The Construction of the Right to Development: The United Nations, Human Rights, and Economic Development

Nader Izzat Said
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THE CONSTRUCTION OF THE RIGHT TO DEVELOPMENT:
THE UNITED NATIONS, HUMAN RIGHTS,
AND ECONOMIC DEVELOPMENT

by

Nader Izzat Said

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Western Michigan University
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THE CONSTRUCTION OF THE RIGHT TO DEVELOPMENT:
THE UNITED NATIONS, HUMAN RIGHTS, AND ECONOMIC DEVELOPMENT

Nader Izzat Said, Ph.D.
Western Michigan University, 1992

The origins of human rights are of interest to social scientists. This study focuses on the construction process of the right to development as related to the UN. The emphasis is on the claims-making processes surrounding the creation of the right to development. To understand these processes, a theoretical framework has been developed. This framework combines interactionism, collective-behavior approaches, a dialectical theory of law-creation, and a capitalist world-economy theory. It is expected that this theoretical framework will explain the specific, organizational, and structural processes that led to the creation of the right to development.

Data for this study came from UN documents. In analyzing these data, a number of research questions were raised. The data showed that, in this case study, structural factors such as capitalism, colonialism, and neo-colonialism have influenced the claims-making processes surrounding the right to development. The data also showed that organizational factors (e.g., the existence of the UN), and claims-making processes were decisive in shaping the right to development and its content.

A number of directions for future research are suggested. The theoretical framework can be further refined and developed through such
research. A study of the construction of the right to development contributes to sociological research on constructionism, and to legal research on human rights and development.
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The construction of the right to development: The United Nations, human rights, and economic development

Said, Nader Izzat, Ph.D.
Western Michigan University, 1992
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Nader Izzat Said
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<th>Full Form</th>
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<tbody>
<tr>
<td>CHR</td>
<td>Commission on Human Rights</td>
</tr>
<tr>
<td>DD1</td>
<td>First Development Decade</td>
</tr>
<tr>
<td>DD2</td>
<td>Second Development Decade</td>
</tr>
<tr>
<td>DD3</td>
<td>Third Development Decade</td>
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<tr>
<td>DRD</td>
<td>Declaration of the Right to Development</td>
</tr>
<tr>
<td>ECOSOC</td>
<td>Economic and Social Council</td>
</tr>
<tr>
<td>GA</td>
<td>General Assembly</td>
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<tr>
<td>GNP</td>
<td>Gross National Product</td>
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<tr>
<td>IBR</td>
<td>International Bill of Rights</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant of Civil and Political Rights</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant of Economic, Social and Cultural Rights</td>
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<tr>
<td>ICJ</td>
<td>International Commission of Jurists</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labor Organization</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>NIEO</td>
<td>New International Economic Order</td>
</tr>
<tr>
<td>OPEC</td>
<td>Organization of Petroleum Exporting Countries</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNCTAD</td>
<td>UN Conference on Trade and Development</td>
</tr>
<tr>
<td>UNESCO</td>
<td>UN Educational, Scientific and Cultural Organization</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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CHAPTER I

THE PROBLEM

The issue of human rights has long been a major concern of the world community. From a sociological perspective an important question to ask is where do human rights come from? Human rights are not given objectively in nature. They are, in fact, socio-historical creations. The purpose of this study is to describe and explain the social construction of one particular, recently created, human right: the right to development.¹

Economic development is becoming increasingly incorporated into the concept of human rights. For over 25 years now, the question of the relationship between development and human rights has been under discussion in the UN. At this point, it is common to equate economic development with the promotion of human rights, and to argue that human beings should be the subject of development (Forsythe, 1989). Indeed, one of the fundamental and universal rights of human beings is their right to development. According to the UN GA Resolution 41/128 (1986), this is

an inalienable right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized. (p. 1)

According to this view, people have the right to choose and pursue a path of socio-economic development that brings them benefit.

To understand the social and political construction of the right to

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development, as a legal term, it must be traced historically. The development and context of this right will be analyzed to understand the claims-making processes through which the right to development came to be considered a human right. The historical interplay of a variety of economic and political forces that led to the creation of the right to development will be examined.

In tracing the emergence of the right to development, this study will focus on the role of the UN as an international public arena in which competing definitions might rise and fall. The study will particularly focus on the conflict between blocs within the UN representing different interest groups (e.g., "South" versus "North," "Advanced Countries" versus "Third World Countries") that promote their own definitions of the right to development.

In the last 20 years many claims have been made about the right to development. Still, this right remains a putative one, not fully incorporated into the body of generally accepted international law "Lex Lata" (Rich, 1988). This is due to the lack of ratification on the part of the States involved in the UN. It is also important to recognize that the major international law texts (e.g., UN Charter [UN, 1945]; UDHR [UN, 1948]) do not directly list the right to development as an existing human right. This has led lawyers, social scientists, economists, and human rights advocates to battle over the legal existence, the content, and the future of the right to development. To fully grasp the significance of these debates, the right to development needs to be examined within a broad socio-historical context.
This first chapter is a discussion of the paradigmatic, philosophical, and methodological frameworks that are used to guide this research. The personal, academic and professional experiences that resulted in this study will be clearly elucidated. This is necessary to avoid any misunderstandings between researcher and audience, and to clarify the basis for the theoretical framework used throughout the study.

Paradigms in the Study of Social Problems

The notion of paradigm is essential when approaching the structure of theoretical thought in the study of social problems. According to Ritzer (1975), a paradigm is

a fundamental image of the subject matter within a science. It serves to define what should be studied, what questions should be asked, how they should be asked, and what rules should be followed in interpreting the answers obtained. The paradigm is the broadest unit of consensus within a science and serves to differentiate one scientific community (or sub-community) from another. It subsumes, defines, and inter-relates exemplars, methods and instruments that exist within it. (p. 7)

There are two paradigms within the study of social problems: (1) the conditions (behavioral), and (2) the constructionist (definitional). These paradigms can be utilized to study any number of important topics such as the right to development.

The conditions paradigm conceptualizes social problems in terms of objective conditions and causes. Objectivism, in this respect, means that our concepts correspond more or less exactly with the objects to which they refer (Thomas, 1982). This paradigm takes as its subject matter the objective reality of social conditions that are classified as
problematic. Sociologists working with this paradigm attempt to describe the extent, nature, and distribution of a social problem (Ritzer, 1975). They also search for causal explanations of the social problem condition. The conditions paradigm attempts to remove, from both the theory and methodology, all traces of subjectivity (Thomas, 1982). Positivism, functionalism, bio-sociology, anomie theory, and conflict theory can all be grouped under the behavioral paradigm.

By contrast, the constructionist paradigm views social problems in terms of the activity whereby they are defined. Social problems are sociologically constructed by the claims-making activity of social actors. They are viewed as social processes rather than objective conditions. The researcher's task, in this case, is to examine how people actively participate in defining specific conditions as social problems. The subject matter of this paradigm is the definitional process whereby certain putative conditions are defined as problematic. Spector and Kitsuse (1977) express the rationale for this paradigm as follows:

Our definition of social problems focuses on the process by which members of society define a putative condition as a social problem. Thus we define social problems as the activities of individuals or groups making assertions of grievances and claims with respect to some putative condition. (p. 75)

The focus is on the claims and the claims makers. A social problem is a social construct instead of an objective reality. Constructionism, in this respect, offers a general framework that views social problems as the "activities of groups making assertions and claims with respect to
some putative conditions" (Spector & Kitsuse, p. 75).

Constructionists seek to understand why or how the "same objective condition may be defined as a problem in one time period, not in another" (Gusfield, 1981, p. 8). Constructionists (Gergen, 1985) are principally concerned with

explicating the processes by which people come to describe, explain, or otherwise account for the world (including themselves) in which they live. (p. 266)

Instead of focusing on identifying certain conditions or behaviors, social constructionists attempt to identify various definitions (or claims) made about these conditions or behaviors. Others, such as Mauss (1975), see social problems as social movements. Constructionists stress the variability of the definitions vis-à-vis the constancy of the conditions to which they relate. Things or conditions might not change in their objective being, but the definition of a condition might change. These definitions arise from the social circumstances of the definers rather than from the condition itself. The fluidity of these definitions "reflects that they are fundamentally socio-historical accomplishments" (Woolgar & Pawluch, 1985, p. 216). In reference to the changing definitions of marijuana use, Spector and Kitsuse (1977) argued that

the explanation of the definition must be sought in the conceptions held by various groups, the notion of addiction they applied, the types of evidence they used to support their views, the political strategies and tactics they used to gain acceptance of their definitions and the support given to them by government agencies for institutionalizing those definitions. (p. 43)

The arguments of Spector and Kitsuse (1977) suggested that major emphasis must be on the subject rather than the object. The question is
taken to be "whether actors perceive a condition as a social problem, not whether the condition is a social problem independently of, or separately from, actors' perceptions" (Hazelrigg, 1986, p. 83).

Examination of the right to development can occur within both paradigms, but with different foci of study and different directions. This study will be greatly influenced by the constructionist paradigm. The focus will be on "the emergence, nature, and maintenance of claims-making and responding activities," related to the right to development (Spector & Kitsuse, 1977, p. 76). This right, as a legal term, is a product of "a process of collective definition" (Hilgartner & Bosk, 1988, p. 53). To analyze this process, one must understand the "activities of individuals and groups making assertions and claims with respect to some putative conditions" (Spector & Kitsuse, 1977, p. 75).

In this study, the putative human right is the right to development, and the putative condition is the state of economic development and human rights. Special attention will be paid to the activities of individuals and groups "who assert the existence of conditions and define them as social problems" (p. 74).

Reflexive Statement

Traditionally, studies informed by constructionism attempted to achieve objectivity by placing themselves "on the side" (Gusfield, 1984, p. 31). However, this task proved to be a difficult one. All knowledge ought to be reflexive. Thus, the author of this study needs to clarify the factors and experiences that led him to engage in this research.

A combination of complex academic, professional, and scholarly
factors is behind undertaking this study. I grew up in an area that is described as underdeveloped and lacking respect of human rights. I was born and raised in what is sometimes referred to as the West Bank, Palestine, or the Israeli Occupied Territories. In this area, issues of economic development and human rights are of interest to all. Working for Al-Haq, a human rights organization and an affiliate of the ICJ, I was exposed to the issue of the right to development as related to colonial situations. In 1986, I had a chance to become a participant in a two-month seminar entitled "Law, Development, and Social Justice." This seminar was organized by the Institute of Social Studies in The Hague, The Netherlands. There, I had the chance to meet with 23 human rights activists coming from a number of Third World countries. We shared our personal and professional experiences relating to issues of development and human rights. Our experiences varied; however, the discussions were dominated by two common themes: first, the necessary interconnection between economic development and the respect of human rights, and second, the role of Western colonialism and neo-colonialism in perpetuating international imbalances that cause other economic and social problems.

The right to development also appealed to me because of its paramount import, especially as related to global inequality. A variety of worldwide social problems are generated by such massive inequities—overpopulation, poverty, hunger, unhealthy living conditions, and social/political chaos. These problems are said to be interrelated with issues of development, peace, and the environment. The moral significance of the right to development is inescapable. The survival of human
beings is dependent on their ability to secure their material and non-material needs. Global solidarity is needed to solve problems that transcend any one society.

Another reason for undertaking this study is to contribute, partially, to the ongoing debate over the right to development. This debate is still, for the most part, a political and academic one. However, it is hoped that such a debate will aid in establishing more just global arrangements where the disparities between the haves and the have-nots are eliminated.

These experiences and motivations combined with academic training in both economics and sociology have crystallized the ideas for this study. The choices of theory and method, however, are influenced by the works of a graduate advisor who is a critical sociologist, and a professor who is, among many other things, a constructionist.

Research Questions

In approaching the construction process of the right to development, four sets of research questions can be suggested:

1. Where did the actual term "right to development" come from? Who first used it? Who created this concept? What is the location of claimants and claims in history? What forces or factors influenced the construction of the term? What was the social organization of claims-making activities surrounding the right to development?

2. What interest groups or organizations were claims-makers? What interest groups resisted the term? What are the vested interests of these groups? What are the characteristics of the claims-makers?
What is the role of "Third World Countries"? What is the role of "Advanced Countries"?

3. What sort of resources did the competing groups mobilize to popularize the term? What is the role of social scientists? What strategies and tactics did the claims-makers use to promote their definitions of the right to development? What stages did the claims-making process go through?

4. How did the UN serve as a global arena in the construction of the right to development? How did the UN, a bureaucratic institution, influence the nature of the claims-making process and the conflict between the competing definitions? What are the various consequences of the definitional process?

These questions will guide the collection of data and inform the development of the theoretical framework.

Now that the value premises and the research questions have been clarified, it is necessary to turn to the research methods that will be used. These will provide the direction needed in addressing the research questions and analyzing them in relation to theory.

Research Methods

This research will rely heavily on historical and comparative methods (these are essentially qualitative methods). The researcher’s choices regarding methods are informed by the argument that methods should not be an end in themselves but rather should be used for the purpose of addressing questions by theory (McCrea & Markle, 1989).

Quantitative and qualitative data used in this study will be
primarily obtained from the UN's documents, declarations, archives, instruments, covenants, and appendices. Data will also come from speeches and discussions taking place in the UN and other related human rights organizations. The existing literature on the right to development, economic development, human rights, and the NIEO will be critically analyzed using sociological theories and methods. This study, operating as it does from within a constructionist framework, is not aimed at theory testing in a formal sense, but at understanding how concepts, such as human rights and economic development, are created, sustained, changed, and abandoned.

Research Design

The research strategy to be used in this study is the case study. Yin (1984) defined a case study as

an empirical inquiry that: investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and text are not clearly evident; and in which multiple sources of evidence are used. (p. 23)

For case studies, four components of a research design are important: (1) a study's questions; (2) its propositions; (3) its unit(s) of analysis; and (4) linking data to propositions and the criteria for interpreting the findings (Yin, 1984). The study questions were listed under "research questions." These questions deal with the process of constructing the human right to development. Specific questions about the claimants, the claims, and the causes behind these claims, are made. Also addressed are questions about the organizational and structural context within which claims about the right to
development were made.

Case studies rely on analytical generalizations to deal with the problem of external validity. It is therefore important to create theoretical statements where the concepts of theory must be connected to one another. These statements, according to Turner (1991), "specify the way in which events denoted by concepts are interrelated, and at the same time they provide interpretation of how and why events should be connected" (p. 7). In this study, each of the theoretical perspectives (discussed later in the theory section) can be useful in explaining some aspects of the phenomenon under investigation: (a) the claims-making processes, the claims-makers, and the activities that led to the construction of the right to development; (b) the organizational context in which resources are mobilized to push or resist claims made about the right to development; (c) the political economy that resulted in the creation of laws and human rights as an outgrowth of long-term structural changes; (d) the global structure (capitalist-world economy) that restricts the ability of actors to make claims and to mobilize resources, especially in such international settings as the UN; and (e) the dialectical relationship between macro-sociological structures, organizations, and human subjects that result in law creation.

The unit of analysis in this case study is the claims-making process surrounding the right to development. This necessarily leads to an examination of the following: (a) the complex processes that led to the construction of this right; (b) the actors who pushed or resisted this right; (c) the organizational setting(s) within which resources were mobilized; and (d) the broad structures of a capitalist-world economy.
A case-study approach requires an analytical scheme. The concepts of such a scheme serve to chop up the universe, while the ordering of the concepts "gives the social world a sense of order" (Turner, 1991, pp. 9-10). In this study, attention is paid to making sense of the historical processes and events that led to the construction of the right to development. According to Turner, "explanation of an event comes whenever a place in the classificatory scheme can be found for the empirical event" (p. 10).

