants expressed the need for an equitable trade relationship among nations coupled with satisfactory transfer of technology to hasten the development of developing countries. There were also calls for a transfer of resources and increased aid to poor countries.
- (vi) Some participants identified the oil crisis as one of the causes of the problems of the developing countries. There were also suggestions that the economic problems of the developing countries were not caused only by the existing unjust international economic order. While there was general agreement that the existing order was not static, it was emphasized that the changes that had occurred in the system had not been constructive. Instead, the system had created more obstacles for the developing countries.
- (vii) Several participants also linked the arms race with the economic plight of the developing countries. It was observed that if a fraction of the huge sums being spent on armaments were directed towards helping to fight poverty, illiteracy and disease in the developing countries, the cause of development and human rights would be better served.
- (viii) Finally, there was general agreement among participants that the human person should be seen as the subject rather than a mere object of the development process.

CHAPTER II

THE RIGHT TO DEVELOPMENT AS A HUMAN RIGHT. EQUALITY OF OPPORTUNITY TO ACHIEVE IT. THE RIGHT TO DEVELOPMENT AS A RIGHT OF INDIVIDUALS AND NATIONS

59. This item was discussed at the fifth to ninth meetings, held from 3 to 7 July 1980.

60. In introducing this item, Mr. Bassil Youssif (Iraq), discussion leader, pointed out, inter alia, that the Declaration on the Establishment of a New International Economic Order and the Charter of Economic Rights and Duties of States constitute principal sources of the right to development. He further recalled several General Assembly and Commission on Human Rights resolutions which have emphasized the links between development and human rights, in particular General Assembly resolution 34/46 of 23 November 1979 which reaffirms that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations.

61. Mr. Youssif further stated that it was important to underline the global and dynamic character of development and its correlation with human rights. While many people agree on the need for economic and social development, there does not yet exist a clear understanding as to what it represents or should represent from a quantitative and qualitative point of view. Developed and developing countries alike were asking fundamental questions regarding the meaning of development. It was a vital question, on which depended the future of millions of men, and not a simple subject of speculation.

62. He suggested that development must, among other things, promote the dignity of man, enhance the well-being of man and ensure a just sharing of the fruits of progress, both at the national and international levels.

63. If the model of development empirically worked out by the industrialized countries, and their present pattern of consumption, cannot be extended to the majority of mankind, it follows that new conceptions and new methods of development would be indispensable. Furthermore, it is necessary to find the necessary links between integrated development on an international scale and the promotion of an endogenous and autonomous development for each society.

64. Every right has a creditor and a debtor. The right to development does not escape this rule. Its creditors are at one and the same time individuals, peoples and the States. The debtors are all elements of the international social structure, that is to say the States and the international community.

65. To ensure the economic and social development of peoples is an obligation of each State separately and of the international community as a whole. At the level of the individual, the right to development implies the satisfaction of human needs, while at the level of a nation, the right to development implies the right to economic, social and political planning in accordance with the ideology of the respective country. He also noted that if development is considered as a human

/...

right, very positive consequences can be expected for human rights in general, affecting individuals, peoples, and humanity as a whole.

66. The positive consequences for individuals were concentrated mainly in the right of the individual to seek the development of his physical and mental faculties and at the same time have his civil and political rights respected; this was the reverse of the attitude of some Governments of under-developed countries which violated human rights giving the priority claims of development as justification.

67. For peoples, development was a right enabling them to flourish and raise their standard of living. An economic order which was unjust flouted the right of peoples to development. In so far as that right was not upheld, it was the duty of peoples to struggle against injustice and oppression using every means including violence. The advanced countries should participate actively in the establishment of a just international economic order to forestall a revolt by the developing nations against the advanced countries, which were exploiting their resources and preventing them from enjoying prosperity and well-being.

68. In the discussion that followed there was broad agreement that a legal right to development does exist, and that it was a right of individuals as well as of States and other entities.

69. The view was expressed that this right contains, inter alia, everybody's legal claim to be free from absolute poverty and to develop economically as a minimum requirement for the fulfilment of the other human rights.

70. Some participants stated that it would seem imperative, not only from a moral and humanitarian point of view, but also as a legal consideration, that the right to development should first be made effective by satisfying the basic human needs of the absolute poor who hitherto have not enjoyed any of the fruits of development.

71. A point of view commonly held by participants was that all nations and peoples and all individuals within nations were entitled to benefit from the right. Moreover, the prerequisite of equality of opportunity for development demanded a certain level of equality in the economic and social well-being for all human beings.

72. The view was expressed by many participants, that the right to development was a synthesis of already defined human rights. In connexion with the concept of a right to development as one composed of various pre-existing detailed rights pertaining to the progress and development of societies and individuals in societies, it was stated that the International Bill of Human Rights together with the various General Assembly and Commission on Human Rights resolutions adopted within the framework of the efforts to establish a new international economic order, provide for a right to development of States, peoples and individuals; while a right to development of special groups like minorities can be derived from a combination of individual rights and the prohibition of discrimination.

73. One participant indicated that new standard-setting does not appear to be called for to define the right to development, since its existence is affirmed by reference to other existing international instruments as well as the conventions and recommendations of the specialized agencies, which are specifically contemplated by article 23 of the International Covenant on Economic, Social and Cultural Rights as a means of promoting the implementation of the rights provided for in the Covenant.

74. In this respect, another participant stated that on the basis of the relevant instruments adopted in the United Nations, the right of peoples to development as well as the right to self-determination, exists in modern international law. The right to development is in effect the process of realization of the right to self-determination. The international community has a vocation to promote the process of realization of the right to self-determination in conformity with and on the basis of modern international law.

75. The exercise of the right to self-determination contributes to the development of mankind. It also confers on the people exercising their right to self-determination the obligation to act in conformity with and on the basis of modern international law without disrupting and impeding the development of other States members of the international community.

76. Bearing in mind the previous considerations, one participant informed the seminar that his country supports the right of peoples to development aimed at strengthening their independence, economic self-reliance and cultural identity, and views the right to development on the basis of progressive social reforms in the interests of the people.

77. Several participants expressed the view that while the conception of the right to development should be institutionalized by the United Nations, it was more important that States implement this right, in recognition of the fact that States, nations and peoples as well as individuals were the bearers of this right.

78. It was stated that States had an obligation to ensure and promote internally the civil, political, economic, social and cultural rights of their citizens and the international community had an obligation to remove unjust obstacles and impediments to the implementation of those rights.

79. Some participants emphasized the fact that development cannot be defined in terms of economic and material welfare alone; development has equally to be directed at the physical, moral, intellectual and cultural growth of the human being. Even if the contents of the right to development do not need further elaboration, this does not imply that a distinction between the various parts of this right cannot be useful. In this regard, reference was made to the hard core of the right to development as consisting of the following rights: the right to life, the right to an adequate minimum of food, clothing, housing, medical treatment, the right to a minimum of security and integrity of the person, the right to freedom of thought, conscience and religion as well as the right of participation which is indispensable for the realization of the rights just mentioned.

