

36th Graduate Study Programme

**ALL HUMAN RIGHTS FOR ALL : A CRITICAL
APPRAISAL**



UNITED NATIONS OFFICE AT GENEVA

**INFORMATION SERVICE
PUBLIC RELATIONS SECTION**

WORKING GROUP ON DEVELOPMENT

I. The Notion of Development

1. Introduction

Until now, the notion of development has mainly been an economic one; to develop a country meant to increase its GNP. However, this definition seems too narrow, which is why we propose to broaden it, by adding other essential components of development, like the quality of life of people. Economic development only constitutes a means for human development, and must not be an end in itself. It is also important to underline the fact that human and economic development are strongly linked, as human development is the main base for a sustainable economic development, as well as for global political stability.

2. Paradigms of Development

Throughout history, various paradigms on the notion of development have evolved, which stand for different approaches to development. The first paradigm, prevalent in the sixties, was modernization theory, which stressed that developing countries should follow the path the industrialized countries once took. Through the accumulation of foreign capital and technology developing countries would proceed through various stages of growth. This view of development was challenged in the seventies by dependency theorists. The main argument of this school was that developing countries would not be able to imitate the western path towards industrialization because of the international division of labor, which, as they argued, had come into existence as a result of colonization and exploitation. The less developed countries had become trapped in a position of exporting raw materials and importing end products. This situation was hard to overcome, because of various factors, like the low income elasticity of raw materials and the inaccessibility of 'western' markets. Various remedies were propagated, among which regional cooperation of developing countries and a new world economic order.

Nowadays, no consistent paradigm seems to exist; various actors, UN agencies as well, employ different approaches to development. However, certain directions can be discerned. In the first place, the economic approach to development is widely advocated, an approach in which foreign direct investment plays a paramount role. This approach is in line with globalization. This is expected to benefit countries by increasing their GNP, an argument in the vein of the modernization theory. Another line of thought that is crystallizing is sustainable development, an approach which focuses on the need to integrate various elements of development, such as empowerment, cooperation and sustainability.

3. Definitions of development

There are several possible definitions of development. Firstly, the emphasis may be on economic development, for example increasing the GNP through trade and investment flows and economic liberalization. A second possible definition is technological development, which refers to the transfer of materials, abilities, information and arrangements to control the use of technology in order to increase the quality of production and decrease the costs. Thirdly there is the concept of environmental development, which stresses the promotion of safer production means in order to avoid the negative consequences of industrial development or, for that matter, of underdevelopment. A fourth possibility entails human development, the aim of which is to increase the quality of life. Key concepts of this definition are empowerment, cooperation, equity, sustainability and security. The last definition is social development, which refers to developing societal

institutions, like the legal system, democracy and social protection.

In our opinion, the notion of development encompasses all before mentioned definitions, thus reducing the risk of a narrow and unsustainable approach. The five aspects are interrelated and need to be addressed in a holistic manner, which makes for a sustainable development approach. A final comment concerns the aspect of empowerment; development strategies should not be imposed in a top-down fashion, but as a result of interaction with different levels and groups of actors, notably the private sector, civil society and the people themselves.

4. Recommendations

To focus on empowerment and a holistic approach in order to equally integrate all relevant actors.

To rethink the practice of unilateral, top-down development by western countries in order to favor a more regional approach and to mitigate the negative aspects of globalization.

To ensure a more equal distribution of resources within developing countries, with special emphasis on those with the greatest needs.

II. Development and Human Rights

5. Is the Right to Development a Human Right?

Development as stated in the Copenhagen Declaration is defined as an economic, social, cultural and political process aiming at constant improvement in the well being of the population as a whole and of each individual. It flows from this definition that Development is a human right concern which leads us to ask if it can be guaranteed as a Right to Development. There are two main positions to approach this issue. According to the first one, the Right to Development is not a right in itself, but a broad concept, based upon macroeconomic indicators. The second position considers development as an individual and collective right. The working group considers that Development can be recognised as right legally speaking if internal and/or international mechanisms exist that enable individuals and groups to demand the compliance of all recognised Human Rights: Civil and Political, Economic, Social and Cultural and 'third generation' rights such as the right to clean environment.

6. World economy and Human Rights

Taking into account the economical trends that threaten the human rights of individuals and groups, and highlighting the need for development based not only on overall economic figures, our concern is to find a mechanism to guarantee the enjoyment of human rights to each citizen of the world.