This study will utilize an analytical scheme referred to as a sensitizing scheme. This is described by Turner (1991) as "loosely assembled congeries of concepts intended only to sensitize and orient researchers and theorists to certain critical processes" (p. 11). A sensitizing scheme must, therefore, be "flexible and capable of being revised as circumstances in the empirical world change" (p. 11). Explanation, in this respect, is "an interpretation of events by seeing them as an instance or example of the provisional and sensitizing concepts in the scheme" (p. 11). A sensitizing analytical scheme is a useful way to begin theorizing. And, since no formal propositions are suggested, findings will be contrasted to historical data in view of a theoretical framework.

The analytical scheme used here requires a broad range of techniques to analyze qualitative and quantitative data. An extensive and in-depth content analysis of UN documents will be conducted. This requires the researcher to carry on detailed description and careful analysis simultaneously, in order to provide adequate theoretical explanation of the particular phenomenon under investigation (Kramer,
1978). This form of explanation is referred to as understanding (Sjoberg & Nett, 1968) or purposive (Weber, 1947).

Understanding as a form of theoretical explanation is often used in interpretive historical research. Such an understanding is attained by placing the patterns of social interaction under examination into a historical perspective (Kramer, 1978). Dray (1963) formulated a precise conception of understanding as a theoretical explanation. He argued that sociologists and historians must seek information about what the agent believed to be the factors of his situation, including the likely results of taking various courses of action considered open to him, and what he wanted to accomplish: his purposes, goals or motives. Understanding is achieved when the historian can see the reasonableness of a man's doing what this agent did. (p. 108)

These arguments are in accord with interpretive historical methods. Hence, one means to achieve understanding is to examine historical documents.

Data Collection

This research, both in the collection and treatment of data, utilizes qualitative methods.

Here, both primary and secondary data are utilized. The most important of all historical materials are UN documents including: resolutions, reports, declarations, covenants, records, and journals. All relevant documents on human rights, international law, and economic development will also be used. Sociological, historical, and economic theories and methods are available and will be obtained from the existing literature. The works of social scientists, government delegates,
experts, and other entrepreneurs are treated as part of a general process of claims-making and, therefore, need to be analyzed as data.

Consistent with qualitative methods, Schur (1979) argued that sociologists must place instances and categories of condition-defining in a historical context. For Schur, socio-historical research and interpretation must go hand in hand. A researcher can proceed by analyzing the broad historical developments and overall functions of a particular condition-defining for the society or for subgroups. One can also examine the sequence of more specific events and the efforts by various individuals or groups to influence the events that immediately surround a particular change in a putative condition. To understand the concrete socio-historical developments at any given time, one must "reflect the broader forces; yet, it is also true that the broader history is made up of many such more specific events" (p. 421). This study is informed by Schur's argument. It will proceed by examining both the broad historical developments and the specific events surrounding the construction of the right to development.

The Theory

To understand the social construction of the right to development, an integrated theoretical framework is necessary. This framework must accommodate sociological, political, and historical issues as to help explain the changing nature of human rights, and the changing perception of the process of economic development within the parameters of a capitalist world-system. This theoretical framework will draw on a number of approaches that stress social interaction and collective behavior
(i.e., natural history models, social movements, resource mobilization, and public arenas), a dialectical (critical) model of law creation and world-systems theory. This proposed framework should be useful in analyzing micro-level claims-making, organizational level resource analysis, macro-level class analysis (McCrea & Markle, 1989), and a structural analysis of the functioning of capitalism as a world economic system (Wallerstein, 1974a, 1974b, 1979).

What follows is a discussion of the various theoretical approaches that can be used in an attempt to explain the social construction of the right to development. It begins by detailing a number of approaches that stress the importance of interaction. These include a variety of natural history models. The discussion proceeds with an analysis of collective processes contributing to the creation of social problems. These processes will be addressed by analyzing social movements, resource mobilization, and public arenas. Macro processes will also be discussed by introducing critical (dialectical) theory and world-systems theory. The section concludes by suggesting an integrated theoretical framework.

Interactionism

There are several forms of interactionism. They all agree that society is created, maintained and changed by the social interaction of its members. Society can be analyzed by focusing on people's interpretations of, and responses to, their interaction with others. Herbert Blumer's work is considered to be representative of interactionism. Blumer (1969) set forth the following assumptions: (a)
individuals act towards things on the basis of the meanings that the things have for them, (b) these meanings are the product of social interaction, and (c) these meanings are modified and handled through an interpretive process.

These assumptions imply that social interaction produces meanings, and that meanings make up the world. Human beings create the world by giving meaning to it in their daily activities (Mead, 1934). According to this view, sociologists must focus on the flow of interaction and interpretive processes, and on the way in which meanings develop and change.

For interactionists, interpretive processes are made possible by the use of symbols. These provide humans with the ability to pause in their reaction and rehearse it imaginatively. Processes of interaction (e.g., external conversations) allow people, together, to create a shared world. Internal interpretive processes provide a channel through which all external conversations must pass (Craib, 1984).

These ideas are elaborated on by phenomenologists and ethnomethodologists who argue that knowledge needs to be connected to the everyday activities and experiences in which it is rooted. The focus, here, is on the structures and workings of human consciousness and the social construction of reality (Berger & Luckman, 1963; Husserl, 1967). Sociologists are interested in the world insofar as it is meaningful and they must therefore understand how we make it meaningful. This is achieved through tracing the process of acquiring meaning. The goal of inquiry is to investigate the development of knowledge out of the social interaction of individuals (Berger & Luckmann, 1963; Husserl,
According to this view, meanings are created, exchanged, and maintained through the manipulation of social symbols. The focus, here, is on the way in which the construction and reconstruction of the social world is a product of the activity of the human subject. Processes such as interpretation, negotiation, and meaning acquisition are features that constitute how we enact a social environment (Thomas, 1982).

These processes can only be achieved through language and social interaction. Schneider (1985) emphasized the importance of language and meaning. He argued that sociologists must consider "all verbal and nonverbal behavior that conveys meaning about the problematic condition or object of attention" (p. 79). All things are seen as a result of enterprise and the product of certain individuals or groups making claims based on their particular interests, values, and views of the world (Schneider, 1985).

This concern with the subjective nature of society has been extensively used in the study of social problems. Here, a social problem is viewed as a social construction, rather than a social condition. A social problem is created through complex processes of interaction among individual actors. These views stimulated a number of authors (Becker, 1966; Blumer, 1971; Fuller & Myers, 1941a, 1941b; Spector & Kitsuse, 1977) to propose natural history models that describe the progression of the social construction of a social problem.

The Natural History of Social Problems

A large number of studies informed by interactionism were described
as following a natural-history model. Fuller and Myers (1941b), for example, have argued that "value judgments lead people to define conditions as social problems" (p. 320). According to this view, social problems exhibit temporal courses of development consisting of different stages of activities. They suggested that social problems "do not rise full-blown" (p. 321), but are conceived as always being in a dynamic state of becoming, passing through the natural history stages of awareness, policy determination, and reform.

This view was refined by Becker (1966). He suggested a five-stage model. The first stage is a stage of awareness, followed by a stage of solicitation where concern with a social problem becomes widespread. This leads to the third stage where the social problem achieves official recognition and continued attention. In the fourth stage we witness a decline in interest on the part of the group of people who created the problem. The fifth stage occurs with the bureaucratization of the social problem.

Becker's model (1966) is limited to those conditions a specific public defines as problems. His model also implies that the establishment of an organization to deal with the problem seems to ensure the problem's perpetuation, rather than elimination (Hartjan, 1977).

Blumer (1971) suggested a similar five-stage model. Blumer defined social problems as "products of a process of collective definition" (p. 298) rather than "objective conditions and social arrangements" (p. 298). Blumer's major contribution stems from his argument that movement from one stage to the next is highly problematic. A social problem proceeds so far and fails to go to subsequent stages.
Further attempt to present a natural history model was made by Kitsuse and Spector (1973). They argued that participants' definitional activities constitute the social problem, rather than leading to social problems as products. For Spector and Kitsuse (1977), social problems are "the activities of groups making assertions of grievances and claims with respect to some putative conditions" (p. 75). The sociology of social problems should "account for the emergence and maintenance of claims-making and responding activities" (p. 76). According to Spector and Kitsuse, claims-making includes demanding services, filling out forms, lodging complaints, filing lawsuits, calling press conferences, writing letters of protest, passing resolutions, publishing exposes, placing adds in newspapers, supporting or opposing some governmental practice or policy, setting picket lines or boycotts. (p. 79)

Those individuals and groups who are involved in claims-making activity are able to recognize a putative condition as a problem. They try to establish institutional arrangements to deal with such a problem. Spector and Kitsuse (1977) also state that claimants may include protest groups or moral crusaders who make demands or complaints; the officials or agencies to whom such complaints are directed, members of the media who publicize and disseminate news about such activities... commissions of inquiry, legislative bodies and executive or administrative agencies that respond to claims-making constituents... and sometimes social scientists who contribute to the definition and development of social problems. (p. 79)

The emphasis here is on the claims-making activities, how did they come about and how have they been sustained (Schneider, 1985).

Spector and Kitsuse's (1977) four-stage model is influenced by past approaches forwarded by Fuller and Myers (1941b), Blumer (1971), and others. In the first stage we witness the "emergence of a social
problem" (Kitsuse & Spector, 1973, p. 148). At this stage, collective attempts are made to remedy a condition that some group perceives and judges offensive and undesirable. Initial social problems activities consist of attempts to transform private troubles into public issues and the contingencies of this transformation process. (p. 148)

The most important issues at this stage include: how claims and grievances are formed and presented, how strategies to press these claims gain wider attention and support, and how public controversy is created (Schneider, 1985). The second stage occurs with the legitimation of the problem. It begins with recognition of these claims by "governmental agencies or other official and influential institutions" (Kitsuse & Spector, 1973, p. 154). Unlike past natural-history models, Kitsuse and Spector (1973) consider this official acceptance of a social problem (i.e., stage three) as new grounds for a new generation of definitional activities. Stage four starts when claimants contend that "it is no longer possible to 'work within the system' and, therefore, they attempt to develop alternative institutions" (p. 156). Such an argument implies that sociologists should concern themselves with how claims and definitions are created, documented, pressed, and kept alive.

Social Problems as Social Movements

A closely related approach of social problems is one that views social problems through the perspective of collective behavior. Blumer (1971) argued that "social problems are fundamentally products of a process of collective definition instead of existing independently as a set of objective social arrangements with intrinsic makeup" (p. 299).
Social problems are, therefore, defined by social movements organized specifically to call attention to a problem (Mauss, 1975). Social problems are recognized by sociologists after issue entrepreneurs or organized social movements successfully draw attention to them. Collective definitions of social problems depend on the formation of groups that become mobilized around particular problems. This approach sees social problems as issues around which there can be competing definitions, objectives, interests, and solutions. The more powerful and effective groups will be most influential in defining whether something is problematic. Social problems can disappear when their advocates lose their effectiveness.

Mauss (1975) elaborated on Blumer (1971) by focusing on the creation of a social problem through collective action and resource mobilization. Mauss (1975) argued that

no social condition, however deplorable or intolerable it may seem to social scientists or social critics, is inherently problematic. It is made a problem by the entrepreneurship of various interest groups, which succeeded in winning over important segments of public opinion to the support of a social movement aimed at changing that condition. (p. 11)

For Mauss (1975), a social problem is "a kind of social movement" (p. 11). This is to suggest that a social problem is dependent on the success or failure of a social movement. Social movements, through collective action, could achieve full success, cooptation (acceptance without benefits), preemption (benefits without acceptance), or failure (Gamson, 1975). Mauss's approach (1975) then, is essentially a natural-history model. It describes the stages of the career of a social problem.

Hilgartner and Bosk (1988) have criticized natural-history models.
Many problems "exist simultaneously in several stages of development, and patterns of progression from one stage to next vary sufficiently to question the claim that the typical career exists" (p. 54). They suggested that interactions among problems are central to the process of collective definition and dynamics of competition process need to be attended to.

A Public-Arenas Model

Hilgartner and Bosk (1988) called upon sociologists to focus on competition, rather than on the stages of a social problem. The assumption here is that public attention is a scarce resource, allocated through competition in a system of public arenas. Hilgartner and Bosk (1988) are concerned with agenda setting, the processes that structure collective concern in public arenas, and the resource constraints that human actors face in constructing problems' definitions.

According to Hilgartner and Bosk (1988), two critical features of this model are: "First, social problems exist in relation to other problems; and second, they are embedded within a complex institutionalized system of problem formulation and dissemination" (p. 55). This model stresses "the arenas where social problem definitions evolve" (p. 55). They examine the effect of such arenas on "both the evolution of social problems and the actors who make claims about them" (p. 55). They define a social problem as "a putative condition or situation that is labeled a problem in the arenas of public discourse and action" (p. 55). Their central emphasis is on the processes through which definitions compete with one another for public attention and societal...
Hilgartner and Bosk (1988) draw attention to the limited carrying capacities of institutions and individuals. These carrying capacities limit the number of social problems that can be entertained at one time. As Mauss (1975) suggested, at any given time, each society has a normal quota of social problems. The existence of a carrying capacity limits the size of the political and social agenda. This implies that "the ascendence of one social problem will tend to be accompanied by the decline of one or more others" (Hilgartner & Bosk, 1988, p. 61).

The Hilgartner and Bosk (1988) model draws on a number of other theories about social problems, including resource mobilization theory. Here, the emphasis is on the organizational and macro-mobilization processes.

Resource Mobilization

Constructionism, as forwarded by Spector and Kitsuse (1977), failed to account for "how participant’s activities affect the viability of claims and definitions" (Schneider, 1985, p. 225). Resource mobilization theories tried to explain the activities of social movements and their role in bringing social problems to public arenas. Resource mobilization theorists assumed that conflict between different blocs within any institution is inherent. They argued that discontent is ever present for deprived groups. But, according to McCrea and Markle (1989), since interest groups have variant resources that can be mobilized to assert their claims, collective action is rarely a viable option for deprived
groups because of the lack of resources and the threat of repression by the dominant groups. (p. 22)

While the availability of resources is important, the success of claims about rights is dependent on endorsements by a government or a legal system that has power to grant and protect such rights. Endorsements can also be grounded on tradition or an institution whose authority is accepted in those circles that recognize these claims as rights, or by widespread social sentiments, regionally, nationally, or internationally (Kamenka, 1988). However, according to McCrea and Markle (1989),

when deprived groups do mobilize, it is usually due not to increased discontent, but to interjection of external resources such as leadership, money, and organizing skills coming from outside the aggrieved social base. (p. 22)

Mobilization theorists view individuals and groups making claims (participants) as formally rational, purposeful actors. They see protest as emerging from both interpersonal and group interaction. Mobilization theorists focus on the processes by which individuals and organizations mobilize resources (McCrea & Markle, 1989).

According to Oberschall (1973, cited in McCrea & Markle, 1989), three concepts--resources, mobilization, and social control--are crucial to this perspective.

Resources can be material such as jobs, income, supplies, facilities, and media services; or may be nonmaterial, such as legitimacy, authority, moral commitment and skills, and knowledge. Mobilization is the process by which aggrieved groups assemble and invest resources for the pursuit of group goals. (p. 23)

Individuals and groups bring into each social experience a stock of knowledge which, if shared, provides the framework through which symbolically-mediated meanings are exchanged.
Social control refers to the same process, but from the view of the incumbents or the group being challenged. The interaction between mobilization and control processes generates the dynamic elements of conflict and collective behavior. Whereas the political system is generally viewed as closed, the social system of conflict is seen as an open system. Over time, actors may expand the conflict, drawing more groups into the arena, committing ever more resources to one or the other side. (p. 23)

According to McCrea and Markle (1989), movement success is more likely when there is a combination of sustained elite support, and tolerance and/or disunity among the polity.