/...

80. In respect of participation, the view was held by other participants that it can be regarded as the link through which civil and political rights, as well as economic, social and cultural rights are made an integral part of the right to development. The seminar was reminded of the need for workers and their organizations, without discrimination, to participate in the management of public, economic, social and cultural affairs as part and parcel of the democratization of the State and its functioning, and of decision-making mechanisms concerned with integrated economic and social planning; furthermore, the participation of workers and their organizations ought to be ensured in integrated economic and social planning and in the supervision of its application, and especially in fixing social development targets and creating effective conditions for their implementation.

81. It was also noted that States were primarily responsible for the realization of basic human rights. In cases where States do not fulfil their obligations concerning the respect for and realization of human rights reference must in the first place be made to the available means of recourse within the State itself. In addition, an international system for the implementation of human rights has its own follow-up mechanisms. It was stressed that these means of recourse on the national and international levels concerning respect for and realization of human rights must, if accepted, be respected.

82. At the same time it was noted that remedies of either a national or international character were of no value in cases of the inability of a State to fulfil its obligations vis-à-vis realization of and respect for human rights. Where such inability can be remedied by international co-operation there exists a duty of States individually as well as collectively to participate in that co-operation. Such a duty of co-operation is based on principles of substantive equality and solidarity between States. Thus, it was stressed that the importance and relevance of the right to development lies in the recognition of the responsibility of States to support each other where external factors stand in the way of effective realization of human rights. This responsibility must be expressed through the provision of assistance which helps deprived nations to expand their capacity to ensure their subjects an adequate standard of living. It was further stated that recognition of the duty to provide this assistance as one of the methods for the implementation of the right to development might possibly be the most attainable practical result of the concept of this right to development.

83. It was stated by some participants that any attempt to establish a connexion between economic assistance and the observance of human rights in the recipient countries is a distortion. The protection and promotion of human rights is the role and duty of the State. It becomes an international issue only when there is a risk to international peace and security. Any attempt to link bilateral or multilateral assistance with human rights would amount to interference in the internal affairs of States and would provide excuses to deny assistance and practise protectionism. The opinion was expressed that any such suggestion would be as meaningless as suggesting punitive action against those States that have not fulfilled their commitment to provide 0.7 per cent of their GNP as ODA.

84. It was also pointed out that the apparent dilemma between individual and collective human rights is a false dilemma.

85. It was also stated that basic needs do not cover the right to development. This right is more comprehensive and encompasses the right to equality in international financial and economic relations and the requirement that structures be established which are necessary for such development. In any case, needs can only be defined by the developing countries themselves. Control of the activities of the transnational corporations was also essential to enable the exercise of this right.

86. Commenting on the right to development, it was pointed out that by denying the right to development, the international community was responsible for a mass violation of human rights.

87. Some speakers expressed the view that every nation must be free to determine its own form of development and that there must also be a more equitable sharing of resources within nations. In this connexion, the right of peoples to permanent sovereignty over their natural wealth and resources was emphasized. It was said to be necessary that steps be taken to ensure the elimination of all forms of economic exploitation as well as for the regulation and supervision of the operations of transnational corporations, to ensure that their operations are in keeping with the social and economic objectives of national development strategies.

88. Several participants also observed that apart from the existing unjust economic order, the arms race constituted another obstacle to development; huge sums were being spent on armaments while millions of people lived in poverty and misery all over the world. In this connexion, one participant recalled that at the thirty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities several members had noted that a 10 per cent reduction in world spending on armaments would release resources which could be devoted to economic and social development.

89. In this respect, some speakers urged the seminar to address an appeal to the advanced countries to heed previous entreaties that they should reconsider their priorities, reduce their expenditure on armaments and thus make more resources available to the developing countries. The maintenance of international peace and security, peaceful coexistence, friendly relations and co-operation among all States was also emphasized.

90. The Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on "The New International Economic Order and the Promotion of Human Rights" informed the session that many members of the Sub-Commission had observed that the relationship between the establishment of a new international economic order and the promotion of human rights was one of the most complex, important and wide-ranging issues before the Sub-Commission. He said that several members had also noted that the importance of promoting respect for human rights in the context of development programmes had been affirmed in a number of United Nations instruments; specific reference was made to

/...

chapters I and II of the Charter of Economic Rights and Duties of States and to article 2 of the Declaration on Social Progress and Development; reference was also made to article 25 of the Universal Declaration of Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights. A number of speakers in the debates of the Sub-Commission had stated that the concept of development extended beyond economic growth and encompassed the satisfaction of both material and non-material needs, including full respect for human rights. The importance of disarmament as a prerequisite for full realization of the right to development was also stressed.

91. It was further said in the Sub-Commission that, in terms of traditional classifications of human rights, civil and political rights may be considered as belonging to a first generation of internationally-protected rights, and social, economic and cultural rights as belonging to a second generation. It could be said that solidarity rights, relating to such all-embracing objectives as development, environmental well-being, peace, and the need for a new international economic order, belonged to a third generation of human rights for which appropriate analytical tools and implementation machinery had yet to be elaborated.

92. It was also stated that while the gap between the developed and developing countries was growing, relatively little progress had been made in establishing a new international economic order.

93. In conclusion, the Special Rapporteur said that the Sub-Commission had also noted that the dichotomy between the international economic order on the one hand and the international political, social and cultural orders on the other was a false one. All these matters must together form part of an integrated approach to development. One of the Sub-Commission's tasks was to consider what should be the juridical postulates of the international public order. These postulates should reflect the interrelationship between human rights, human needs and human values as pointed out in a report by UNESCO. It was said that the frontiers of development are strewn with potential hazards for the enjoyment of human rights and that it was necessary to examine the factual as well as the theoretical problems that arose in this context. The need to establish operative linkages between development strategies and human rights objectives was noted. The view was expressed that an international public order was needed which would encompass economic and legal concepts aimed at eliminating existing disparities. Such an order should include some regulatory mechanism to ensure that transnational corporations contributed to realization of the right to development. It was suggested that consideration be given to a system of international registration of all economic assistance projects, with a view to promoting greater public accountability. A "human rights audit" to monitor all development assistance activities and a world development tax had also been proposed at the Sub-Commission meeting.

94. Several participants referred to the existence of debtors and creditors of the right to development. In the opinion of one of these participants, development was not a battle to be won by some against others but a battle that all

will win together. The right to development therefore cannot be based upon polemical opposites or artificial antitheses, such as those of exploiters-exploited, guilty-victims, rich-poor, debtors-creditors. Far from creating divisions, the right to development should unite the nations in the most effective manner by translating little by little the moral principles of solidarity into the rule of law.

95. Mr. Bassil Youssif, the discussion leader, summed up the discussion as follows:

1. The participants had reaffirmed that the right to development existed and that it stemmed from the terms of the Charter of the United Nations and the relevant resolutions of United Nations bodies. They considered that the Declaration on the Establishment of a New International Economic Order and the Charter of the Economic Rights and Duties of States constituted the principal sources of that right.