It is important in the enforcement of human rights all over the globe, that transnational corporations (TNCs) are held responsible for negative consequences of their activities on human right, especially on workers conditions. This being said, the working group stresses that attention must not be removed from the primary responsibility of governments to respect and ensure human rights. The working group underlines that governments are responsible to control the conduct of TNCs which originate and operate in their country.

7. Recommendations

As pointed out under paragraph 5 above, development should be a process where human rights are being implemented. Although human rights are inseparable in theory, in practice economical, social and cultural rights are vital for development efforts. To strengthen the economical, social and cultural rights, the working group recommends the following measures:

Human rights should be integrated in all decision-making within the United Nations and development financing and monetary institutions. To ensure that human rights are considered in decision-making, the working group recommends that NGOs in consultative status with the United Nations give recommendations to all UN bodies in all fields of action.

Encourage ECOSOC to define the minimum standards guaranteed within the Covenant of Economic, Social and Cultural Rights. Also to be taken into consideration is the need to define the moral basis of TNCs behaviour as well as the obligations of States to ensure the respect of human rights of their national TNCs which invest in developing countries. Governments should report to UN human rights monitoring bodies on the conduct of their national TNCs abroad.

Amplify the scope of programmes which may reduce external debt and the interest payments of developing countries to enable independence from financial institutions (e.g. World Bank), giving governments economic freedom to implement their human rights obligations.

In order to further democratize the World Bank and the IMF, the working group will encourage these institutions to be integrated into the United Nations structure, under the supervision of the General Assembly.

The working group recommends that the Committee on Economical, Social and Cultural Rights should be able to demand reports from development related institutions and organisations (e.g. World Bank and IMF) on the consequences on human rights of their activities and policies. This will reinforce the concern that such institutions are indirectly responsible for governmental economic policies.

ECOSOC should consider a protocol to the Covenant on Economical, Social and Cultural Rights under which, groups and individuals could be able to present complaints before the Committee on Economic, Social and Political Rights.

To convene a conference which should lead to an international agreement which shall define the obligation of developed states to pay a certain percentage of their gross national product in Official Development Assistance.

III. Development: Economic Aspects

In the context of globalization there is an urgent need to integrate developing countries into this process by helping them to use the procedures of dispute settlement in the WTO. This would enable them to protect their market access and to avoid discrimination and marginalization. The activities of TNCs should be better controlled through the elaboration of more stringent investment codes (national/regional/international level) to achieve better regulation of investment flows. Furthermore, a transnational corporation operating in a developing country should be directed by a bicephal executive.

Official Development Assistance (ODA) should be primarily dedicated to the development of infrastructures, communication, education and the promotion of women's role in development. For instance, the local system of loans and the access to these loans for women entrepreneurs should be encouraged. In that sense, institutionalized NGOs should obtain a financial capacity in order for them to provide loans to individuals and develop saving capacity. The aid flows given to NGOs must of course be controlled (UN agencies).

As the process of globalization is linked with that of regionalisation, the local/regional level of the allocation of development aid has to be emphasized. Therefore, incentives for regional development and cooperation should be provided by means of regional development programmes (for instance in the Caribbean, Southern/Eastern/Western African areas). This decentralized approach in the allocation of aid also needs an increased monitoring role for NGOs and their inclusion into regional institutionalized networks.

8. Africa

a. Political Stability: a preliminary condition to development

The root causes of political instability are ethnic loyalties otherwise called tribalism, corruption, military greed and of course religious intolerance. Since democracy has been widely accepted, African states are recommended to fully adopt it. The working group recommends:

Promote social and political awareness of the role of (civil) responsibility.

Develop the feeling of belonging to an entity and promote citizenship

Develop regional political institutions and consultative bodies representing all ethnic groups, promoting political dialogue. An idea would be to organize an annual "festival of unity" regrouping all the tribes to reinforce the feeling of national/regional cohesion.

b. Education, Information and Local Identity

Develop the role of information technology and insert African states into international networks and access to Internet.

Develop literacy programmes using mass media communications (local radios) as instruments to such task.

Favour the education of women and their formation in management.

In order to provide full access to education and all civil rights, there should be complete birth registration of children.

c. Investment, Technology Transfer and Commodities

Transnational corporations should invest a percentage of their benefits in local/regional development projects. This stipulation should be integrated into an international investment code.

Investment in services especially in the tourism sector should respect environmental issues such as the use

of water and cultural traditions. TNCs should also provide training in IT (information technology), management, engineering.

When the technology transfer is achieved, the company's executive board should take the host country's nationality and the long-term exploitation of resources (especially primary goods) should be stopped.