Oberschall (1973) suggested that the nature of coalition building is key for movement success. Social movements' success is dependent on solving the central problem of "cementing together an organizational network" (p. 51). He also suggested that any sustained social movement must have a strong organizational base and continuity of leadership. Highly organized participants are essential to a movement's success.

Time frame and scope are also factors in predicting outcomes of social movements. Long-term and broad goals are best achieved by exclusive organizations. However, short-term and specific goals need the support of inclusive organizations (McCrea & Markle, 1989).

Movement professionals and issue entrepreneurs are essential to the movement's success. Those are, according to McCrea and Markle (1989), individuals who earn their living in the employ of social movements organizations and whose primary task is to define issues addressed by movement activity. (p. 25)

Delegates of governments, organizations, and private interests can be described as issue entrepreneurs. They may create, define, and manipulate grievances and discontent (McCarthy & Zald, 1977).

Resource mobilization studies focus mainly on organizational
issues, leaving aside larger trends in political economy. Such
omissions are seen as problematic and to overcome them here, the focus
on the UN, as an institution, must "be nested within broader perspecti-
ives upon politico-historical processes" (McCarthy & Zald, 1973, p.
245). A critical (dialectical) model of law-creation is an attempt to
deal with these issues.

A Critical (Dialectical) Model of Law-Creation

Interactionist approaches allow us to understand the micro
processes that lead to the construction of social problems. However,
their focus on meaning and on the knowledge-constituting subject is
criticized as extreme relativism. This relativism "means that objective-
conditions are considered theoretically irrelevant" (McCrea & Markle,
1989, p. 21). By arguing that conditions that lead to claims-making
about putative conditions are theoretically irrelevant, inter-
actionists not only ignore the dialectics, but also the impact of
historically produced structures on subjectivity. Gusfield (1981)
realized this shortcoming when he stated that

process without substance is like a bath without water; it is
a fine container, but there is nothing in it; it delimits
knowing a great deal apart from current definitions. (p. 3)

According to Thomas (1982), to understand the subjective defini-
tions (claims-making) about putative conditions it is essential to
analyze

the historical configurations that shape the content of
commonsensical understandings [or typification of the world]
and the social structure itself, which in part shapes and
delimits how we apprehend and negotiate our symbolic and
material world. (p. 297)
To deal with these issues, Pfohl (1977, 1985b) and Gusfield (1984, 1985) emphasize the importance of analyzing claims-making processes about putative conditions in the context of the political economy within which they are situated. Therefore, interpretive practices must be connected to matters of historically circumscribed power and to processes that lead to claims about putative conditions. As Pfohl (1985b) suggests, "definitions and the fact-like constraints of historical materiality are not things independent of the structuring practices by which each is...produced" (p. 229).

A critical (dialectical) model addresses these concerns. It views a social problem as "a conceptualization of contemporary modes of domination and a potential for social movements to coalesce and challenge such dominations" (Kivisto, 1984, p. 355). This view is closely related to Marxian analysis of the mode of production and capitalist relations.

For Marx (1967), the critical unit of analysis is the mode of production that dominates a given historical period. If we are to have a critical theory of law creation, therefore, we must understand it in relationship to specific forms of socioeconomic organization. The starting point of analysis must be "an understanding of the economic organization...and the impact of that organization on all aspects of social life" (Spitzer, 1975, p. 641).

A dialectical relationship exists between a society's economic base (infrastructure) and its superstructure. The superstructure emerges out of the infrastructure, and serves to preserve the hegemony of the ruling class through a system of class controls. Such controls, which are
institutionalized in the family, church, private association, media, schools and the state, "provide a mechanism of coping with the contradictions and achieving the aims of capitalist development" (Spitzer, 1975, pp. 641-642).

Critical theorists emphasize the logic of the dialectic in explaining law-creation. They argue that every society, economic system, and historical period contain within them certain contradictory elements which are the moving force behind social change—including the creation of law. Chambliss (1982) suggested that the dialectics of lawmaking emphasize people as creators of the law, people acting in the face of extant resources and constraints. He added that "people occupying roles and influencing law differ in the precise nature of the resolutions forged in response to structurally induced contradictions" (p. 165). For him, a dialectical model of law-creation is an attempt to explain the larger forces behind the law. For this model, the starting point of analysis must be the basic contradictions in the political economy. This model puts people squarely in the middle of these contradictions as some struggle to resolve the contradictions by fighting against existing law (law supporting colonialism, wage discrimination, or racism for example) while others are creating new laws. (p. 165)

In this process ideological justifications develop, shift, and change; these ideologies, in turn, become a force of their own influencing the development of legal institutions which reflect the interplay between material conditions and ideology. (p. 166)

This emphasis on people and politics induced critical theorists to focus their attention on claims-makers and their location as historical actors. This perspective, however, does not go far enough to address
global structures that need to be addressed to reach a comprehensive understanding of issues such as the right to development, global development, and international human rights.

**World-Systems Theory**

Wallerstein (1974a, 1974b, 1979) provides a historical analysis of global structures that restrict the ability of actors to make claims and assertions, especially in international organizations such as the UN. Wallerstein (1979) argues that we need to understand human behavior, particularly economic behavior, with a vision that transcends the nation-state. Wallerstein's perspective is that individual states are epiphenomena of a single, globalized social division of labor based upon a capitalist mode of production, and that "social action takes place in an entity within which there is an ongoing division of labor" (Wallerstein, 1979, p. 155). This entity is a capitalist-world economy. Wallerstein's system involves a network of unequal relations among developed countries and less developed countries. This system consists of core countries that are highly industrialized and exploitive, and a periphery of less developed countries that are exploited by those in the core. These countries are also engaged in an unequal-dependent relationship with the core.

Wallerstein's Marxist-oriented approach stresses the important functions served by the superstructure in capitalist societies in the regulation and management of "Third World" indigenous populations. His theory is valuable for understanding the means by which the capitalist world system developed during the sixteenth century, as well as how it
operates today in terms of creating a worldwide division of labor (McNall, 1979) and an international economic order.

**Toward An Integrated Theoretical Framework**

All of the theories mentioned above can be useful in explaining some aspects of the phenomenon under investigation. An integrated theoretical framework, one that combines interactionist approaches and resource mobilization theory with a dialectical perspective and a world-systems theory, is necessary. This framework will allow for a deeper understanding of actors, processes, and structures that led to the creation of the right to development. It may also shed light on the relationship between economic development and human rights within an international economic order.

This framework will help in analyzing the role of the different actors in the construction of the right to development and the claims-making processes associated with it. This will show that claims-making is not a random, ahistoric, astructural phenomenon. Instead, claims-makers are strategically located historical actors (McCrea & Markle, 1989).

This theoretical framework will also allow us to analyze claims-making within an organizational context that is influenced by effective mobilization of resources. The mobilization of these resources, in turn, is best understood within the parameters of a world-capitalist system. Such a framework should allow for an analysis of micro-level claims-making, organizational level resource analysis, and macro-level class analysis; all within a global world-capitalist system.
This proposed theoretical framework is intended to serve as an analytical scheme where the ordering of the concepts will give the world a sense of order. Such an analytical scheme will provide us with explanations that are viewed as interpretation of events by seeing them as an instance or example of the sensitizing concepts in the scheme (Turner, 1991). The theoretical framework, therefore, is not intended to be tested, but rather to supply an organizing device for the study of the right to development. For this theoretical framework to be most useful (insightful), it must be tied to the research questions. These questions will be addressed in the following chapters.

Overview

Chapter I introduced the salient concepts, methods, and theories that will be utilized through the rest of this study. Chapter II will be a discussion of the historical contingencies that led to the construction of the right to development. The changing conceptions of human rights and development will be traced. The historical international imbalances that characterized the relation between the West and the Third World will be analyzed in Chapter III. The evolution of the UN and the role of the different groups in shaping its policies will also be discussed. Chapter IV will focus on the multitude of claims-making activities that led to the construction of the right to development. The final two chapters will discuss the findings and the conclusion.
CHAPTER II

HUMAN RIGHTS AND DEVELOPMENT: A CONCEPTUALIZATION

The focus of this chapter is on the changing conceptions of human rights and development, especially in the context of the UN. These changing conceptions provided the content for the creation of a humanistic approach to development and an increasing interconnection between economic development and the realization of human rights.

The Changing Conception of Human Rights

The genesis of the concept of human rights can be traced back to the dawn of civilization. While the term "human rights" is relatively new, the concept is much older. Human rights, as we understand them today, were first crystallized in the Western World (Forsythe, 1989). The term, as originally used in the UN, first appeared in documents of post World War II organizations that were produced by the United States during the war years. The concept, however, goes back to both secular political concepts, such as the "Rights of Man," and religious thinking about natural rights (Crawford, 1988).

Traditionally, the term "human rights" was equated with the "Rule of Law." This involved a static model of equality before the law, with an emphasis on procedural justice and civil rights. In the UN, the concept of human rights has acquired elements which go beyond the original notion of the rule of law. Brownlie (1988) suggested that the UN's concept of human rights is a dynamic concept involving economic
justice and substantive equality. Brownlie's argument is made on the basis of the creation of the ICESCR, alongside the ICCPR in 1966.

The changing conception of human rights within the UN needs to be traced historically. Vasak (1977)\(^5\) categorized human rights into three generations. This classification is based on the historical circumstances that induced these rights to emerge and also on the content of these rights. The first generation rights were those rights which emerged from the American and French revolutions. They aimed at securing the citizens' liberty from arbitrary action by the state. They correspond by and large to the civil and political rights in the IBR. They are said to be negative rights in that they call for restraint from the state. Advocates of these rights (e.g., the U.S. and the Western Countries) insist that human rights are almost exclusively of an individualistic nature. Donnelly (1985)\(^6\), a significant figure in the discussion over human rights, argued that human rights by definition can attach only to individuals.

The second generation rights emerged with the Mexican and Russian revolutions and were echoed in the welfare state concepts which developed in the West. They correspond largely to economic, social and cultural rights and they require positive action by the State. While these rights are strongly supported by Third World Countries and previously Eastern Bloc Countries, they are resisted by the U.S. and the West. Alston (1985)\(^7\) points to the Reagan administration's denial of the validity of economic rights as real human rights. He suggests that it is paradoxical but nonetheless predictable that the Reagan administration's rejection of the validity of the entire concept of economic rights has further enhanced the symbolic,
if not also the practical significance of [these rights]. (p. 516)

Boven (1989) suggested that although, in theory, economic, social, and cultural rights constitute half of the supposedly indivisible package of rights, these rights are not considered in the works of international organizations or states (the work of the ILO being the only significant exception).

Third generation rights have their roots in rights that are consistent with the end of European colonialism. Vasak (1977) viewed the third generation of human rights as a response to the phenomenon of global interdependence. Individual states acting alone can no longer satisfy their human rights obligations. The problems that are now being faced reflect past and present injustices, and require international cooperation for their resolution. These problems include the protection of the environment, the maintenance of peace and the promotion of development. These rights are seen as benefiting both individuals and peoples. According to this view, rights which are accepted nationally imply certain obligations internationally. Alston (1985) argues that "the theory that rights stop at national boundaries continues to be widely subscribed to" (p. 516), especially in the U.S. and the West. The U.S., according to Alston (1985), sees itself as having a moral interest in, or moral concern for, what takes place elsewhere, but has no obligation deriving from its commitment to the principles of human rights.

Advocates of the third generation of human rights suggest that it is time to go beyond traditional views of human rights. Alston (1981), for example, argues that experts need to understand the interdependence
of regions and societies and how the actions of "Advanced Countries" influence the fate of those living in the "Third World." We need to recognize the international implications of a national commitment to human rights.

Vasak's generations thesis has considerable persuasive power. Marks (1981) argues that the three generations of rights are simply a restatement of the three-worded rallying cry of 1789; liberty, equality, fraternity. Vasak's thesis, however, has also attracted criticism. Rich (1988) points to the inadequacy of the positive/negative dichotomy Vasak (1977) postulates with respect to the first two generations of rights. It could be argued that civil and political rights require considerable activity on the part of the state for their full enjoyment, and that economic rights may often be enhanced through the absence of government intervention. Donnelly (1985) argues that the notion that third generation solidarity rights are human rights is seriously flawed. This is largely due to the fact that the UN has never endorsed the notion of solidarity rights in any of its major legal documents (e.g., the UN Charter).

Another popular approach to human rights was offered by Jean-Bernard Marie (1975). He categorized human rights into three phases, with each involving a specific level of UN involvement. The first phase, 1945-1955, was the standard setting or normative phase. A number of international documents were drafted or completed during this phase. These include the UDHR, the two covenants, and other conventions including those on genocide and refugees. According to Rich (1988), these activities stood in stark contrast to the UN's inability to react
to specific human rights violations.

The 1955-1965 phase was an attempt to influence the situation by working with governments through the use of periodic governmental reports and the provision of advisory services. The focus was on the promotion of human rights. The achievements in this phase were modest (Rich, 1988). The third phase, 1965 to present, has been an attempt to protect human rights and to do something more directly about them. New techniques were developed for appointing social rapporteurs to investigate situations and the idea of a High Commissioner for Human Rights was launched. The objective, here, was to identify structural obstacles to the enjoyment of human rights (Alston, 1980).

Rich (1988) has applauded Marie's approach to human rights. He argues that while these distinctions are not watertight, the trends appear to be clearly enough identified. Marie's (1975) classification provides a backdrop to developments in human rights, especially in the mid-1970s when the concepts behind the NIEO were promoted by Third World Countries. The focus on the third phase implies that previous methods of looking at human rights, which essentially concentrated on civil and political rights, began to lose relevance, giving way to a more structural approach.

A Structural Approach to Human Rights

Elaborating on Marie's model (1975), Alston (1981) identified a fourth phase in the development of human rights. This phase started in 1977 when the UN CHR emphasized a structural approach to human rights. Alston (1981) argues that this emphasis has become a new trend in human
rights. This trend is best exemplified by the Commission's attempts to "identify and . . . to remove structural obstacles to the enjoyment of human rights" (Rich, 1988, p. 41).

A structural approach to human rights means: (a) linking human rights to major worldwide trends and issues; (b) identifying the root causes of human rights violations; (c) assessing human rights in the light of concrete contexts and situations; and (d) recognizing the diversity of political and social systems, cultural and religious pluralism, and different levels of development (Alston, 1981).

The structural approach of the UN action has its origins in a growing notion of justice. Under this notion, justice can only be achieved through a removal of structural obstacles that lie at the root of many injustices. One way to achieve this is through the removal of obstacles which deny the right of individuals and nations to participate in making decisions which affect them. The removal of these inequities holds out a better long-term prospect for enabling individuals and collectivities to ensure respect for their own rights. In many respects a structural approach amounts to emphasizing a preventive rather than a curative strategy for improving enjoyment of human rights (Rubin, 1989).

The 1970s were marked by a combination of factors and developments which elevated human rights to a prominent place on the international agenda. At this time, the structural approach was propagated by the Third World countries. This combined with the high profile given to human rights by U.S. President Jimmy Carter, as well as the process embarked upon in the East-West context as a result of the Helsinki Accord of 1975, made human rights a "suitable topic on the research
agendas of the political and social scientists" (Boven, 1989, p. 123). Lawyers and moralists lost their monopoly over human rights. It was also symptomatic that, as a result, the UN CHR increasingly turned into a political platform. Diplomats took over the discussions of human rights; and political alliances counted more than merits in the creation of new rights (Boven, 1989).