2. Some speakers had pointed out that the right to development was not a new concept in international law.

3. Many participants considered that the creditors or beneficiaries of the right to development were individuals at the same time as national social groups, entire peoples and States. The emphasis was on peoples which had not yet attained independence.

4. Some participants had maintained that the individual was not a subject of international law and that individuals could enjoy the right to development in their own countries.

5. Some participants had stated that the debtors of the right to development were the international community as a whole and States, especially the rich countries, although the developing States had a role to play in the development field.

6. Participants had emphasized the importance of the right of peoples to self-determination and permanent sovereignty over their natural wealth in the realization of the right to development.

7. They had reaffirmed that the elimination of all forms of racial discrimination and apartheid was a prerequisite for realization of the right to development.

8. Some participants had analysed the right to development from the legal standpoint.

9. Some considered that development was the ultimate objective, but that the right to development was a means to that end.

/...

10. The speakers had reaffirmed the freedom of every State to choose its mode of development according to its ideology.

11. The participants had recognized that development was a global and dynamic concept and was not confined to economic growth.

12. Some speakers considered that the right to development constituted a challenge to modern international law.

13. It had been maintained that realization of the right to development required the elimination of the present unjust economic order and especially the redistribution of wealth at the international and national levels.

14. The speakers had reaffirmed the need for international machinery for establishing the right to development.

15. Some speakers had emphasized the role of the transfer of technology in development.

16. One speaker had described the right to development as belonging to the third generation of human rights. Another said that colonial peoples, especially in Africa, had been excluded from first- and second-generation human rights programmes.

17. The majority of speakers had reaffirmed the importance of the role to be played by the political will of the developed countries and the historical responsibility of those countries for the realization of the right to development.

18. Participants had spoken of the need to enjoy economic, social and cultural rights, especially trade union rights, in the context of development.

19. Some speakers considered that the obligations deriving from the right to development should be regarded as legal obligations, while others had maintained that the obligations were only of a moral order or existed only at the level of world-wide solidarity.

20. Some speakers believed that the establishment of the right to development called for an international convention.

21. Some participants had said that the right to development should be included as a human right in the third International Development Strategy.

22. References had been made to the positive consequences of considering the right to development as a human right for the concept of human rights, since its designation as a legal concept would be a means of precluding the justification of violations of human rights by an under-development slogan.

23. The participants had reaffirmed the importance of the participation of the masses in development planning.

CHAPTER III

THE SEARCH FOR FORMULAS FOR INTERNATIONAL CO-OPERATION WHICH HELP
IN ELIMINATING THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER
AND PERMIT THE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
FOR ALL, WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION

96. The seminar considered item 3 of its agenda at its 9th to 13th meetings held from 7 to 9 July 1980.

97. The item was introduced by Mr. Asbjørn Eide (Norway) who stated that the essence of the seminar's discussions was that there are severe barriers in the existing international system to the possibilities of development for third world countries, and thereby also to the realization of human rights inside those countries. In the search for formulas which can eliminate those barriers, he suggested that two extremes should be avoided: coercive maintenance of subordination to the present unjust international order, and coercive pursuit of dissociation. Coercive maintenance of subordination was said to be different from integration into an international economy which is based on equality. Coercive dissociation was said to be different from a policy of self-reliance which has the support of the majority of the population and in which everyone is allowed actively and creatively to participate in the formation of the self-reliant policy.

98. The discussion leader suggested that if the right to development is to be a right for peoples, not for Governments, what is required is a democratic policy within each State so that no elite - whatever its ideological orientation be it capitalist, socialist, militarist or whatever - can enforce its conception of development on a population which is barred from influence and participation. In this respect, reference was made to paragraph 8 of General Assembly resolution 34/46 which states that "the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations". However, he indicated that realization of the right to development was futile well-wishing unless international relations are restructured to allow for a democratic evolution within all countries. The main task is to regulate international relations in such a way as to eliminate present barriers and to allow democracy to develop freely and thereby to realize the whole range of human rights according to the priorities of the majority of the people in the country concerned - but in full tolerance of those presently disadvantaged indigenous groups which have a different orientation and which must be permitted to control the resources required for their own development.

99. Noting the need for a reorganization of the economies in the industrialized countries he stated that a genuine new international economic order will require a levelling-off of material consumption in the rich countries, and a reduction in energy use, in wasteful consumption, and in many other areas, as well as a reorientation towards a qualitatively better society.

100. Since it was difficult to envisage an international climate conducive to the realization of development and human rights unless there is a substantial reduction

/...

of armaments, it was suggested that international negotiations should focus on the need for a substantial cut-back in military expenditures and deployment of forces, beginning with the most militarized countries. These were said to be the industrialized countries which are at the top of the hierarchy in the world military order. Only through gradual disarmament by these countries could third world countries become sufficiently safe to pursue their own development without threats of intervention and intimidation. Only through a climate and process of disarmament could the substantial portions of State expenditures which now go to military purposes, portions which are staggeringly high in some third world countries, be reallocated to human rights-related expenditures (education, social security, and others).

101. The discussion leader concluded that, in his view, the implementation of the results that might emerge from negotiations for a new international order will require changes not only in relations between States but also within States - inside industrialized States as well as inside third world States. The fact that international regulations will have profound domestic consequences in all parts of the world cannot be overlooked; hence it is necessary to include both international and national aspects in the negotiations. The national aspects could be summed up by saying that there must be a direct link between the negotiations for a new international economic order and the implementation of human rights. The international aspects were more complex, but would include negotiations to obtain international democratic control over financial institutions without which the direction of development would be determined by those who control the purse rather than by those who are in need of development.

102. After noting the importance of adopting a truly interdisciplinary approach to the search for formulas of international co-operation the discussion leader proposed that consideration might be given to the following issues in the search for specific formulas:

(a) Concerning the adoption of the new international development strategy the seminar could recommend that the opportunity should be taken in adopting the new strategy to reaffirm the fundamental importance of promoting respect for human rights in the development process. In that connexion, the seminar might consider recommending to the General Assembly the inclusion in the statement of goals and objectives of the new international development strategy the following sentence: "The new international development strategy is an integral part of the efforts of the international community to establish the new international economic order and to promote the realization of all human rights and fundamental freedoms for all." In addition to this reaffirmation, it was suggested that the General Assembly could consider the adoption of a separate resolution emphasizing the importance of human rights in the development process. If the seminar decided to adopt such a course of action it would then be all the more important that its report be sent to the General Assembly at its special session and at its thirty-fifth regular session.

(b) In view of the value of the concept of the right to development as an important part of the bases of the new international order, and also for providing the normative framework necessary for the realization of all human rights at the

national, as well as the international levels, the seminar might wish to recommend that further research be undertaken with a view to establishing the practical aspects of the right and ways and means of bringing about its realization. A seminar might be held in 1981 "on the ties linking human rights, peace and development".