Implement an African stock market to have an African fixation of the commodities price.

d. Local development

Increase the field work of civil society, favour local/regional institutionalized networks of NGOs. Encourage the development of local/regional associations and communities and increase their role in public affairs (e.g. Bamako Initiative).

Provide aid to the already existing regional economic communities (e.g.: ECOWAS) in order that they can elaborate and monitor regional development programmes, in collaboration with NGOs, organized in regional networks. Structural adjustment should be oriented to those programmes and conditionality should become regional.

9. Latin America (Central and South America)

In the aftermath of political instability, economic protectionism and ineffective development management leading most countries to experience high external debt, Latin America is currently undergoing an important process of regional economical integration. Some of the major organisations are MERCOSUR, G3 and the Andean Pact in South America, CARICOM in the Caribbean and CACM in Central America.

The regionalisation process is enabling countries to expand their existing markets, create a future Latin American Common Market, harmonise their economic policies, increase general cooperation within the region and improve their international negotiating capacities.

a. Economic Recommendations:

Following three decades of import substitution, the tendency in the region calls for trade liberalisation, deregulation, privatisation and the incitement of foreign direct investment as well as certain countries aligning their currencies to the American dollar.

Help create an export-oriented industrial sector to absorb unemployed and underemployed labour at stable real wages in order to improve income distribution performance.

The region needs to use its rich natural resource base and develop its competitive advantage, with emphasis on diversification, strengthening in the transformation of its primary export production.

Promote innovative trade such as biotrade, establishing property rights in this field.

Changes are needed in the structure of economic, social and political power to create more productive and better educated workers able to share the benefits of world technology, specially for the public servants.

Necessity to attract foreign direct investment in greenfield projects to receive important financial inputs to gain access to new markets.

Establishment of a national fund for economic restructuring and social development to institutionalise and democratise the transformation of the Latin-American economies as well as to ensure that TNCs adhere to certain performance requirements.

TNCs should invest in completely new production facilities to ensure the technology transfer

Creation of a similar type of fund in order to alleviate external debt by suspending transfers of domestic savings abroad so as to recover investment levels

Inflationary control through gradual liberalisation of markets and a reduction of state intervention in order to effectively develop the productive structures that empower SMEs.

Investment in transport and communications infrastructure.

b. Political Recommendations

Problems faced in the region account for unstable political institutions which in turn has led to ungovernability, a fragile judiciary system, corruption, lack of transparency and excessive centralisation.

Further continue the current trend of regional integration, improved government decision-making and enhanced cooperation between Latin American governments and the international financial community.

Reinforce the prevention of political conflicts through the creation of a regional dispute settlement organ.

Pursue the proposal of FTAA (Free Trade Area of the Americas)

c. Social Aspects

There is a lack of defined civil society; weakness of public institutions, an inequitable society, poverty and abandon of rural zones, organised crime, guerrilla movements, paramilitary groups and social debt including environmental damage, have all created major social pressures. To ensure the economic growth, governments should ensure the social development, involving all society levels.

Establishment of an appropriate legal framework to foster institutions of civil society supported by NGOs.

Reinforcement of social, economic and cultural rights of indigenous people.

Provide access to elementary education to everybody using local mass media and technology.

Promote programmes to enlarge the middle class population.

Set up a comprehensive social security system.

Asia

a. The Financial Crisis

The Asian financial crisis has large consequences for Asian economies, but also for the world economies, even if it is hard yet to analyse and quantify the effects of the crisis on non-Asian economies. But there is a clear need to avoid speculation, volatile capital, short-term investment, informal investment (drug, games, prostitution), that caused this kind of financial crisis.

A solution could be to regulate the capital movements, whether at a national level (example of Chile) or an international level (an IMF-lead code of conduct for capital movements). Governments and financial institutions should provide transparent financial information.

b. China

China's policy of reform, liberalization and economic development has led it to become the centre of development issues in East Asia, as well as to a significant position in the world.

With important economic development in China, the political system is undergoing changes. These reforms are having far reaching influences on regional and international politics, notably with improved Chinese-US, and Chinese-Japanese relations.

Considering this development the working group will make the following recommendations:

Improve mutual communication and understanding between Western industrialized countries and Asian civilisation.

A long-term perspective in dialogue with China is needed to permit orderly and sustainable development.

Further initiatives to promote economic cooperation within the region.

In order to prevent future social unrest, measures should be taken to combat unemployment. Social security systems should be improved.

Effective management of Foreign Direct Investment is necessary to benefit from its advantages.