Amidst all these events, the right to development became prominent. Indeed, the right to development has been described by Alston (1981) as "the single most important element in the launching of a structural approach to human rights at the international level" (p. 99). The same structural approach is apparent in the UN Declaration on Social Progress and Development (UN GA, 1969).

The seeds of this structural phase were actually sown at the International Conference on Human Rights held in Tehran 1968. The Proclamation of Tehran (UN, 1968) embodied explicit calls for a structural approach to human rights. The harvest, however, was minuscule until 1977 when the CHR began considering the right to development and the GA adopted Resolution 32/130 declaring the Establishment of the NIEO (UN GA, 1977). The provisions of this resolution have since changed the nature and direction of UN action in the human rights field (Alston, 1981).

Resolution 32/130 (UN GA, 1977) states 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. (p. 2)

This resolution was perceived as a suitable tool for an overall analysis of existing problems in the field of human rights (Repetto, 1984). The
resolution stressed, in particular, the indivisibility and interdependence of all human rights. It also stated that human rights questions should be examined globally, taking into account the overall context of the various societies in which they present themselves. The resolution accorded priority to combating mass and flagrant violations of human rights of peoples and persons. And it is not surprising that in an era when the NIEO was featured prominently on the agenda of the UN, the resolution considered the realization of the NIEO an essential element for the effective promotion of human rights which should therefore be accorded priority (Falk, 1988).

The need to adopt a balanced preventive approach to human rights has long been acknowledged in the work of NGOs. The ICJ, for example, sponsored two seminars, held in 1976 and 1977, to deal with the possible consequences of a structural approach. In a preface to the report of the Dar-es-Salaam seminar, the Common-Wealth Secretary-General, Shridath Ramphal (1981), emphasized the importance of appropriate structures for the promotion of human rights. He noted that

there must be a consciousness in the developing world of the need and the capacity to accommodate these rights. . . in the new political structures. If not, it will become all too easy to acquiesce in their denial as an incident of valid structural change. (p. 12)

The second seminar, organized together with the Organization of Commonwealth Caribbean Bar Associations, was held in Barbados in September 1977. In its final conclusions and recommendations the Barbados seminar affirmed that all fundamental rights and freedoms are whole and inseparable and stressed that the effective realization of economic, social and cultural rights is necessary for the full
attainment of civil and political rights (ICJ, 1981).

The emergence of a structural approach to the promotion of respect for human rights has far-reaching implications for the nature and direction of the activities of many groups in the human rights field, whether they be non-governmental, governmental or inter-governmental. Alston (1981) suggests that the pursuit of a structurally-oriented approach entails recognition of the reality that human rights problems do not arise in a vacuum and that lasting solutions must be sought through a variety of measures extending across the spectrum of societal activities. (p. 46)

The structural approach as highlighted in GA Resolution 32/130 (UN GA, 1977) caused uneasiness in the traditional human rights constituency. It was argued that this approach led to an erosion of the legal content and nature of human rights, blurring the whole concept of human rights (Moskowitz, 1979). Human rights would be abused for extraneous and political ends. The structural approach would also jeopardize the need for consistency and uniformity inasmuch as it introduced social and cultural relativism and the application of double standards depending on levels of development. Moreover, rights and aspirations were equated and thereby confused. A human rights observer, Moskowitz (1979), put his strong criticisms in the following terms:

The resolution is only symptomatic of the intellectual chaos which pervades the international human rights field; there are no valid reasons why in the thirtieth year of the Universal Declaration that document, which was conceived of the ages, should have been shaken to its foundations. The great task before the United Nations is to restore intellectual discipline to its work in human rights, to draw clear distinctions between fashionable fads and critical causes, and to cleanse the human rights programme of all cant and pretense. (p. 130)
While Boven (1979) concedes that there are misgivings regarding this structural approach, he feels that it has a great deal of validity. He believes that it is imperative to relate human rights to major political and economic issues. According to Alston (1981) it is an undeniable fact that human rights do not function in isolation. They cannot be fully and properly assessed without taking into account the political, economic, social and cultural context of the particular situation. Espiell (1981), a UN Special Envoy to study the human rights situation in Bolivia, deemed it necessary to refer to such contextual factors as: the political instability of the country, the very low per capita income and the unfair and unequal distribution of wealth, the high proportion of indigenous groups who remained outside the political process, and the drug traffic. The Envoy observed that consideration of this political, economic, social and cultural background is essential to an understanding of the human rights situation. In 1988, Rich argued that the structural approach was still alive, at least in the sense of rhetoric. One outcome of such a structural approach to human rights is the emergence of peoples' rights.

Rights of Peoples

Questions of collective or group rights have been contentious questions in international law and politics. Soon after the adoption of the UDHR in 1948, the question arose as to whether the proposed single Covenant on Human Rights should include economic, social and cultural rights, in addition to civil and political rights (UN, 1947a). The United States and the United Kingdom were opposed to the inclusion of
the former category of rights on the basis that they were inappropriate for judicial enforcement and went beyond the rights contained in existing national constitutions (Boven, 1979). This idea of a covenant covering all rights was supported by the largest of the UN's specialized agencies, the ILO. The ILO played a central role in the drafting of the economic rights provisions. After prolonged debate in the GA it was finally decided, in 1952, to include both categories of rights but to draft two separate covenants. The CHR concluded its work on the drafting of the two covenants in 1954. However, it was not until 1966 that they were adopted by the GA and opened for signature, accession and ratification by states (UN GA, 1966a, 1966b).

Rights of people are rooted in the idea that groups as such may have rights. The classical human rights instruments say little or nothing about the rights of groups as such, apart from the right of self-determination. However, in the ICCPR the family is stated to be "the natural and fundamental group unit of society" (UN GA, 1966a, p. 3). Article 27 provides as follows:

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. (p. 3)

In a general way, the assumption lying behind the classical formulations of standards of human rights, including the UDHR of 1948 and the two covenants of 1966, has been that group rights would be taken care of automatically as the result of the protection of the rights of individuals. However, it is not the case that the rights of groups are taken care of in all respects by the protection of the rights of
More recently there have been attempts, in the UN and elsewhere, to assert a third generation of collective or people's rights. One focus has been on UNESCO's Major Program XIII, "Peace, International Understanding, Human Rights and Rights of Peoples." The United States Government gave as one of its reasons for withdrawing from UNESCO in 1984, its distaste at UNESCO's apparent support for peoples' rights, and the danger that they could create new excuses for the denial of individual human rights (Crawford, 1988). The evolution of the rights of peoples is a response, or more accurately a series of responses, to this structural inhibition regarding the definition, protection, and promotion of rights. It represents "societal initiatives to project normative energy on behalf of those victimized by current political, economic, and cultural arrangements as administered by states" (Falk, 1988, p. 17).

The full enjoyment of individual human rights requires certain human rights to devolve, wholly or in part, upon groups (Kamenka, 1988). There are at least two instances where it is the group itself which is the direct beneficiary of human rights. The Convention on the Prevention and Punishment of the Crime of Genocide (1948) is intended for the protection of groups defined by national, ethnic, racial, or religious criteria. The Convention implies an acceptance that the group is qualitatively different from the sum of its parts (UN GA, 1948). The International Convention on the Suppression and Punishment of the Crime of Apartheid has similar provisions (UN GA, 1974).

The concept of peoples' rights has not been confined to the UN and
its agencies. It found support from The African Charter of Human and People's Rights (the Banjul Charter) adopted by the Organization of African Unity in 1981. This Charter incorporates statements of peoples' rights for the first time in a multilateral human rights treaty (Organization of African Unity, 1981). The concept of peoples' rights was also the main theme in the Algiers Universal Declaration of the Rights of People (International Lelio Basso Foundation, 1976).

The multiplicity of references to the rights of peoples has resulted in, at least, three different ways in which the term is used. These usages, while distinct, "tend also to be rather confusingly lumped together" (Falk, 1988, p. 24). The first usage assumes that governments are authoritative representatives of people, that they act in international institutions in a fundamental representational role, and that it is ultimately the legitimacy of the peoples that they represent, not their own expression of state interests, that is the underlying ground of their validity. This argument is obscured by the fact that many governmental actors with the authority to represent states can govern only by reliance on coercion and intimidation. The second dimension of peoples' rights is the tendency for civil society to assert some normative prerogatives of its own, alongside those of the government. The third aspect is the aspiration for a special regime expressing the rights of indigenous peoples, both the individual and group rights that pertain to the special circumstances of indigenous peoples (Falk, 1988). This set of initiatives taken together is a move toward a specific regime to be established within international law for the protection of indigenous people.
The rights of people challenge the competence of an inter-governmental system to resolve these issues. It seeks to enlarge upon the traditional conceptions, and even institutional capabilities, of international law, by providing a perspective, and some institutional support, for a non-statist approach to inter-group and inter-societal conflict (Crawford, 1988). This development of the rights of people is as yet fragmented and weak, posing mainly a moral challenge to the state system at the present time, and possibly augmenting political pressures on governments to be more protective of this category of human claims. The jurisprudential starting-point of the rights of peoples is a direct assault upon positivist and neo-positivist views on international law as dependent upon state practice and acknowledgement (Kunig, 1983). In this regard, the rights of people can be associated with pre-positivist conceptions of natural law which at the very birth of international law were invoked by Vitoria and others on behalf of Indians being cruelly victimized by Spanish conquistadors (Falk, 1988).

The two best-known examples of peoples' rights are the right of self-determination (UN GA, 1952) and the right of peoples and nations to permanent sovereignty over their natural resources (UN GA, 1962). The right to development is also constantly described as a right of people (Crawford, 1988; Falk, 1988; Rich, 1988).

"Indivisibility" and "Interdependence" of Human Rights

An important question in the study of human rights is how much emphasis should be placed on each category of rights-civil and political, or economic, social and cultural. Arguments have been
advanced in favor of economic and social rights as prerequisites for the enjoyment of civil and political rights. On the other hand, it has been argued that civil and political rights will automatically take care of economic and social rights (Crawford, 1988).

The latter view has been dominant since the Western concept of human rights has emerged. Nanda (1984) suggests that in the context of the UN, economic, social and cultural rights have received little attention. On a number of occasions, the two sets of rights were described as conflicting. Forsythe (1989) argues that "in both practice and in theory there is a degree of conflict between the two sets of rights" (p. 231). He suggests that the management of such conflict requires a careful balancing of interests in the light of all prevailing circumstances. Forsythe (1989) adds that such a balancing process can be difficult for a number of factors. First, attempts to formulate universally applicable solutions to conflict situations are generally doomed to failure. Second, the concept of ICESCR and its implications are at present poorly understood and much work needs to be done if a better appreciation of that set of rights and its relationship to ICCPR is to emerge in the near future. Third, many, if not most, of the hard and fast distinctions which are made between one set of rights and the other are of dubious validity or usefulness.

Alston (1981) disagrees with this view, arguing that human rights are interdependent. This view has already been confirmed by the UN. In 1977, the UNGA adopted resolution 32/130 which succinctly states that both ICCPR and ICESCR are indivisible, interdependent, and inalienable (UN GA 1977). The same resolution recognized the urgency
of implementing and protecting all rights included within the two categories of rights.

Few rights serve to demonstrate better the indivisibility and interdependence of economic and political rights than the right to participate. Popular participation in the context of economic and social development has been defined in a UN report (1975) as

active and meaningful involvement of the masses of people at the different levels in a) the decision-making process for the determination of societal goals and the allocation of resources to achieve them; and b) the voluntary execution of resulting programs and projects. (p. 4)

A number of states, such as the Federal Republic of Germany, have been very reluctant to support proposals that endorse interdependence between human rights. Also resisted is the concept of a third generation of human rights (development, environment, peace, solidarity). This resistance is based on the notion that this would distract from the implementation of already accepted standards. It should be noted that the Federal Republic of Germany, among other Western aid donors, consistently refuses to link human rights issues with economic issues (Heinz, 1989).

The Changing Conception of Development

A comprehensive analysis of the right to development cannot be achieved without understanding the changing perceptions of the process of economic development in general, and the evolving humanistic development in particular. Traditionally, modernization theorists equated development with growth in GNP, and with economic growth. This definition not only neglected issues of inequality and social welfare, but
also ignored the human dimensions of development. In the eighties, development became more and more incorporated with human rights.

Trying to describe the changing conception of the process of development, Galtung (1981, p. 121) talked about three colors of development. He described blue development as consistent with the modernization theory. The objective of development is economic growth and the role of the state is seen as negative. This view has its roots in the socio-economic changes that took place in Europe since the early 1600s. Modernization theory, however, came to prominence in the 1950s and 1960s. It offers an account of the common features of the process of development drawing on the analysis of Durkheim (1964) and Weber (1947). Modernization, according to this view (Webster, 1984), is the process of change towards those types of social, economic and political systems that have developed in Western Europe and North America from the seventeenth to the nineteenth centuries. (p. 43)

Webster (1984) added that the social scientists who developed these arguments used them in their work for developmental agencies, particularly in the United States and the UN. Their ideas, according to Webster (1984), were used as justifications for the activities of development agencies in Third World Countries.

At this stage, development economists regarded concepts of human rights as irrelevant and disruptive to their attempt to expand GNP. They also treated development issues as non-political issues. This was, of course, futile because no decision has such far-reaching political consequences for a country and, indeed, for the human rights of its people, as the choice of its development strategy. Nevertheless, this was the attitude in the era when the primary emphasis was on economic
growth (Boven, 1979).

Red development is economic growth controlled and initiated by governmental bureaucracy (Galtung, 1981). Here, the ultimate determinant of economic direction is governmental planning. Countries, such as the Soviet Union, China, and other former Eastern Bloc countries, adopted socialist ideas based on Marxian theory. In the 1960s and the 1970s critical literature took issue with neoclassical economics and gave rise to a substantial body of Marxist work on development (Redclift, 1984). This work was adjusted to the special requirements of Third World Countries. This resulted in the creation of dependency theories. These theories view massive and persistent poverty as caused by exposure to the economic and political influences of advanced countries (Frank, 1967, 1981).

Finally, Galtung (1981) mentioned green development which calls for more autonomy at the local level, for agriculture based on more traditional models, for smaller economic cycles, and for concentration on village economies. In green development the objective of economic development is "developing the entire human being and all human beings" (p. 3).

Rich (1988) elaborated on Galtung's model by incorporating the right to development with economic development policy. Rich (1988) suggested that the right to development would require that the choice of development policies, not be based solely on macro-economic models, but that it should take fully into account the needs of the primary subject of human rights law, the individual. (p. 54)
A humanistic approach to development is consistent with the arguments forwarded by Schumacher (1973) who questioned traditional methods of economic development and called for "simplicity, cheapness, smallness, and non-violence" (p. 143). This, according to Schumacher, would "lead back to the real need of man" (p. 143). The work of scholars, such as Schumacher, represents a renewed academic emphasis on humanistic economics. The objective of economic development, in this view, is to achieve what Mahatma Gandhi called the realization of human potential (Todaro, 1985).