(c) In seeking appropriate formulas for international action the seminar might also wish to focus on ways in which the United Nations system as a whole might be encouraged to take greater account of human rights concepts in its work. In addition to encouraging particular agencies to develop further their policies in this regard, the seminar could, for example, recommend that a series of global, action-orientated reports or studies be prepared by the major United Nations specialized agencies on how to give effect to each of the rights contained in the International Covenant on Economic, Social and Cultural Rights.

(d) Consideration could be given to ways in which the annual debate of the Commission on Human Rights on economic, social and cultural rights could be most effectively focused on the important issues that have been discussed at this seminar.

103. In the discussion which followed, a number of speakers noted the importance of placing the question of the new international economic order in its historical and global perspective. Reference was made to the decolonization process which followed the Second World War and to the fundamental importance of supplementing political independence by independence in the economic, social and cultural spheres. It was stated that political independence was essential if developing countries were to be able to exercise their right to development and basic human rights. Economic independence and development were essential for true independence. Developing countries must formulate their own development plans according to their needs. It was the duty of developed countries to assist the developing countries. One speaker noted that the fundamental obstacles facing the developing countries were old and new forms of imperialism and colonialism as well as hegemonism and various forms of discrimination. Several participants noted that, by virtue of Article 1, paragraph 3, of the Charter of the United Nations and a number of other international instruments, international co-operation for development and for the promotion of human rights is the shared duty of all States. It was said, however, that certain industrialized countries were not yet prepared to co-operate fully to these ends. In this regard, regional economic organizations were said to be able to play a useful role in exerting pressure on those who sought only to maintain the status quo.

104. The safeguarding of world peace was said by many speakers to require the creation of a new international economic order founded on justice, equity and solidarity between and within nations. Reference was made to General Assembly resolution 32/130 in which it was stated that "The realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms." The importance of overcoming existing deadlocks in international negotiations was said to require much stronger political will. It was stated that while the analysis contained in the report of the Brandt Commission was excellent, its concrete proposals were inadequate and drafted in

/...

general terms. More attention should be given to the ethical aspects of the development process.

105. Several speakers referred to the central importance of participation in the development process. One speaker suggested that the right to participation as well as the right to self-management, which was specifically recognized as an inalienable right of the individual in the Constitution of his country, should be further studied in view of their importance as practical means for realization of the right to development. It was also said that consideration should be given to incorporating the right to development into national legal systems where such provision does not yet exist.

106. One participant stated that the search for formulas is primarily a political rather than a legal exercise. In his view, formal equality is very often no equality at all and the use of a wide variety of social indicators could assist in assessing the true needs of particular communities. The same speaker emphasized the importance of combating absolute poverty in all its dimensions.

107. The importance of disarmament as a formula for international co-operation and as a prerequisite for full realization of the right to peace and the right to development was stressed by many speakers. It was stated that substantial cutbacks in expenditure on armaments by industrialized countries would enable those sums to be used in the cause of development. A number of participants stressed the need for greater access to exports from developing countries, reforms in the international monetary system and financial institutions and creation of greater food security through international co-operation. It was also suggested that a seminar be held in 1981 and the report of the present seminar be sent to the General Assembly. One participant referred to the need for further study of the implications of the process of converting the armaments industry to peaceful pursuits.

108. One participant stated that effective formulas for international co-operation must have the following characteristics: (1) they must be reformist and not revolutionary; (2) they should be primarily action-oriented rather than being legal norms; (3) they must be pragmatic; (4) they must be generous and not based on narrow concepts of exchange; and (5) they should be realistically ambitious rather than utopian. It was said that the continued existence of a variety of ideological systems must be accepted and that economic management was more important than the elaboration of norms. Other speakers responded that fundamental reform of the international legal framework was essential and that reliance could not be placed upon voluntary arrangements which depended solely on the goodwill of States.

109. It was said that the idea of generosity could not be based on the concept of reparation for past wrongs. Another participant suggested that reference to the concept of generosity was only appropriate if it meant reciprocal generosity between equal States. Also, the relations between States should be based on the principles of liberty, equality and fraternity which had inspired the French revolution. Those principles would correspond to political independence, economic self-determination and solidarity in co-operation.

110. It was said that the primary importance of the seminar was to impress upon the international community the fact that the existing unjust international economic order does represent an obstacle to the realization of human rights in the developing countries. It was stated that the new international economic order implies changes both at the national and international levels but that the existing international economic order must be reformed before the full and sustained enjoyment of human rights in the developing countries could be assured.

111. Some participants stated that, in general, the fundamental interests of the socialist countries and of the developing countries in improving the system of international economic relations coincided. They said that the distinction between the rich north and the poor south was part of an attempt to disunite those common fundamental interests. The socialist countries rejected efforts to make demands on them which were in fact only applicable to colonialist countries and those responsible for the current unfavourable situation of the developing countries.

112. A number of speakers referred to the need further to regulate the activities of transnational corporations. Strong support was expressed for the movement to establish greater technical and economic co-operation among developing countries.

113. The representative of the International Labour Organisation indicated that human rights concerns are already at the heart of ILO programmes and are dominant in the ILO Medium-Term Plan for 1982-1987. He outlined a number of specific ILO activities in the fields of standard-setting, research and operational activities and referred to a number of ILO procedures for monitoring developments in human rights-related areas.

114. With respect to the basic needs strategy, some speakers indicated that its scope was very limited. What was required was an environment which would permit developing countries to build structures to solve their development problems and enable them to enjoy their human rights and fundamental freedoms. Another participant noted that it was not a substitute for the range of human rights contained in the Universal Declaration of Human Rights but a strategy developed in the face of the present dimensions of world poverty.

115. In considering the search for formulas for international co-operation many speakers addressed themselves to the concept of the right to development and to its implications and means of implementation. Discussion occurred as to whether the "nation" as a subject of the right to development could be equated with the Government and the State or whether it referred to peoples and groups. There was large agreement that both legally and practically, it is Governments which represent their peoples and nations and which should exercise the right to development, on behalf of their peoples.

116. In summing up the discussion on agenda item 3 the discussion leader stated that while there had been many differences of opinion there were also significant areas of agreement. He stated that all participants recognized the need for development and for the realization of human rights. They also recognized that there is a close link between development, human rights and peace. A number of participants had emphasized that the seminar was not discussing human rights in

/...

general but now the present unjust international economic order prevented the enjoyment of human rights. In this connexion it had been stated that the present international economic order is an obstacle to the implementation of human rights and there must be fundamental changes so that there can be full and sustained enjoyment of human rights and fundamental freedoms.

117. He said that since practically all participants recognized that the existing international economic order is unjust and represents barriers to the realization of human rights, a dominant theme was to find formulas by which those barriers could be removed. This could be done in several ways. One of the immediate tasks was to urge that the negotiations for the strategy for the Third United Nations Development Decade and the global round of negotiations be completed as soon as possible, and in a way which contributes to the elimination of the existing barriers.

118. Many participants subscribed to the view that a new international economic order already exists in international law, but that the old international economic order remains in practice as the expression of existing power structures. Therefore, in order to remove the barriers the task is to implement the new international economic order. This would mean two things. First, that the developed countries recognize and accept the right of developing countries to become economically independent, to use their own natural resources for their own needs and priorities, without being controlled from the outside. Second, that the developed countries recognize their obligations to the developing world, through transfers of technology and otherwise, but without seeking control. The discussion leader noted that some participants had expressed reservations. They held that only as a general abstraction could the new international economic order be said to exist in international law. Its concrete content had yet to be defined and this had to be done through complex negotiations which would have to take into account existing political and economic realities as well as the will to show generosity.

119. He stated that it was widely agreed that there should be a close link between the implementation of the new international economic order and the promotion of human rights. For this reason numerous speakers insisted that a reference should be made, in connexion with the adoption of the new international development strategy, to the fact that the strategy should be an integral part of the efforts to establish a new international economic order and to promote the realization of human rights.

120. He noted that the concept of the right to development, according to many participants, could be an important element in obtaining recognition of the link between the new international economic order and human rights, something which could facilitate, over time, the acceptance of a new international economic order. For this to happen, however, several participants had stressed the need for further research which could clarify the practical aspects of the right to development, and ways by which to realize that right.

121. He observed that many of the speakers had underlined the essential role of disarmament as an integral part of the establishment of a new international

economic order and the realization of human rights. Mention had been made of two interrelated reasons why disarmament is essential. The first was the need to transfer to civilian tasks the huge resources presently diverted to military purposes. The other was that under the existing world military structure it is difficult for many third world countries to pursue their own paths to development without threats of intervention and intimidation from the outside. Resources released by disarmament should, at least in part, be used for development co-operation.

122. The discussion leader noted that one participant had pointed to the desirability of the Secretary-General taking the initiative in convening a group of experts to analyse the possibilities and implications of conversion from military to civilian production.

123. The discussion leader said that several speakers had stressed the essential role of participation in development. It had been argued that participation was the key instrument in securing that the direction of development was in the interest of the people themselves. The essential element in the notion of development as a human right was that the human being was at the centre of development; the only way to secure this was through a fully developed system of participation in economic, cultural, social and political affairs.

124. He said that reference had been made, concerning the right of development, to disadvantaged ethnic groups, in particular indigenous peoples. It had been argued that they should be given the possibility for development by controlling their own natural resources and have their own system of participation, but in harmony with the policies of the Government concerned and in close co-operation with the latter.

125. He noted that, in connexion with the implementation of the new international economic order, one speaker had said that there ought to be participation at the international level as well. This could be done, inter alia, through the participation of non-governmental organizations in the formulation and implementation of a new international economic order. Of special importance was the participation of international trade union organizations, since workers in all parts of the world will be significantly affected by a new international economic order.

126. He observed that a recurrent theme, stressed by many speakers, had been that the various United Nations agencies should in their area of operation, if they do not already do so, take full account of the right to development and other human rights. This ought to include, in his view, standard-setting, research and studies, and technical and other assistance aimed at the realization of human rights as an integral part of the development process.

127. He noted that one participant had provided an overview of the way this is done by ILO and that several other participants had suggested that other agencies and other parts of the United Nations system should develop their activities in a similar manner. He recalled the statement by one participant that the result of such a development would be the production of the chapters of a book, the book

/...

being the equivalent of a human rights-oriented new international order, and the chapters being the different rights as promoted by different agencies concerning, for example, food, health, employment, and so forth. In addition, the book would have some general chapters corresponding to the co-ordinating institutions and efforts.

128. The discussion leader noted that reference had been made to the fact that the obligation to take account of the right to development and other human rights applied equally to the work of the International Monetary Fund and the World Bank.

129. Finally, he observed that practically everyone had stressed the need for an interdisciplinary approach to the solution of the difficult issues discussed at the seminar. The discussion itself was said to have demonstrated the positive impact of such an approach and it was hoped that within the United Nations itself more interdisciplinarity would be used in pursuit of the many tasks required to implement the new international economic order and human rights.

130. One participant had expressed strong reservations on certain proposals which were being suggested as conclusions and recommendations of the seminar.

CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

131. Following its consideration of the draft proposals submitted to it by a Working Group, the seminar adopted, on 11 July 1980, the following conclusions and recommendations:

The following conclusions and recommendations were adopted by consensus:

- (1) The seminar recognizes the great importance of the interrelationship between the right to development and the new international economic order for the complete realization of all human rights at the national and international levels. The seminar therefore recommends that further research be undertaken with a view to establishing the practical, including the legal aspects, of the right to development and ways and means of bringing about its realization.
- (2) The seminar reaffirms that the elimination of apartheid and all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty is essential to the establishment of a new international economic order and full realization of the right to development and other human rights.
- (3) The right to development is essential for the strengthening of independent nationhood, economic independence and cultural identity and is a necessary consequence of the realization of the right to self-determination.
- (4) The seminar stresses the importance of seeking to promote a genuinely interdisciplinary approach to the whole range of economic, social and cultural development issues with a view to ensuring that human and economic rights complement rather than compete with each other.
- (5) The seminar reaffirms the principal United Nations resolutions dealing with the existing unjust economic order, observes that the economic situation of many developing countries has continued to deteriorate, and calls for a concerted effort to remedy the situation. It recognizes the importance of political will for the early establishment of the new international economic order as defined in General Assembly resolutions on the subject and for an active and constructive approach to efforts at international co-operation, such as the global round of negotiations. The seminar also recommends the immediate adoption of the new international development strategy as a step towards the establishment of the new international economic order so that developing countries are enabled to realize fully their right to development and fundamental freedoms. To this end, it recommends to the General the inclusion in the statement of goals and objectives of the new international development strategy of the following sentence: "The new international development strategy is a part of the efforts of the international community to establish the new international economic order and to promote the complete realization of the right to development and all human rights and fundamental freedoms for all."

/...

- (6) The seminar urges the removal of external and internal constraints to development and the creation of appropriate external and internal environments for development as essential elements for the effective promotion of human rights and fundamental freedoms.
- (7) World and national public opinion should be made aware of the importance of the establishment of a new economic order for the realization of human rights.
- (8) International co-operation with a view to realization of the right to development should be encouraged, and emphasis should be placed on the role of the developed countries in such co-operation.
- (9) The seminar notes with regret the absence of certain industrialized countries and appeals to all countries to co-operate with the international community in the search for a new economic order to ensure the complete enjoyment of human rights and fundamental freedoms by developing countries.
- (10) The seminar recommends that the United Nations should consider the possibility of holding, in 1981, a seminar on the ties linking human rights, peace and development, such a seminar being preceded by a report of the Secretary-General.
- (11) The seminar recommends that the Commission on Human Rights should consider proposing to the Economic and Social Council that a joint meeting be convened between members of the Commission on Human Rights, the Commission on Social Development and the Committee for Development Planning in order to consider the practical aspects of integrating the right to development, as a human right, in the development process.
- (12) The seminar recognizes the paramount importance of the participation of people in all aspects of the promotion of human rights and decision-making in connexion with development, and therefore stresses the need for further research into the question of participation.
- (13) The seminar recommends the full participation of developing countries in the decision-making of the World Bank and the International Monetary Fund to facilitate the enjoyment of human rights.
- (14) The seminar recommends that the Secretary-General publicize the extent and dimensions of the aims and conclusions of this seminar.
- (15) The seminar requests the Secretary-General to transmit the report of the seminar to the General Assembly at its forthcoming special session on economic development and at its thirty-fifth regular session.
- (16) Regional economic collaboration and co-operation should be encouraged for the purpose of overcoming economic problems and eliminating imbalances between countries, so as to contribute to the establishment of the new international economic order and thereby facilitate realization of the right to development and other human rights.