In his call for linking development to human rights, M'Baye (1981) argued that development should meet the definition given by Malcom Adiseshiah (1972) for whom "development is a form of humanism" (p. 341). It is, Adiseshiah says,

> a moral and spiritual fact as much as a material and practical one. It is an experience of the wholeness of man responding to his material needs (food, clothing, and shelter) at the same time as his moral requirements (peace, compassion and charity). It is the expression of man in his greatness and in his weakness, ever striving forwards and further, but without ever ensuring definitively the redemption of his errors and his folly. (p. 341)

Development as humanism implies the absence of repression as well as of gross violations of human rights. M'Baye (1981) suggested that if one could establish the parameters of development on the one hand and of respect for civil and political rights on the other, "one would see that the two curves appear the same" (p. 65). He argued that development as defined in terms of economic growth is incompatible with the respect of human rights. Rich (1988) suggested that there may be a place for all
three types of development, described by Galtung (1981), even in one country. However, Rich (1988) added that the choices of development policies should not be based solely on macro-economic models, but should take fully into account the needs of the primary subject of human rights, the individual.

Economic Development and the United Nations

It is instructive to review briefly the historical and institutional process by which the interpretation of development moved from macroeconomic growth to human development. Within the setting of the UN, human rights and development issues began from the same starting point. In this respect, we can distinguish three types of development: development in terms of economic growth measured by GNP, development directed to meeting basic needs and enhancing the quality of life, and development as a global concept covering all human rights, economic, social, cultural, civil and political (Alston, 1981). These definitions resemble the UN consecutive development strategies.

In 1960, a comprehensive report on UN development activities, prepared by the Committee on Programme Appraisals, strongly emphasized the human rights and economic development link (UN Committee on Program Appraisal, 1960). Nonetheless, the Strategy for the UN DD1, which ran from 1961-1970, was concerned only with increasing the rate of economic growth in order to expedite the economic and social development of the economically less-developed countries. This view was based on the idea that an increase in GNP would automatically result in an increase in individual living standards (UN GA, 1960). The experiences of Third
World countries did not support such a view. Even in the cases where there was an improvement in physical living standards (as measured by growth), this improvement did not guarantee a greater appreciation of the non-material facets of human development (Mestdagh, 1981). In fact, an improvement in GNP resulted, in some instances, in a deterioration in the living standards of the poor and a wider gap between them and the rich.

Apart from a passing reference to the UN Charter's objective of promoting "social progress and better standards of life in larger freedom," the Strategy for DD1 made no reference at all to general social objectives, let alone to the promotion of human rights in the development process (UN GA, 1960, p. 23). The latter concern was taken care of, symbolically at least, in 1965 when the GA adopted a general resolution recognizing the need to devote special attention, on both the national and international levels, to the promotion of respect for human rights within the context of the Development Decade (Boven, 1982).

The adoption of the Strategy for the UN DD2 (UN GA, 1970) was preceded by the International Conference on Human Rights in Tehran in 1968 which, in a resolution of major significance, linked the realization of human rights to economic development at the national level and to the collective responsibility of the international community (UN, 1968). In the following year, the CHR adopted a resolution affirming that the universal enjoyment of human rights "depends to a very large degree on the rapid economic and social development of the developing countries," (UN CHR, 1969, p. 14). In this same year, a report by the Meeting of Experts on Social Policy and Planning, held in Stockholm (UN,
1971), stated that

the economic approach to development analysis and planning had
be integrated with a social approach that was different in
nature and would be more relevant to the problems of develop­
ing countries in the coming decade. (p. 14)

In 1969, the GA proclaimed the Declaration on Social Progress and
Development, which links human rights and development issues more
explicitly and at greater length than any other UN instrument (UN GA,
1969). Article 2 of the Declaration, for example, provides that

social progress and development shall be founded on respect
for the dignity and value of the human person and shall ensure
the promotion of human rights and social justice. (p. 3)

The depressing results of DD1 induced the UN to pay more attention
to the human aspects of development, at least in theory (Mestdagh,
1981). This was made clear in as many words: "The ultimate objective
of development must be to bring about substantial improvement in the
well-being of the individual and bestow benefits on all" (UN GA, 1970,
p. 17). The same arguments can be found in the theory of basic needs
advocated by the ILO. This theory states that people should be
guaranteed the basic needs they need to survive. More and more often
respect of human rights--irrespective of whether it was a question of
food, medicine and housing or the right to development--was linked to
development (Mestdagh, 1981).

Basic needs were defined as including, first, certain minimum
requirements of a family for private consumption: adequate food,
shelter and clothing, as well as certain household equipment and
furniture; and, second, essential services provided for and by the
community at large, such as safe drinking water, sanitation, public
transport and health, and educational and cultural facilities. An ILO

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conference report (1977) emphasized a basic needs-oriented strategy. Such a strategy "implies the participation of the people in making the decisions which affect them through organizations of their choices" (p. 70).

A number of the international agencies, including notably the World Bank, endorsed this general concept. But while different versions of the basic needs approach were proliferating at a fast rate, many developing countries began to express concerns that the slogan of basic needs was used to distract attention from NIEO issues, to play down the importance of promoting economic growth in Third World, and to facilitate unwarranted and unwelcome interference in the domestic affairs of developing countries. Since these allegations were far from being unfounded, one of the effects of Third World opposition to the concept was to give it a much lower profile internationally (M'Baye, 1981).

The incorporation of basic needs goals into national development plans does not necessarily amount to the promotion of human rights. In the first place, it is clear that rhetoric embodied in development plans does not constitute a serious commitment, let alone ensure the implementation of the stated objectives. Secondly, and more importantly from the present perspective, most basic needs lists are confined in practice to material needs such as food, clothing, shelter, and health care. It is true that studies of the concept of basic needs undertaken by the UN agencies usually include certain non-material needs, notably participation, but in practice such aspects have been neglected if not entirely ignored (Alston, 1979). Thus the espousal of a basic needs goal needs to be complemented by a commitment to the promotion of respect for human
rights in the broad sense which extends well beyond the satisfaction of a minimum level of certain economic rights (M'Baye, 1981).

Despite this lead-up, the strategy for DD2 did not refer at any point to the concept of human rights, although heed was paid to some social development issues by acknowledging the need to bring about more equitable distribution of income and wealth for promoting social justice and efficiency of production. But such reference to social justice and equity were interpreted narrowly to imply a more equitable distribution of goods and services to meet basic human needs (Boven, 1982). The vagueness of the DD2 strategy in human rights-related spheres stood in sharp contrast to the specific targets for economic growth and financial resource transfers and the statement of policy measures to be taken in the realm of international trade. Promotion of the enjoyment of civil and political human rights remained an extraneous element and, in some respects, the new approach amounted to little more than a grudging technocratic recognition of the effectiveness of broader-based development efforts unhampered by the discontent and non-productivity of the poverty-stricken masses (Alston, 1981). The assumption that development is co-terminus with economic growth as measured in terms of an increase in the GNP is now too discredited to warrant elaborate refutation (Boven, 1979).

At the end of the 1970s, new development policies were advocated with even more emphasis on meeting basic needs, eliminating absolute poverty and promoting self-reliance. At this time, the process of reunification between human rights and development was only just beginning. In 1980, the CHR invited the Preparatory Committee for the
Strategy for the UN DD3 "to pay due attention to the integration of human rights in the development process" (UN CHR, 1980, p. 7).

The need to emphasize the element of human development was recognized by the UN GA when, at its thirty-fifth session, it adopted the Strategy for DD3, declaring that the "development process must promote human dignity" (UN GA, 1980, p. 8). The same document states that

the ultimate aim of development is the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom. (p. 8)

In development terms, DD3 has been distinguished from DD2 on the grounds that it emphasized the need for structural change at all levels, whereas DD2 had adopted only a mildly reformist approach. Nevertheless, among its nearly 20,000 words, DD3 does not mention the two words human rights. However, the final seven of the 117 paragraphs dealing with the specific policy measures to be taken relate to social development. Thus, neither DD1, nor DD2, nor DD3, contain any specific mention of the concept of human rights (Alston, 1981).

This led Boven (1989) to describe the UN's concern with relating human rights to development as rhetoric more than reality. This is due, in part, to the lack of the contact or coordination between those who work in the field of development strategies and those concerned with promoting human rights. In spite of the multitude of documents on the relationship between development and human rights in the UN work, there is still some reluctance to admit that this relation means that economic development has to concern itself with human rights. And even when the UN emphasize such a relation, little is realized in practice (M'Baye,
Summary

The relationship between human rights and development is a complex one. This relationship has largely been ignored by early development and human rights experts and documents. More recently, however, the two concepts were seen as interrelated. In this respect, human rights cannot be realized without securing material and non-material goods and services necessary for human survival. In the context of the UN, the development process became increasingly directed at protecting individual and collective human rights. The right to development was a logical product of such a relationship.

Concepts relating to development and human rights did not develop in a vacuum. They, themselves, are the outcome of a number of historical, structural, and organizational processes. The focus of Chapter IV is on these processes that led to the creation of the human right to development.
CHAPTER III

STRUCTURAL AND ORGANIZATIONAL ASPECTS

The emergence of the right to development must be tied to the broad historical structures, the organizational context and the specific processes that led to its construction. The right has its roots in historical processes, particularly the end of colonialism in the 1960s, and early 1970s. At this time, issues of development and underdevelopment were at the forefront of the discussions taking place in the newly liberated countries and within the UN.

The relationship between ex-colonial powers and Third World countries was still described by many as exploitive (Chomsky, 1970, 1984; Frank, 1967, 1981; Warren, 1980). Western nations continued to dominate other nations in a relationship now called "neo-colonialism." This relationship is made viable through the exploitation of labor and resources, and through other informal means.

At the same time, the UN became more involved in the promotion of economic development. The first UN development decade was initiated in the 1960s, followed by a second one in 1970, and another in 1980. Human rights were increasingly incorporated with the idea of economic development, and a call for a new international order was made by Third World countries. These newly liberated countries joined the UN in large numbers. As a result the UN has grew in size and influence. Third World Countries became important actors in the creation of UN policies regarding both development and human rights. This era also witnessed
a growing number of studies and theories that questioned traditional approaches to economic development and human rights (i.e., Marxian approaches including Dependency theory and World-Systems theory).

Amidst all this, the right to development emerged from total obscurity to considerable prominence. In many ways, this right represents the struggle of Third World Countries to achieve full liberation from ex-colonial powers. It also represents a response to the newly emerging global interdependence and the expansion of capitalism.

For us to understand the concrete socio-historical developments surrounding the right to development, we must examine these broader forces; yet, it is also true that the broader history is made up of many specific events (Schur, 1979). Keeping these arguments in mind, this chapter will proceed by analyzing the broad historical developments that made the right to development an acceptable human right. The structural and organizational aspects of the right to development will be presented and analyzed through a discussion of the historical processes of colonialism, neo-colonialism, and the present relations between the North and the South. The evolution of the UN and its role as a global arena, and the changing role and influence of Third World countries on the decision-making processes that take place within that organization will also be examined. The changing nature of this organization needs to be analyzed in order to understand the claims-making processes relating to the right. This chapter will be followed by another that will discuss the sequence of more specific events and the efforts of
various individuals and groups to influence these events that immediately surround the construction of the right to development.

Structural Aspects

The question of human rights, particularly as related to the right to development, is essentially a development issue that is rooted in international relations between the developed and less developed countries. These relations are characterized by an unbalanced exchange system or colonial relations, at least until the mid-twentieth century (Kassahun, 1985).

In his address to a seminar organized by the Netherlands Organization for International Development (NOVIB), Boven (1980) suggested that proclamations and definitions of human rights emerged from "revolutionary situations following a time of upheaval where people reappraised their positions, their interests, their rights which they had acquired with great sacrifice" (p. 50). He added that to understand the issue of human rights, we need to investigate the nature of the relationship between dominant and subordinate groups. Developed countries, according to Klare (1989), benefit from violations of human rights occurring in less developed countries. They promote systems of injustice and become accomplices to violations of human rights elsewhere.

Falk and Black (1970) emphasized the importance of the international stratification system in shaping the international legal order. Third World countries continue to demand reforms in both the international economic and legal systems. But, advanced countries seem
unwilling to give up their privileged position with respect to matters of wealth, resources and power. These countries are searching for new models of international control; at the same time, the poorer countries are struggling to obtain more significant participation in global processes of decision making bearing on trade, wealth, and technological development (Babu, cited in Hadjor, 1988). According to Falk and Black (1970) this struggle for equality between rich and poor countries seems to overshadow the competition between the more capitalist and more socialist systems of economic organizations. For Falk and Black the question is whether the changing global economic order will be matched by changes in international legal order so as to raise the living standards of poor countries and to close the gap between the rich and the poor.

Demands for a right to development, accompanied with calls for a NIEO, emanated early in the 1970s. However, the foundations for these demands are rooted in the historical relations between the South and the North. These foundations include, among others, a recognition of the substantive inequality that exists between the North and the South (Rich, 1988). According to this view, the current state of Third World underdevelopment is attributed principally to the historical process of economic imperialism, as manifested by colonialism, neo-colonialism, and the unequal position of Third World countries in the present world economy. This position is largely a consequence of the historical expansion of capitalism over the last five centuries, but most importantly the last century.
Historically, international economic relations between the developed countries and less developed countries took a colonial form. By charting the course of Western colonialism, we can gain a fuller understanding of the relationship between the West and the Third World, a relationship that contributed to the emergence of the human right to development within the UN.

The modern colonial system matured at the end of the 19th century "as a consequence of the change from free competitive capitalism to monopoly imperialism" (Woddis, 1967, p. 13). At this stage, European nations were increasingly affected by the Industrial Revolution. They became increasingly dependent on a wider world of raw materials for their industries and markets for their goods. They soon found it impossible to promote their capitalist aspirations without taking over countries and administering them themselves (Easton, 1964).

To maintain domination over colonies and to ensure their utmost exploitation, European powers established full state control over them. This absolute power was made possible by political, military, economic, and ideological coercion. The overall political power was directed at achieving two objects: to keep the colonial people in political subjection; and to make possible the exploitation of the people and the country's resources (Woddis, 1967).

Colonialism enabled the imperialist powers to rob the resources of colonial people. The results on the economy of the colonial territories were catastrophic (Nkrumah, 1966). Colonialist powers were able to secure cheap labor, resources, and land. They imposed a system of
low-priced payments to peasant producers of export crops. They also established a monopoly-controlled market for the import of the manufactured goods of the colony-owning power and secured a source of extra profit thorough investments (Magdoff, 1978). According to Woddis (1967), these activities resulted in

the imposition of unfavorable terms of trade on the colonial people which obliged them to sell their labor power and their produce cheaply but to pay ever-mounting prices for the manufactured goods imported into their countries by the imperialist traders. (p. 16)

To maintain a profitable system, the colonial powers prevented industrialization in the colonies. They also transferred the existing agricultural system to one that is dependent on one or two cash crops.

For practically everyone, apart from the privileged few, the colonial system meant extreme poverty, ill-health, bad housing, illiteracy, political tyranny, and malnutrition. These conditions meant continuous violations of human rights (Cesaire, 1972). Imperialism, in this respect, has been described as destructive to civilization and human rights. Cesaire (1972) claims that there is an infinite distance between colonialism and human rights. She adds that "out of all the colonial expeditions that have been undertaken, out of all the colonial statuses that have been drawn up, there could not come a single human value" (pp. 11-12). This, somewhat absolutist statement, represents the feelings of the majority of colonized subjects.

Under such a situation it is expected that opposition will rise. To eliminate any opposition, a whole array of laws and institutions need to be established. These laws and institutions were used by imperialists to "give complete guarantees of success to the monopolies against
all the risks of the struggle with competition" (Lenin, 1966, p. 100).