132. The following conclusions and recommendations were widely supported but no consensus was reached:

(1) The seminar emphasizes the fundamental link between realization of the right to peace, promotion of human rights and achievement of the right to development. In this regard, the greatest importance must be attached to pursuit of the goal of complete disarmament.

(2) The seminar calls on all States parties to discharge their obligations under the Covenant on Economic, Social and Cultural Rights within the framework of their development plans and priorities.

(3) The seminar appeals to States not to use human rights to divert attention from the structural anomalies of the present international economic order, to justify retrogressive measures by developed countries in the field of trade and aid, or to perpetuate measures adopted in contravention of rules, regulations and resolutions adopted in this field.

(4) The seminar concluded that the present unjust international economic order placed obstacles in the way of exercise of the right to development by developing countries. These obstacles were identified as:

- (i) Ideological obstacles, reflected in the priority given to the arms race rather than to development;
- (ii) Institutional obstacles, reflected in the observance of comprehensive negotiating frameworks and the glaring inadequacy of existing institutions;
- (iii) Legal obstacles in the form of obsolete concepts and principles of international law based on colonial approaches to international trade and contractual undertakings, the lack of control on transnational enterprises, unfavourable structure of the patent system and the refusal to accept the concept of "permanent sovereignty";
- (iv) International trade and related obstacles, characterized by unequal exchange of goods and services, inadequate institutional arrangements for commodity trade, tariff and non-tariff barriers and emphasis on unfair concepts such as reciprocity among developed and developing countries;
- (v) Obstacles to access to finance due to anachronistic objectives and spirit prevailing in international financial institutions, and an unjust approach to the external debt problems of developing countries;
- (vi) Inadequate mechanisms to promote transfer of technology for a balanced growth in scientific and technological development in both developing and developed countries.

/...

(5) The seminar endorses the conclusion reached in the report of the Secretary-General on the international dimensions of the right to development (E/CN.4/1334) that a development strategy based on political repression and the denial of human rights might contribute to realization of some economic objectives, but could never lead to full and genuine development. In recognition of this principle, the assistance of the economic organs of the United Nations system should be enlisted in the preparation of a study designed to demonstrate, from an economic and other viewpoints, that repression is counter-productive to the promotion of development.

(6) The seminar recommends that a series of global, action-oriented reports or studies be prepared by specialized agencies on how to give effect to each of the rights contained in the International Covenant on Economic, Social and Cultural Rights.

(7) The seminar recommends that the United Nations should draw up a programme that includes measures that could be put into practice immediately upon application of the right to development.

(8) The seminar recommends that the United Nations should establish a working group or other body to continue the promotion of the right to development and to suggest steps that could be taken for its implementation.

CHAPTER V

ADOPTION OF THE REPORT AND CLOSING OF THE SEMINAR

133. The present report was adopted unanimously at the final meeting of the seminar on 11 July 1980.

ANNEX I

OPENING STATEMENT BY MR. LUIGI COTTAFI, DIRECTOR-GENERAL,
UNITED NATIONS OFFICE AT GENEVA

Your Excellencies, Distinguished Participants, Observers, Guests, Ladies and Gentlemen:

It gives me great pleasure to extend to you all a sincere and warm welcome to the United Nations Office at Geneva and express the hope that your stay with us will be fruitful and memorable.

Starting from today until 11 July, this seminar will discuss "The effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms". By a number of resolutions of the Commission on Human Rights, the Economic and Social Council and the General Assembly, the Secretary-General was requested to give, through the Advisory Services Programme in the Field of Human Rights, priority to the holding in 1980 of the Seminar.

Under the Programme of Advisory Services in the Field of Human Rights, established by the General Assembly in 1955, the United Nations provides, at the request of Governments, for services of experts, awards and fellowships, and for the organization of seminars. The basic aim of the Programme is to enable the participants to share experiences and knowledge gained in solving or attempting to solve problems of human rights. One of the principal methods used in carrying out this Programme has been the organization of seminars. These seminars provide the opportunity to exchange ideas and experiences by bringing together key people for short periods of time to stimulate their thinking and, through their leadership, to encourage greater awareness in matters relating to human rights and fundamental freedoms.

As you all know, the impetus to the Universal Declaration of Human Rights derived from a war fought against those who sought to deny others their human rights. That historic document contains standards of conduct applicable to individuals and societies alike. The growing recognition of these principles and the ongoing debate on them by the international community has largely contributed to develop the concept of human rights and has given it a more profound meaning than many of the authors of the Declaration might have had in mind. It is proper to recall, that in adopting the Declaration on the Establishment of a New International Economic Order, the Member States of the United Nations solemnly proclaimed their united determination to work urgently for the establishment of a new international economic order based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems, in order to correct inequalities and redress existing injustices, to eliminate the widening gap between the developed and the developing countries and to ensure steadily accelerating economic and social development and peace and justice for present and future generations.

/...

Your task during the next two weeks is to seek answers to some of the problems raised in your agenda. This is not an academic exercise but an endeavour that, hopefully, should have practical value in terms of the realization of United Nations objectives. I hope your deliberations on such a vitally important issue will result in appropriate recommendations and conclusions.

It is, therefore, a privilege for me to be here with you this morning and to have the opportunity also to extend to you the cordial welcome of the Secretary-General of the United Nations and his very best wishes for the success of this Seminar.

I take great pleasure in declaring the Seminar open.

ANNEX II

OPENING STATEMENT BY MR. THEO C. VAN BOVEN, DIRECTOR, DIVISION
OF HUMAN RIGHTS AND REPRESENTATIVE OF THE SECRETARY-GENERAL

Mr. Chairman, in warmly welcoming to Geneva all the participants in this seminar it is hardly necessary to remark that we are meeting at a crucial juncture in United Nations deliberations on the future directions of international co-operation for development. Recently, the Independent Commission on International Development Issues, under the Chairmanship of Willy Brandt, presented to the Secretary-General of the United Nations its report, in which emphasized, among other things, the fundamentally important relationship between the establishment of the new international economic order and the increased enjoyment of human rights throughout the world.