It was also necessary for colonial powers to create and attract internal forces which could play a part in making it possible for the colonial system to function. The local elite, as Mansur (1962) points out, was not a new elite created by colonial powers, but part of the traditional elite. Part of this elite played a role in helping colonial authorities. However, some members of this elite were later to play a prominent part in the national independence movement. After the winning of independence, this elite was to be regarded by imperialist powers as potential allies in their effort to maintain a Western presence in the Third World (Woddis, 1967).

By 1966, direct colonial rule had disappeared from most of Asia, Africa, and the Caribbean. Powers that persisted in fighting to keep the colonies were "pilloried by world public opinion, especially expressed in the UN" (Easton, 1964, p. 13). Colonialism, as seen by Easton was an "almost completed process" (p. 13). The newly independent states inherited economies, which are not only undeveloped, but also distorted. The end of colonialism left Third World countries at a disadvantage in international economic and political relations.

The legacy of the colonial economic structure was reinforced by post-independence development. Kassahun (1985) summarizes as follows: "Right from the start, the governments of the newly independent countries failed to bring about a complete break with colonial economic policy. Instead, they pursued this policy vigorously" (p. 21). Every effort was made to increase the production of export crops. Some
independent states chose socialism as their economic system. Still, they had to deal with the legacy of colonialism and the unbalanced relations in the newly created economic international order.

The newly independent countries created their state structures based on colonial structures. Little infrastructure was actually available. In short, the political and economic systems were incomplete for nationhood.

Neo-Colonialism and International Relations

According to Darby (1987), the 1960s and 70s mark a watershed in that the edifice of Western domination, and its intellectual and emotional support, began to crumble. Ethnocentrism was increasingly recognized and condemned, what might be termed 'imperial will' appears to be losing ground in the struggle with cultural relativism. (p. 30)

This was in part achieved through the UN and its specialized agencies, especially the UNESCO.

However, the end of colonialism in its classical form gave way to a new form of domination described as neo-colonialism. Wodouas (1967) suggests that the Western powers had every intention of re-establishing new forms of control over the Third World. The U.S., for example, utilized a combination of financial control and political pressure (at all times resting on U.S. military might) to dominate Third World countries, especially Latin America (Chomsky, 1970, 1984). Nkrumah (1965) explained that the methods of neo-colonialists are subtle and varied, and that neo-colonialists "operate not only in the economic field, but also in the political, religious, ideological, and cultural spheres" (p. 25). He (1966) points out the rising influence of
multi-national corporations on local policies in the Third World. In sum, this new form of colonialism kept Third World countries at a disadvantage in the international economy; an economy that is capitalist in nature.

In the new system, the unequal economic shares effectively "meant unequal influence over the direction of world affairs" (Cole & Miles, 1984, p. 13). Domination and subordination still characterize international relations between the North and the South. However, the fading of the cold war between West and East, and a growing assertiveness of Third World states gave rise to North-South issues. Now, countries from the South are less inclined than ever before to accept their subordination in international politics. The increasing dependence of the West on the economic resources of Asia and Africa was symbolized by the Club of Rome Report in 1972, and the rise of OPEC influence in oil markets the following years (Darby, 1987).

In their effort to reduce vulnerabilities in international economic and political relations, less-developed countries pursued a number of policies. In the 1970s, the Group of 77 (non-aligned movement) succeeded in elevating proposals for a NIEO to prominence on the agendas of international organizations. This was accompanied with the emergence of the Newly Industrializing Countries (NIC) which has penetrated the markets of the industrialized world. They also were able to create the bureaucratic capacity to bargain effectively in bilateral and multilateral negotiations. At this point, the Western countries, influenced by the 1973 Oil Crisis, felt that no one country can control the international economy (Ravenhill, 1985). These changes influenced
the global dialogue on restructuring the international economic order. For the first time, Third World countries were taken seriously by countries of the North.

Hadjor (1988) argued that the changing power structure in international relations should not be overestimated. In 1979, Rothstein insisted that the bargaining process between South and North is still highly distorted. The U.S. and the West still have the upper hand in international relations.

But, in spite of these imbalances, Third World countries were able to become full members in the UN, creating a majority in its GA. The retreat of colonialism and the appearance of the new nations at the UN raised important questions about the role of a united Third World in international politics, and how the UN could be utilized as a source of power for these countries.

Colonialism and Development: Theoretical Background

Although a number of factors, including historical and economic factors, are given as basic causes for underdevelopment and violation of human rights, this section will primarily be devoted to causes related to past and present international relations between developed and less developed countries. These relations are said to be largely shaped by economic imperialism as expressed by colonialism and neo-colonialism.

Imperialism, as defined by Reynolds (1981), is an idea that denotes a relationship of domination. This view of imperialism is shared by Lichtheim (1974) who sees imperialism as "the relationship of a hegemonical state to peoples or nations under control" (p. 5).
Colonialism, Reynolds (1981) argues, denotes
the settlement of territory by the peoples of a metropolitan
power. A colonial relationship is thus established in which
indigenous peoples coexist uneasily with incomers, with their
political rights and status unresolved or unequivocal. (p. 1)

These essentially political definitions of imperialism and
colonialism were rejected by Lenin (1966). He defines imperialism as
basically an economic phenomenon restricted to a particular phase of
capitalism, a stage at which crisis appears in capitalist profitability.
For Lenin (1966) imperialism is the highest stage of capitalism.

A Marxian approach to colonialism emphasizes the contradiction of
capitalist accumulation. This contradiction is resolved by "invasion of
primitive societies" (Luxemburg, 1951, p. 26). Luxemburg argued that
surplus value was realized by creating markets in non-capitalist
societies, in order to create necessary investment outlets that could
not exist in a closed underconsumptionist capitalist society. For
Luxemburg (1951),

it becomes necessary for capitalism progressively to dispose
ever more fully of the whole globe, to acquire an unlimited
choice of means of production, with regard to both quality and
quantity so as to find productive employment for the surplus
value it has realized. (p. 358)

Lenin (1966) sees the reason for imperialist expansion as the need to
guarantee cheap raw materials, have access to cheap foreign labor, allow
control over global markets, and in general, provide an outlet for
surplus capital and to create a source of profit from investment.

In the 1960s and 70s, a number of academics and development
economists produced a multitude of studies informed by Marxian analysis.
Dependency theory is based on the premise that underdevelopment in the
Third World is to be understood in relation to development in advanced
countries which achieved development through merchant capitalism, colonialism, and neo-colonialism. Frank (1967) argued that

we cannot hope to formulate adequate development theory and policy for the majority of the world's population without first learning how their past economic and social history gave rise to their present underdevelopment. (p. 40)

Accordingly, dependency (underdevelopment) is maintained as an essential part of the structure and development of the capitalist system on a world scale.

The expansion of the capitalist system penetrated all sectors of the underdeveloped world. Exploitive relations and institutions were established (Warren, 1980). The existence of a chain of dependent relations directed and controlled by multi-national corporations is "the nub of economic imperialism" (Reynolds, 1981, p. 11). The economic, political, social, and cultural institutions and relations "are the products of the historical development of the capitalist system" (Frank, 1967, p. 6). The UN, according to this view, is an institution that emerged within the same historical process.

At this point, it is necessary to turn to a discussion of the UN, and to those negotiation processes that resulted in the creation of new relations between economic development and human rights. Processes that resulted in the construction of the right to development need to be placed in their organizational context. The UN, with its specialized agencies, served as an international arena where the South-North dialogue took place.

Organizational Aspects

In 1945, the UN was launched in San Francisco. It emerged largely...
as a creation of the Western world, the U.S. in particular. Its rationale and goals were rooted in the documents of the League of Nations, an organization that included Western countries. According to Wilcox (1962), the UN was originally based upon Western legal concepts and led largely by staff members and diplomats from Western countries.

The UN was intended "to be a center for harmonizing the actions" of states in maintaining international peace and security, developing "the principle of equal rights of self-determination of peoples," furthering international co-operation in economic, social, cultural and humanitarian matters, and "encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" (UN, 1945, pp. 1-3). The basic objective of the organization as perceived by its originators was the furtherance of international peace and security—all other objectives were essentially secondary, or rather contributory, to this central objective (Twitchett, 1971).

Since the Second World War, the UN has become an established feature of the international scene. However, the aims and structure of the UN as set forth by its originators have changed through the years. Although the Charter remains the same, a number of revisions and new interpretations have occurred. Chapter 5 of the Charter has been revised to increase the Security Council's membership from 11 to 15. Now more smaller countries are able to have a role in the Council. Another revision concerning Chapter 10 increased the ECOSOC's membership from 18 to 27. This Council has become instrumental in promoting economic rights (Yoder, 1989).
Most important is that the actual working of the organization has been transformed--due in large part to an expansion of its membership. The majority of the new members came from Asia and Africa. They had very different historical experiences and traditions, economic and political capacities, and hopes and aspirations, from those of the founding members. The UN became the "world stage" for "international drama" (Twitchett, 1971, p. 1).

The Role of The Third World

In the first 10 years, the admission process to the UN was highly scrutinized by the superpowers. The membership of the UN reflected its predominantly western character. The San Francisco meeting (1945) was attended largely by countries from Latin America, Western Europe and the British Commonwealth. Only four countries from Africa were present: Egypt, Ethiopia, Liberia, and South Africa. Only 13 states from both Asia and Africa were present. Out of the 51 original members only three (India, Lebanon, and Syria) had emerged relatively recently from colonial rule or were about to do so; though Egypt and Iraq were defined in terms of semi-colonial status. The 20 Latin-American countries, though colonies 150 years before, were no longer motivated by any strong anti-colonial sentiments (Luard, 1982). This membership pattern helped the Western point of view to prevail. Except for the Soviet opposition, by and large the UN did what the Western World wanted it to do (Wilcox, 1962).

In 1955, a major decision was made regarding membership requirements in the UN. A compromise was reached and admission was granted for
almost all the potential applicants. This compromise was explained by Luard (1979) as an outcome of the competition between East and West. Both wished to create a large pool of potential supporters in the UN. Luard (1982) suggested that this new policy brought about a fundamental alteration in the balance among the membership as a whole. By 1965, out of the 119 members, almost 50 had emerged only recently from colonial rule, while another 20 had been colonies in a former age, and at least half a dozen more had been under a form of foreign tutelage which was little different from colonial rule. These changes influenced the direction of the organization and the character of its activities. Luard (1979) argued that "the altered balance in membership was associated with a further change which affected the organization" (p. 39), and the nature of conflict within it.

Originally, East-West issues predominated the nature of discussions taking place in the UN (Hadjor, 1988). In the mid-1950s the spotlight shifted to North-South issues. The majority of conflicts the organization considered were related, directly or indirectly, to the ending of the colonial era. Issues relating to the aftermath of colonialism were debated. At the core of this debate were issues of development and underdevelopment. The UN, at this stage, expressed explicit support for the process of decolonization as a whole (Luard, 1982).

The 1960s witnessed a similar trend. Third World countries continued to have a profound impact on the development of the UN. However, real achievements were few and far between. According to Hadjor (1988) the Third World lobby in the UN made several attempts to
put forward its point of view, but the industrial countries "had little time for the views of ex-colonies" (p. 47). However, in this period, Third World countries managed to pass a large number of resolutions in the GA. According to Luard (1982), this is due to the ambivalent attitude that the West expressed towards issues relating to the South. Western countries did not feel they had to take the South seriously. This represented an added advantage for these countries in the UN. This ambivalence gave Third World Countries the ability to control, and sometimes create, a number of UN specialized agencies (e.g., UNCTAD, UNESCO). They were also able to make a number of procedural changes relating to membership and voting power.

In 1964, the first UN forum for consideration of North-South issues was established. The firstUNCTD was held in Geneva. This first conference established the pattern for the future. The conference called for ameliorating the position of Third World countries in the world order (Shepherd & Nanda, 1985). These calls were rejected by Western powers. It was not until the mid-1970s that the positions of the Third World were taken seriously by the Western Countries. The power of OPEC was able to change the ground rules of the existing international system. Higher oil prices were perceived by most developing countries as a small price to pay to have their claims placed on an international agenda. Suddenly the Third World had become a major issue, even a threat to the existing international order. In the West, there were fears that other developing countries would unite and follow the OPEC bloc, flexing their muscles. Under such pressures the North was now prepared to treat the South more seriously. The changing economic and
political power in the world had increased the bargaining power of the South vis-à-vis the North. In the mid 1970s, the UN served as a vehicle to create a NIEO, which was seen by developing countries as indispensable for redressing the fundamental imbalance between themselves and the industrialized countries (Letlier & Moffitt, 1977).

For Third World countries the concept of justice was paramount. They saw the UN, not merely as "the protector of the status quo, but as the instrument for change" (Luard, 1982, p. 71). In fact the UN was used, on a number of occasions, as a means for instituting, or at least demanding, changes in the international economic order (Forsythe, 1983).

The changing nature of the issues raised by the Third World accentuated changes in UN procedures which had been first introduced by Western nations. Originally, most of the issues raised in the UN were attended to by the Security Council controlled by the superpowers. The rising voting power of Third World countries resulted in a shift in emphasis from the Council to the GA where these countries have some leverage. The Assembly provided a better platform, free of veto, for Third World countries (Luard, 1982). It was in the Assembly that issues of development, underdevelopment, and international imbalances were raised and resolutions adopted. The GA was also used to create a multitude of specialized agencies concerned with issues of under-development (e.g., UNCTAD, ECOSOC). Other existing agencies (e.g., UNESCO) were also mobilized to create a stronger bargaining position for the Third World. Increasingly, the Third World was looking to the GA and its specialized agencies for action.

Seeing that, Western countries became less eager than before to
bring the Assembly into play. Many Western countries, especially ex-
colonial powers, became increasingly irritated by the strident diatribes
against them which increasingly issued from the Assembly and other
bodies. The Soviet Union and its allies saw that, on issues of
colonialism and development at least, they were on the side of the
numerical majority. The Soviet Union and its allies were hoping that
this would win the sympathy of the numerical majority.

At this stage, the UN was described as being controlled by the
Third World. Stoessinger (1977) said that "if the UN today belongs to
anyone, it belongs to the new nations" (p. 3) of the Third World.
However, as some in the West would see it, these small countries "do not
so much contribute to the work of the UN as constitute a drain on its
resources" (Twitchett, 1971, p. 2). This view expressed the general
views in the West. In the U.S., public attitudes and government
response were critical of the UN. It was considered a failure because
it had become little more than a debating chamber, dominated by small
nations, where nothing effective ever gets done. U.S. contributions to
the UN were cut with the aim of giving the U.S. a veto power in the
organization (Yoder, 1989). The UNESCO was, especially, a target for
the Reagan Administration and other Western powers. They expressed
their distaste over the UNESCO's emphasis on cultural relativism, and
its promotion of a Third World cultural perspective.

The events of the last few years (e.g., the U.S. invasions of
Panama and Grenada, the Gulf War) made such arguments difficult to
substantiate. The 1980s, unlike the 1970s, witnessed a reversal in
trends. The Reagan Administration exerted a considerable amount of
financial and political pressure on the UN. This, combined with a declining world economy, minimized the leverage that Third World countries have in the UN. Even when they did have any influence, action was hard to come by. One reason for this is the deteriorating financial position of the UN. Hadjor (1988) suggested that the beginning of the 1980s witnessed the end of dialogue between the South and the North in the UN. The major Western powers regained their confidence and "reverted to the old habit of dictating terms rather than engaging in negotiations" (p. 49). UN GA meetings revealed that Western powers were not interested in negotiating with the Third World on equal terms, but only interested in a "public relations exercise" (Hadjor, 1988, p. 52). This can be illustrated by the events that took place at the 1986 UN Special Session on Africa, where a new aid program for recovery was explicitly linked to the acceptance of market-oriented economic policies. Donor countries, however, never fulfilled their promises for aid. The linkage between aid and the adoption of a market-oriented economic system is also at the core of the policies of both the International Monetary Fund (IMF) and the World Bank, both controlled by Western powers. This linkage, according to Hadjor (1988) was principally made possible in the era of the Reagan doctrine where the "radical Third World had better beware" (p. 52). This radical Third World had lost its leverage by the 1980s. The non-aligned movement was losing its members and unity. A large number of Third World regimes felt that cooperation, and not confrontation with the West was the best they could do to achieve their goals. Currently, international markets are not highly influenced by the power of oil-producing countries. OPEC has lost its
leverage in the world market, and therefore, in the UN.

Given all of this, Hadjor (1988) concluded that Third World countries had actually lost their influence in the UN and that any meaningful dialogue between the South and the North was "shelved until the day when the Third World is perceived again as a threat to the existing international order" (p. 49). The West has regained substantial control over the UN and its decisions. The most recent example of this can be found in the events of the Gulf war and the use of UN Security Council resolutions to impose an embargo over a Third World country, namely Iraq.

The UN: A Claims-Making Arena

The UN, since its establishment, has served as a global arena where claims about development and human rights are made. Third World countries and advanced countries have different, and often conflicting views as to what development and human rights are. According to Kamenka (1988),

claims, whether presented as rights or not, conflict. So do the traditions, institutions, and authorities that endorse the claims as a right. (p. 127)

The UN, with its various organizations, has provided these entrepreneurs with an arena where they can bring their claims and assertions. The UN is one of the largest bureaucracies in the world. Those making claims in the UN are paid professionals whose functions are different from typical social movement advocates. They, themselves, represent bureaucratic institutions based in their own countries. Indeed, the votes that they cast are, for the most part, determined by
governments that do not necessarily represent the masses. However, a number of private individuals (e.g., intellectuals, human rights advocates, international lawyers) and groups (e.g., NGOs), not affiliated directly with UN agencies or states, have a role in shaping UN decisions and policies. To describe the processes that take place in such a situation, McCarthy and Zald (1973) suggested that

the functions historically served by social movement membership base have been taken over by paid functionaries, by the 'bureaucratization' of social discontent, by mass promotion campaigns, by full-time employees whose professional careers are defined in terms of social movement participation. Moreover an affluent society makes it possible for people devoted to radical change and revolution to eke out a living while pursuing their values. (p. 3)

The UN, especially in the context of its GA, provides Third World countries with some of the resources they need to mobilize for the pursuit of their collective interests. Some of these resources are leadership, money, organizing skills, and most importantly, human rights instruments and resolutions such as the DHR, the UN Charter, and the DRD.

The UN provides participants with a less distorted negotiation process. Habermas (1975) suggested that a less distorted negotiation process can only be achieved through discourse where "participants, themes and contributions are not restricted except with reference to the goal of testing the validity of claims in question," (p. 15) and where only "the better argument is exercised" (p. 108). The emerging international laws represent less restricted discourse, and offer a broader framework for the study of development and human rights.

The negotiation processes taking place in the UN were described as constantly turbulent. In the context of the UN, Hass (1964) defines
turbulence as
the confused and clashing perceptions of organizational actors
who find themselves in a setting of great social complexity:
the number of actors is very large; each actor pursues a
variety of objectives which are mutually incompatible, but
each is unsure of the trade-offs between the objectives; each
actor is tied into a network of interdependencies with other
actors who are confused as he, yet some of the objectives
sought by each cannot be obtained without cooperation from
others. (p. 18)

The turbulent nature of the UN reflects the constant conflict between
the different blocs and the changing power structure and coalition-
building, especially as related to the conflict between the North and
the South.

According to Urguhart (1972), as a public arena,
the UN enters the picture on the basis of its non-commitment
to any power bloc, so as to provide, to the extent possible, a
guarantee in relation to all parties against initiatives from
others. (p. 352)

This idealist view of the UN and its mediating powers are overestimated.

Luard (1979) argues that the UN
can never be anything but a mirror of the world as it is. It
merely assembles together the multiplicity of individual
national states with all their imperfections. If the states
are bellicose, the UN will be full of bellicosity. If the
world is one of rich/poor confrontation (as today), so will
the UN be also. (p. 39)

In his evaluation of the myths surrounding the procedures of the
UN, Luard (1979) describes a number of aspects of the negotiation
process taking place. The first myth is that the informal consultation
between individual delegations in the corridors is more important than
the formal consultation. This is not true, according to Luard. He
argues that formal consultation on resolutions is today becoming far
more important. These consultations are so important that no resolution
passes without amendments. On economic issues, for example, there are divisions not only between rich and poor but between less and least developed. In this case, though corridor consultations remain important, the groupings involved are different from the normal geographical groups. The second myth is that regional groups are highly cohesive. On the contrary, Luard argues, the regional groups are less cohesive than is usually believed. In terms of voting patterns, the most cohesive group is the East European. The Latin Americans are the next most uniform and quite often bring significant influence to bear on other groups. The Afro-Asian, though often thought of as a powerful bloc, is powerful only in numbers. On many issues they are completely divided. This is true both on political issues and many questions of development and human rights (Keohane, 1966). Luard (1979) argues that the West Europeans and others (West Europe, U.S., Canada, Australia and New Zealand) are the least organized. Indeed it is hardly a group at all, since some members refuse even the principle of joint consultations. However, more recently the European Community is more and more taking a common position.

Luard (1979) points to a third myth that resolutions are blindly forced through the majority. In fact, resolutions are amended to please other delegations. Conversely, however, UN conformism accentuates majorities. UN delegations mostly have a marked disinclination to find themselves in small minorities. This is especially so when the issues include such desirable goals as economic development. The result is that some whose real inclination is to vote against a certain resolution, instead abstain. Those who intend to abstain vote yes, to show
they are one of the boys. The effect is that an abstention is today almost the equivalent of a no vote; and the important comparison is the number of noes and abstentions together against the number of votes in favor. Delegations which have received no clear instructions also seek to be among the majority to avoid trouble later. When a vote begins to be taken, not all hands rise at the same time. Countries also realize that a GA resolution is not binding; to vote for a resolution is good public-relations policy.

Luard (1979) continues to describe the UN as a public arena where claims are made and battles are won. For him the UN is "a little like an arena, for slow and rather ponderous gladiators" (p. 75). In theory, this arena provides all contenders with equal access to its resources. However, in practice, a number of concerns are raised, both by the countries of the North and the South. Among these concerns are the following:

1. The increase in number of very small members, exercising equal voting power with the very largest, perhaps as much as anything threatens to weaken UN authority. The fact that majority votes in the Assembly can now be passed by 75 small governments representing under 5 per cent of the world's population against the will of 10 or 12 nations representing 90%, makes its resolutions increasingly unrepresentative. This anomaly lessens the respect for UN resolutions, and arouses resentment among larger powers. It makes the large powers particularly hesitant to give any effective authority to the world body, or at least to the assembly (Yoder, 1989).

2. The economic disparities between rich and poor countries create
wholly new pressures and tensions, which increasingly become the most important of all. But the UN has not yet found the means of resolving them effectively. Thus, according to Luard (1979), the rich countries begin to view the UN "more like a begging-bowl, in which ever more onerous demands are directed towards them from which they are therefore inclined to shy away" (p. 7). To the poor, it seems to provide the only available means to pressure the rich, yet fails to do so effectively. Either way, images of the UN's proper role increasingly diverge, and become the source of more and more misunderstanding.

3. Issues of concern to the international community have changed. Emphasis now is not on peace and war only, but also on issues of development, the environment, and international cooperation. The structure of the UN has not always adapted sufficiently to deal adequately with this type of questions. And so, here too, the organization increasingly seems irrelevant to peoples' major concerns.

4. Member-states once committed to obey the Assembly's injunctions are less inclined to do so. The Assembly can discuss or recommend, but rarely decide. That is even the case in the relation between the Assembly and the rest of the UN specialized organizations. According to Luard (1979), the UN can "make noises, fulminate or exhort; it cannot compel" (p. 54). Even so, it could, if it conducted its proceedings appropriately, wield a considerable influence on world affairs. But the influence of the GA depends on its moral authority. If it is to retain this, it will need to make itself more representative and well-organized than it is today (Luard, 1979).

5. The GA is not representative of peoples in the way that an
elected parliament is. It is representative of governments, and these may or may not themselves represent accurately the views of their populations (Luard, 1979). The UN is a collection of inter-governmental organizations, where most members are not from grassroots groups. They are paid representatives of their states. In practice, the people of the world have little to say about UN policies. This, according to Boven (1980) causes the UN to be "ambivalent about human rights" (p. 50).

6. The UN has adopted a vast number of resolutions, declarations and conventions on human rights and development. However, "despite the quantity of rhetoric on human rights and development it is clear that public authorities have not made serious efforts to link the two subjects" (Howard, 1989, p. 349). The adoption of a resolution endorsing a human right to development, according to Howard, "falls into the utopian category by declaring that all persons and peoples have a right to development of the perfect psyche" (p. 349). Boven (1980) agrees with this evaluation, and argues that UN "development policy and human rights are characterized more by rhetoric than by reality" (p. 50). Boven (1980) is also referring to the problems surrounding the effectiveness of the UN's instruments. Boven (1980) suggested that the role of NGOs should be elevated to overcome some of these problems.

Non-Governmental Organizations

The non-governmental sector has an impact, not negligible, on the work of the UN (Boven, 1980). Ever since the Stockholm Conference on the Environment (1975), there has been significant activity on the part of NGOs directed at the UN. Almost every special event organized by the
UN in the economic or social sphere has been accompanied by a parallel activity of NGOs. Not only has the UN played an important role in providing a platform for consideration of economic and social problems besetting the world, but also NGOs have taken a more acknowledged and systematic interest in these problems (Scanning our future, 1975).

NGOs have been described as "a strange collection of peoples' organizations that vary from professional societies to mass membership movements to voluntary associations" (Scanning our future, 1975, p. 3). NGOs are very active in the West, but also increasingly in the East and in Developing countries. Their aim is to act on behalf of all people whether they live in developed or developing countries.

NGOs seek to achieve a number of specific objectives. These are: (1) to monitor developments and to contribute to the discussion by means of research, studies, and consultations; (2) to clarify issues and represent public interest constituencies for decision-makers both at the national and international levels; and (3) to inform and educate their own constituencies and the public at large (Scanning our future, 1975).

In practice NGOs attempt (1) to influence UN and states decisions regarding such problems as underdevelopment; (2) to mobilize the support of public opinion on agreements reached by governments in the UN; (3) to achieve the political will necessary to take action on the recommendations of the UN GA; and (4) to create public awareness of the issues debated in the UN (Scoble & Wiesberg, 1985).

Forums organized by NGOs are intended to "provide a market place for ideas and opinions" that are not affiliated with governments or UN organizations (Scanning our future, 1975, p. 3). Only in doing so can
such complex and far-reaching issues as those relating to development and human rights, fully be addressed. NGOs bring to the discussions a wide range of specialized, professional, and diversified points of view (Scoble & Wiesberg, 1985).

UN specialized agencies expressed interest in the work of NGOs. Article 71 of the Charter allows UN agencies to make arrangements for consultations with international and national NGOs which are concerned with matters within their competence (UN, 1945). Coordination between UN specialized agencies and NGOs can be found in a number of occasions. In 1975, for example, NGOs organized a forum on the World Economic Order in support of the Seventh Special Session of the UN GA on Development and International Economic Cooperation. The Forum heard from a number of UN sources and made the views of the participants known to UN officials. This Forum contributed significantly to the debate on the relationship between human rights and development (Scoble & Wiesberg, 1985).

In relation to the right to development, NGOs played a prominent role in promoting the concept and lobbying UN delegates to adopt resolutions recognizing such a right. The ICJ, to pick an example, was instrumental in bringing issues of development and human rights to the attention of UN organizations. The ICJ convened a number of conferences to discuss the right to development. In 1976, the Commission organized a seminar devoted to the issue of human rights in a one-party state. The seminar called for a balanced approach to development and human rights. The second seminar, held in Barbados in 1977, concluded that the full realization of economic and social rights requires radical...
transformation in international economic and social relations in accordance with the NIEO (ICJ, 1981). More significant, in the present context, is the fact that these two seminars predicted the orientation to be adopted by the UN GA regarding the right to development. The ICJ published a number of reports and studies on the issue (e.g., Development, Human Rights and the Rule of Law, 1981).

Another NGO, instrumental in the promotion of the right to development, is the Netherlands Organization for International Cooperation (NOVIB). This organization held a number of seminars on the issue including a 1980 seminar on human rights and development cooperation. In this conference, a number of significant studies were presented. One study that stands out was presented by Boven (at the time Director of the UN Division on Human Rights) in which he argued that the UN's work on development is inadequate, and that more attention should be paid to the application of the right to development.

In 1975, Gabriel Van Laethem (cited in Scanning our future, 1975), the UN Under-Secretary-General for Economic and Social Affairs, argued that NGOs played a major role in UN policies. Boven (1980) disagreed with this assessment and suggested that NGOs play a minor role. He (1980), however, urged the UN to take NGOs work into account when creating policies related to development and human rights.

Overview

This chapter presented the structural and organizational aspects of the right to development. The relations between the North and the South illustrate that conflict between these two blocs is eminent because of
colonial history and trade imbalances. The position of human rights and
development in Third World Countries was largely shaped by Western
powers. The influence of these powers is still evident through the
existing international order. The right to development is an expression
of Third World dissatisfaction with this order resulting from colonial
relations. It was raised in order to challenge the existent inter­
national order; an order that is viewed as unjust by Third World
countries.

These countries were able to bring their views and influence to
the UN. This organization provided all participants with the needed
resources necessary for discourse. However, the UN, as a global arena
does not provide all of its members equal access to its varying re­
sources. Some countries have more power than others due to large
amounts of funding or influence over a large number of countries. The
Third World was able to utilize its numerical power in the UN GA to
promote the right to development and finally in 1986 to adopt the DRD.

Structural and organizational processes that led to the creation of
the right to development need to be tied to more specific events and
processes. These processes can best be illustrated by charting the
efforts made by individuals, groups, and other actors in promoting the
right. The sequence of these efforts and groups will enable us to grasp
the claims-making processes surrounding the construction of the right.
This will also give us a chance to understand the tactics and strategies
used by the different actors, as well as their interests in promoting or
resisting such a human right.
CHAPTER IV

THE HISTORY OF THE RIGHT TO DEVELOPMENT

In approaching the right to development, Rich (1988) suggests that "true nobility of purpose is to be found in the development of the concept, and in fixing its place in history" (p. 40). Boven (1980) suggests that claims about human rights, in general, emerge from revolutionary situations. Proclamations and definitions of human rights "followed a time of upheaval where people reappraised their positions, their interests, their rights which they had acquired with great sacrifice" (p. 50). In the case of the right to development, Barsh (1991) argues that it is an outcome of "global consultation" (p. 322).

According to this view, specific claims by actors need to be investigated in light of structural and organizational processes. Therefore, this chapter will focus on the specific claims-making processes that led to the creation of the right to development as expressed in resolution 41/128 (UN GA, 1986). This will be achieved by charting the historical emergence of the events that led to the construction of the right. Such a human right was made possible through a complex process of claims-making about the desirability of the right, its existence (non-existence), its content, and its implications. These claims will be fully elucidated while showing the various interests of the actors promoting (or resisting) the right to development. The means, tactics, and arenas used by the claims-makers will also be presented.
The Emergence of the Right to Development

Prior to the mid-1970s, the concept of the right to development was not popular. However, the concept implicit in the notion of a right to development was stated in early documents of the UN and other international organizations. Alston (1980, p. 100) cites the Declaration of Philadelphia, adopted by the ILO, in May 1944. That Declaration (ILO, 1948) states that

all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual freedom in conditions of freedom and dignity, of economic security and equal opportunity. (p. 2)

By the mid-1960s, the ILO was influenced by the presence of a Third World majority. This led the organization to become directly involved in promoting economic and social rights.