In less than two months from today a special session of the General Assembly will be convened to adopt a new international development strategy for the 1980s. The special session will also mark the launching of "a round of global and sustained negotiations on international economic co-operation for development" (General Assembly resolution 34/138). In this general context it is particularly significant that the General Assembly, in resolution 34/46, requested the Secretary-General to give priority to holding the present seminar in 1980. In the same resolution the Assembly recognized that "in order fully to guarantee human rights and complete personal dignity, it is necessary to guarantee the right to work, participation of workers in management, and the right to education, health and proper nourishment, through the adoption of measures at the national and international levels, including the establishment of the new international economic order".

The General Assembly also recognized that "the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations".

Mr. Chairman, by addressing the subject of "the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights", this seminar is focusing on a vital dimension of United Nations human rights endeavours which was acknowledged long ago in the Universal Declaration of Human Rights of 1948. Thus article 28 states: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

In line with this provision of the Universal Declaration, the General Assembly, in adopting the Charter of Economic Rights and Duties of States (res. 3281 (XXIX) of 12 December 1974), specifically included "respect for human rights and fundamental freedoms" and the "promotion of international social justice" among the fundamental principles of international economic relations (chap. I, paras. (k) and (m)). Similarly, in resolution 32/130, the Assembly decided that the approach to the future work within the United Nations system with respect to human rights should

/...

take into account the concept that "the realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms and should also be accorded priority". The General Assembly added that "the achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development".

The subject of this seminar is thus a strong reflection of the spirit of resolution 32/130 and its outcome will make an important contribution to the achievement of the United Nations Medium-Term Plan for the Period 1980-1983 in the field of human rights, which states that:

"Gross violations of human rights are often symptoms of deeper causes of injustice. It is necessary to work for just structures of society and for the elimination of the root causes of violations of human rights. Bearing in mind that unjust structures create conditions under which human rights are denied, it is important that such adverse phenomena be identified and analysed in order to develop and apply remedial measures." (chap. 9, para. 1.34)

The Right to Development

A number of the issues which are included in the agenda for this seminar have been the subject of consideration by the Secretary-General in a recent report entitled "The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the new international economic order, and the fundamental human needs" (E/CN.4/1334). In this report, which is amongst the background documents made available to the seminar, the concept of development is recognized as encompassing "the realization of the potentialities of the human person in harmony with the community". The human person is seen as the subject and not a mere object of the development process, and development is interpreted as requiring the satisfaction of both material and non-material needs. Respect for human rights is viewed as being fundamental to the development process, in which popular participation is also seen as an integral part. The study emphasizes that a development strategy based on political repression and the denial of human rights might contribute to the realization of economic objectives, but could never lead to full and genuine development. It also emphasizes that the promotion of respect for human rights should be prominent among the objectives of the new international development strategy.

As regards the fundamental link between the realization of the right to peace and respect for other human rights the report emphasizes the central importance of achieving disarmament and the cessation of the arms race as prerequisites not only for the realization of the right to peace but also of the right to development.

The study also contains an analysis of the relationship between the right to development and the requirements of the new international economic order. In this regard attention is drawn to the need for the emergence of a new international power structure as well as to the need for the progressive realization of the right to

development within States to accompany and complement the implementation of a new international order.

Thus, in many respects, the right to development is a holistic concept which seeks to create a synthesis of a whole range of existing human rights which are informed and given an extra dimension by the emergence of a growing international consensus on a variety of development objectives. The right to development exemplifies the essential dynamism of the concept of human rights. It thus carries significant implications for a variety of entities, ranging from States and other international actors such as transnational corporations to groups and individuals. It may be that this seminar will wish to reflect upon these and related aspects of this concept. In this respect the seminar will be aware that a report by the Secretary-General on the regional and national dimensions of the right to development, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of that right, will be presented to the Commission at its next session.

Human Rights, Underdevelopment and a New Economic, Social and Human Order

According to the World Bank's World Development Report 1979 there are currently 800 million people in developing countries living in conditions of abject poverty. This means that almost 40 per cent of the people in the countries of the South are only barely surviving in conditions which are, in the words of the President of the World Bank, "below any national definition of human decency". The continued existence of these conditions is clearly not compatible with the human rights obligations of the international community. In this connexion, it is sufficient if we turn our attention to only two articles of the Universal Declaration of Human Rights. Article 25 provides, in part, that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family". Article 28, as I mentioned earlier, provides that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

As a result of the inadequacies and inequities of the present international economic order it is widely acknowledged that a restructuring of the international economic system is indispensable in order to render the international environment supportive of the development process. It is in this context that the agenda of the present seminar includes the search for formulas for international co-operation which help in eliminating the existing unjust international economic order and permit the enjoyment of human rights and fundamental freedoms by all, without distinction as to race, sex, language or religion.

While working for a new international economic order we should not lose sight of the fact that a new international economic order is not an end in itself but rather a means to achieve equity and justice between nations and within nations. The final objective of our endeavours is the dignity and well-being of the human person. Consequently, as I have stated on several occasions, a new international economic order should be complemented by a new social and a new human order on the national, regional and international levels.

/...

Integration

Mr. Chairman, in recent years United Nations organs have consistently acknowledged the indispensability of adopting an integrated approach to development issues. But it may be appropriate in the present context to remind ourselves of what exactly is meant by an integrated approach.

There are two main aspects of integration in the development process - both of which have most recently been emphasized in the report of the Brandt Commission. The first requires the adoption of an integrated approach which takes account of the social, cultural and political, as well as the economic dimensions of development issues. This notion is clearly reflected in the fundamental principle that all human rights and fundamental freedoms are indivisible and interdependent. The second aspect of integration requires recognition of the fundamental link between a wide range of national and international issues and policies. As the Brandt Report states, "the work for international and national order and reforms must belong together" (p. 17).

Nevertheless, while the theory of an integrated approach to development is relatively straightforward, the interdisciplinary approach which is required, and which is inherent in the subject-matter of this seminar, presents a challenge to us all. It is not easy for the lawyers among us to turn their attention from the more traditional areas of international law to consider the impact of economic issues on their endeavours. It is equally difficult for economists to concern themselves with the broad implications of their work in terms of human rights. Yet that is the challenge that we are confronting at this seminar.

It is a challenge of the utmost importance, for unless we can effectively bridge the gap between the realms of human rights and economics we risk the pursuit, on the one hand, of an international economic order which neglects the fundamental human development objective of all our endeavours, and on the other hand, of a shallow approach to human rights which neglects the deeper, structural causes of injustice, of which gross violations of human rights are often only the symptoms.

Mr. Chairman, it is necessary to emphasize this point, for there are those who fear that the injection of human rights issues into the realm of economics in general, and the debates on the new international economic order in particular, amounts to an unwarranted, inappropriate and even counter-productive intrusion into technical matters. In fact there would be good cause for such concern if what was proposed in this seminar was involvement in the continuing debates over the details of particular economic issues. To the contrary, however, the spirit of resolution 32/130, the concerns underlying the concept of the right to development, and the mandate of this seminar are all based on recognition of the need to emphasize the human rights dimensions of a broad range of development-related issues. This does not imply usurpation of the tasks to be performed in fora such as UNCTAD and UNIDO. It does imply, however, that that area of the United Nations system which is charged with primary responsibility for the promotion of human rights should ensure that other bodies and organs within the same system are able to fully appreciate the human rights implications of their own activities.

In some respects, therefore, our role may perhaps be seen as primarily one of education, exhortation and general consciousness-raising. Such a role implies neither interference nor involvement in technical issues which are beyond our sphere of competence. But neither does it permit the abdication of our responsibilities to the human rights provisions of the United Nations Charter. It is in the light of these human rights responsibilities that we should work for a new international order with economic as well as with human and social components, because in the final analysis the welfare of all human beings in its spiritual and material dimensions is the primary and the ultimate aim of our endeavours.

/...

ANNEX III

ATTENDANCE

A. Governments

Algeria

Mr. A. R. Bendisari

Argentina

Mr. Fernando Segre-Carmen, Secretary of Embassy,
Buenos Aires

Brazil

Mr. Luiz A. Gagliardi, Counsellor, Brazilian Mission,
New York

Burundi

Mr. P. Ndayegamiye, Counsellor, Ministry of Foreign Affairs

Byelorussian SSR

Mr. Oleg N. Pashkevich, Deputy Director of the Economic
Institute, Minsk

China

Mrs. Y. Tu, 3rd Secretary, Permanent Mission, Geneva

Cuba

Mrs. Maria A. Florez, Chief, Social Affairs Department,
Ministry of Foreign Affairs

Denmark

Mr. H. Kjeldgaard, Head of Section, Ministry of Foreign Affairs

Ethiopia

Mr. Adenow Yirgou, 1st Secretary, Ministry of Foreign Affairs

Mr. F. Masresha, 3rd Secretary, Permanent Mission, Geneva

Mrs. Asfaw, Adviser, Permanent Mission, Geneva

France

Mr. Michel Rougé, Financial Counsellor, Ministry of Foreign Affairs

Mr. Louis Giustetti, Counsellor, Ministry of Foreign Affairs

Miss S. Carta, Attaché, Permanent Mission, Geneva

Ghana

Mr. S. Daisie, Chief Economic Planning Officer,
Ministry of Finance and Economic Planning

India

Mr. N. Prakash, Deputy Secretary, Ministry of External Affairs

Italy

Mrs. M. T. Falchetta, Attaché, Permanent Mission, Geneva

Iraq

Mr. B. Youssif, Maître de conférences sur les droits de
l'homme à l'Institut de Diplomatie, Bagdad

Jamaica

Mr. R. Smith, Administrative Officer, Ministry of Foreign Affairs

Mongolia

Mr. D. Khurelbaatar, Attaché, Permanent Mission, Geneva

Mozambique

Mr. A. G. M. M. Negrão, Deputy Prosecutor

Mr. J. S. Ataide, Chargé d'Affaires, Mozambique Embassy, Portugal

The Netherlands

Mr. K. de Vey Mestdagh, Europa Institute, University of Utrecht

Mr. N. N. A. ter Hark, Ministry of Foreign Affairs

Mr. I. M. de Jong, Permanent Mission, Geneva

Nigeria

Mr. P. L. Oyedele, Counsellor, Ministry of External Affairs

Mr. O. A. Owoaje, Counsellor, Permanent Mission, Geneva

Norway

Mr. K. Sverre, Ambassador, Ministry of Foreign Affairs

Mr. A. Eide, Director, International Peace Research Institute, Oslo

Peru

Miss R. E. Silva y Silva, Counsellor, Permanent Mission, Geneva

Poland

Mr. A. Jacewicz, Research Worker, Institute of International Affairs

/...

Tanzania

Mr. N. N. P. Shimwela, Acting Commissioner for Macro Economic Planning,
Ministry of Planning and Economic Affairs

Union of Soviet Socialist Republics

Mr. D. N. Kolesnik, Deputy Permanent Representative, Permanent Mission,
Geneva

Mr. V. Khamanev, Counsellor, Treaty and Legal Department, Ministry
for Foreign Affairs

Mr. S. Nikiforov, Attaché, Permanent Mission, Geneva

Venezuela

Mr. E. Nucete, 3rd Secretary, Permanent Mission, Geneva

Yugoslavia

Mr. D. Pindić, Senior Research Worker, Institute for International
Politics and Economics, Center for International Law

Mr. D. Türk, Assistant Professor, Law Faculty, Ljubljana

B. Government Observers

Equatorial Guinea

Mr. J. D. Dougan-Beaca

C. Sub-Commission on Prevention of Discrimination
and Protection of Minorities

Mr. R. Ferrero (Peru)

Mr. H. Gros-Espiell, Private observer

D. United Nations Organs and Bodies

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

Mr. J. E. Baker

International Labour Organisation

Mr. J. Petit

Mr. K. T. Samson

United Nations Conference on Trade and Development

Mr. F. R. Fiallo

Mr. A. R. Lamond

United Nations High Commissioner for Refugees

Mrs. M. D. Santiago

United Nations Research Institute for Social Development

Mr. N. Stiefel

E. Intergovernmental Organizations

Arab League

S. E. Al Fallouji

Economic Commission for Africa

Mr. R. Apedo-Amah

Economic Commission for Latin America

Mr. Puppo

F. Non-Governmental Organizations

Category I

International Chamber of Commerce

Mr. L. Huissier

Mrs. M. Psimenos

Mr. William W. Stibravy

International Confederation of Free Trade Unions

Mr. O. de Vries Reiburgh

International Council on Social Welfare

Ms. E. Bernhardt

World Federation of Democratic Youth

Mr. J. D. Regier

Mr. D. Sibeko

Category I (continued)

World Federation of Trade Unions

Mr. de Angeli-Carlos

Category II

All-India Women's Conference

Ms. M. Pal

Caritas International

Mr. P. Bouvier

International Association of Democratic Lawyers

Mr. I. Blishchenko

International Commission of Jurists

Prof. P. J. DeWaart

Mr. C. deCooker

Mr. H. Thoolen

International Young Christian Workers

Mr. José Luis Velez

Pax Romana

Mr. R. J. Rajkumar

Union of Arab Lawyers

Mr. D. Dadsí

Mrs. H. Ounadjela

World Association of World Federalists

Mr. J. Avery Joyce

Mr. R. V. L. Wadlow

Roster

International Humanist and Ethical Union

Mr. J. Dilloway

International League for the Rights and Liberation of Peoples

Mr. R. Baumlin

Mrs. V. Pensini

International Union of Students

Mr. J. Kwadjo

Movement against Racism and for Friendship between Peoples

Mr. C. M. Eya Nchama

World Council of Indigenous Peoples

Mr. R. Reynaga

World Peace Council

Dr. K. Lauko

G. Liberation Movements

African National Congress of South Africa

Mr. J. Jele

South West Africa Peoples Organization

Mr. H. Ithete