In the course of the process leading to the adoption of international and human rights documents, the right to development was touched upon, but "didn't appear in so many words" (Alston, 1980, p. 100). In 1946, for example, C. E. Merriam (cited in Donnelly, 1985), an eminent international lawyer, expressed his views on the content of the IBR by arguing that it should include "the right to life--the right to fullest and finest development of the potentialities of the human personality, in the framework of the common good" (p. 375). In the course of drafting the UDHR, Rene Cassin (cited in UN, 1947a), the French representative on the Drafting Committee, proposed that the Declaration should state that "the object of society is to afford each of its members equal opportunity for the full development of his spirit, mind and body" (p. 2). Alston (1980) suggested that, as vague as they
were, these statements are important because they provide the bedding for the right to development.

Other vague references to a right to development can be found in documents submitted in connection with the drafting of a "Declaration on Rights and Duties of States," in the late 1940s. For example, Ecuador, one of the few Third World countries involved, submitted a draft that included an article stating that "the maintenance of peace, based on justice and on law, is a fundamental rule of conduct in relations between states and these have the right to peaceful and secure development" (UN, 1947b, p. 3).

In 1966, the phrase "right to development" was used within the international community for the first time. The Foreign Minister of Senegal (cited in UN GA, 1966c), in the course of a speech to the UN GA, stated that

not only must we affirm our right to development, but we must take steps which will enable this right to become a reality. We must build a new system, based not only on the theoretical affirmation of the sacred rights of peoples and nations but on the actual enjoyment of these rights. (p. 28)

M'Baye and Vasak: The Invention and Promotion of the Concept

The above statement remained obscure, and no real interest in the concept was created as a result. It was not until 1972 that Keba M'Baye brought the concept to the attention of lawyers, politicians and social scientists. M'Baye (1972) entitled his inaugural lecture to the 1972 study session of the Institute of Human Rights in Strasbourg "The Right to Development as A Human Right." He argued that a right to development is necessary to achieve other human rights. Moreover, M'Baye concluded
that the right to development is a human right because humans cannot exist without development.

As instrumental as he was, M'Baye (1972) was not alone in promoting the term "right to development." It was up to Karel Vasak to popularize the concept as part of his theory of three generations of human rights. In 1972, Vasak was the Secretary-General of the International Institute of Human Rights. This is the same institute that gave M'Baye the platform to introduce and promote the concept of the right to development. Later, Vasak became the Legal Advisor to the UNESCO, an agency instrumental in promoting the right to development.

Vasak (1972) introduced what is now referred to as the "rights of solidarity" or "three generation rights." These include the right to a healthy and ecologically balanced environment, the right to peace, the right to ownership of economic heritage of humankind and the right to development. It is within this framework that many people, especially from developing countries, tend to view the right to development (Rich, 1988).

Vasak (1972) viewed a third generation of human rights as a response to the phenomenon of international interdependence. Many elements of a third generation of human rights are to be found in Eastern political doctrines. These recognized a third generation of rights as prerequisites for a meaningful enjoyment of the first two categories, including political, civil, cultural, and economic rights. The political doctrines of both East Germany and Yugoslavia included clauses that emphasized such rights as the right to self-determination and the right to peace (Mestdagh, 1981). Eastern bloc countries in
general, and Yugoslavia in particular, were instrumental in securing the adoption of the DRD later in 1986. These countries are motivated by a political ideology that emphasized collective human rights and international solidarity. They were also motivated by the need to win the sympathy of the numerical majority (i.e., Third World countries) on issues important to them (Luard, 1979).

The Right to Development as a Right of People

The right to development is widely said to be a right of peoples (Alston, 1981; Crawford, 1988; Rich, 1988). It is instructive to realize that the proposition that the right to development may be a right of people does not break new ground in principle. The precedent was set through the right to self-determination (UN GA, 1952) and the right of peoples and nations to permanent sovereignty over their natural resources (UN GA, 1962).

Rich (1988) conceptualized the collective nature of the right by asserting the following: "if people are capable of being subject of human rights law, then why should these same people, organized as nations, lose this capacity" (p. 53)? This view was already supported by a number of international organizations and individuals. The Universal Declaration of the Rights of Peoples, adopted in Algiers in 1976, refers to the right of people to freely choose their own path of development. The Algiers conference was organized by the UN, and attended mainly by representatives of non-aligned countries and other private individuals. In fact, the Declaration was drafted by a number of private individuals, mainly international lawyers (e.g., Cassese,
1979; Falk, 1981, 1988). These individuals involved in drafting the Declaration had a prominent role in a number of UN specialized organizations, and all were advocates of a NIEO (International Lelio Basso, 1976).

Related to the right to development, Section III of the Algiers Declaration refers to permanent sovereignty, the common heritage of humankind, equity in international trade and the right of peoples freely to choose their path of development. Section V contains reference to the need of peoples "to coordinate the demands of economic development with those of solidarity between all the peoples of the world" (International Lelio Basso, 1976, p. 12). The Algiers Declaration, by going beyond traditional human rights, paved the way to the recognition of the right to development.

This notion of the right to development as a right of people is still at the center of the debate on the right to development. Falk (1988) suggested that "the notion that peoples have a right to development does not appear to differ from the proposition that states have such rights" (p. 17), and therefore, it is justified. This collective notion was also supported by other important figures, such as Boven (1980). According to this view, each state, irrespective of its level of development, has the right to have equal opportunity to attain a level of development at which the full and free development of the full potential of the human being is possible. According to Nanda (1984), genuine development and personal fulfillment, therefore,

\[\text{can only be achieved in a social context and through the attainment by the people of rights such as the right to self-determination, and the right to permanent sovereignty over natural resources. (p. 177)}\]
Closely related is a growing acceptance of a structural approach to human rights. Partly as a result of the debate initiated in the UNESCO, an agency that advocates and promotes multiculturalism, the question of the right to development was raised in the CHR of the UN. Since 1977, the Commission led attempts to identify and remove structural obstacles to the enjoyment of human rights. These attempts started in 1977 when the CHR asked the Secretary-General of the UN in a resolution to study the international dimensions of the right to development (UN CHR, 1977). This resolution was in fact the first explicit mention of the right to development in a UN resolution, and the starting signal for a series of UN-related activities.

In 1977, the UN GA adopted Resolution 32/130 declaring the establishment of the NIEO. This Resolution concentrated on the implementation of economic, social, and cultural rights. On a number of occasions, the right to development has been related to the establishment of this new economic order. Resolution 32/130 (UN GA, 1977) stated 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. (p. 2)

The same resolution said that "the right to development is a human right and that equality of opportunity is as much a prerogative of nations as of individuals within nations" (p. 3). The establishment of the NIEO was seen by the Third World as a prerequisite for the realization of the right to development. Both the NIEO and the right to development require that global social problems be solved through international solidarity and the elimination of international imbalances.

Advanced countries resisted the NIEO because it implied some sort
of affirmative action, where they are required to give aid to Third World countries. The notion of justice, explicit in the NIEO, was accepted and supported by Third World countries, and resisted by the West. The NIEO allocates blame for centuries of colonization and calls for restitution and full compensation (UN GA, 1977). But, for Boven (1980), all countries, colonial or not, need to be concerned with social justice. Keeping this in mind, the drafters of the future declaration of the right to development avoided any direct mention of such an obligation, contrary to the wishes of a number of Third World representatives.

The unspecified nature of the right to development, as elaborated in the above mentioned documents, prompted a number of UN specialized organizations to become interested in conceptualizing and promoting the concept of the right to development. The UNESCO, an organization of 155 member states, has sought to contribute to international peace and well-being. UNESCO's program seeks to advance mutual knowledge and understanding through conferences, studies, and dissemination of data. The UNESCO encouraged its member states to implement economic, social, and cultural rights. It gave Third World countries the arena and resources needed to assert their cultural definitions of human rights and development. In the context of the UNESCO, these countries argued that the full enjoyment of economic and social rights by everyone is an attainable goal. This, however, requires international cooperation and the elimination of international imbalances. These ideas are at the core of the future DRD.

In response to calls from Third World countries, the UNESCO
adopted the Declaration on Race and Racial Prejudice (UNESCO, 1978). Article 3 of this Declaration made reference to "the right of every human being and group to full development" (p. 3). The UNESCO stated that development in this respect implied equal access to the means of personal and collective advancement and fulfillment in a climate of respect for the values of civilizations and culture, both national and worldwide. (p. 3)

Also in 1978, a right to development was proclaimed by the Declaration on Preparation of Societies for Life in Peace (UN GA, 1978). This Declaration called for a global realization of individual, collective, and third generation rights. In this Declaration, the right to development is considered to be an essential prerequisite for the realization of other rights. These views reflect Vasak's three generation theory.

A global responsibility to achieve development implies a notion of justice. M'Baye (1978) argues that development is demanded by justice and that its denial is a provocation that threatens confrontation and violence. M'Baye mentions the West's historical responsibility for colonialism, neo-colonialism, and coercive underdevelopment as grounds to achieve justice through the right to development. For M'Baye, trade and investment give rise to reciprocal duties, as do ideological subjugation and the use of Third World strategic bases. But it is "above all solidarity that should be invoked to justify the right to development" (p. 9).

The Rise of the Right to Development

The year 1979 witnessed the rise of the right to development into
international prominence. In this year, the CHR reaffirmed the existence of the right to development by adopting resolution 5/XXXIII (UN CHR, 1979). This resolution confirmed that the right to development was a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations. The Commission was unable to agree unanimously on the resolution: the US voted against and there were seven abstentions, all by Western Countries. These positions were explained by the vagueness of the right to development (Mestdagh, 1981).

In 1979, the UN GA adopted a resolution reflecting the Commission's viewpoint as to the existence of a human right to development (UN GA, 1979a). Of the 150 countries in the GA only the US voted against and seven abstained (Belgium, France, West Germany, Israel, the United Kingdom, Luxembourg and Malawi). According to Mestdagh (1981), many of the Western countries that voted in favor of the right to development tabled a declaration emphasizing the need to define the substance of the right.

Another endorsement of the right needs to be mentioned. The Conference of Heads of State and Government of Non-Aligned Countries at its Sixth Conference in Havana in 1979 recognized the right to development (Conference of the Heads of States, 1979). The document produced by this conference served as a reference to Third World delegates in future negotiations over the right. In that same year, The Hague Academy of International Law and the UN University organized a Workshop entitled "The Right to Development at the International Level" (Dupuy, 1979). In this Workshop, a paper by Alston received a great deal of
attention. In his paper, Alston (1980) argues that the notion of justice is at the root of the right to development. Alston (1980) was the first legal expert to argue that the right to development exists as an international law. Alston cites the endorsements of a number of legal experts, international lawyers, and UN documents to support his argument. Alston's study (1980) prompted a controversy among academicians and legal experts as to the legal status of the right to development.

In an equally important conference, J. de Koning (1980), the Minister of Development Co-Operation in The Netherlands, addressed a public meeting of The Brand Commission in The Hague. The Minister considered it of the utmost importance that the right to development be formulated in international law. He called for contributions to the discussion on this new right. As a result of the Minister's call, a number of studies were sponsored by the Dutch government (e.g., Mestdagh, 1981). The study produced by Mestdagh (1981) contributed to the clarification of the concept of the right to development and called for adopting the right to development as a human right.

The Dutch delegates to the UN played an important role to mediate the positions of Third World countries and the West. These delegates were able to secure a number of compromises on the part of both blocs in the future drafting of the DRD.

The Secretary-General's Study on the Right to Development

Both M'Baye, at the time Chair of the CHR, and Vasak, a legal advisor to the UNESCO, continued to encourage the UN to investigate the
implications and dimensions of the right to development. They used a number of resolutions and documents adopted by the CHR in their efforts to promote the concept of the right to development. They encouraged UN specialized organizations to get involved in the process.

As a result of these efforts, a study by the UN Secretary-General (referred to as the Secretary-General's Report, hereafter) was completed in 1979 (UN Secretariat, 1979). This study proved to be instrumental in creating a great deal of debate because of its implicit recognition of the existence of the right to development as a positive international law, Lex Lata. This study is also significant because it remains the most thorough discussion of the sources and content of the right to development. Prior to this study, no scholarly discussion of the right to development could be found in either English or French (except for M'Baye's article, 1972, and Flory, 1977).

The Secretary-General's Report (UN Secretariat, 1979) attached considerable significance to the ethical and moral aspects of the right to development. In this report, the following propositions are made to support the existence of the right to development:

1. The promotion of development is a fundamental concern of every human endeavor. The Report states that "development is the condition for all social life" (p. 2).

2. The international duty of solidarity in international relations is solemnly recognized in the UN Charter.

3. The industrialized countries have a moral duty of reparations for colonial and neo-colonial exploitation.

4. The increasing moral interdependence underlies the necessity of
showing responsibility for the promotion of development.

5. Economic interdependence makes the promotion of the right to development an interest of all states.

6. The maintenance of world peace requires addressing the existing economic and other disparities.

The Secretary General's Report focuses on the notion of justice as a basis for the right to development. This notion of justice can also be found in GA Resolution 33/193 (UN GA, 1979b), which stipulates that global economic development should be established "on the basis of justice, equality, mutual benefits" (p. 12). These arguments are reaffirmed in the documents of the Soviet Social Council for Mutual Economic Assistance (CMEA). This document cited in UN Secretariat, (1979) states that

the entire responsibilities for the backwardness of the developing nations rests with the imperialist powers and their colonialist and neo-colonialist policies of plundering the national riches of those countries. (p. 12)

The Secretary-General's Report (1979) found support for the existence of a right to development on a number of grounds. Paragraph 78 stipulates that "there is a very substantial body of principles which demonstrate the existence of a human right to development in international law" (p. 23). Among the most prominent international legal sources cited by the Report are:

1. Articles 55 and 56 of the UN Charter.

2. Article 22 of the UDHR which states that the right to social security and to the realization "of the economic, social and cultural rights are indispensable to human dignity and the free development of
[the human] person" (p. 23). Also cited is Article 26(2) which stipulates that "Education shall be directed to the full development of the human personality" (p. 23).

3. ICESCR, especially Article 2(1) which talks about "the obligation to implement progressively the enumerated rights" (p. 4), and Article 11 which refers to "the right of everyone to an adequate standard of living" (p. 4).

4. The Declaration on the establishment of a NIEO (1977). This Declaration states that among the duties of all countries is "the extension of active assistance to developing countries by the whole international community, free of any political or military conditions" (P. 5).

5. The Charter of Economic Rights and Duties of States reiterates the same principles (Cited in UN Secretariat, 1979).

In approaching the right to development, the Secretary General's Report (UN Secretariat, 1979) makes reference to the following:

1. Specialized human rights conventions, such as those on apartheid and discrimination in education.

2. The charters of specialized agencies, especially the Declaration of Philadelphia (1944), which was incorporated into the constitution of the ILO.

3. Regional instruments such as the European Social Charter and the American Declaration of the Rights of Man.

The propositions made by the Secretary-General's Report stirred a great deal of controversy. By the 1980s, the right to development had become the center of attention of a number of social scientists,
lawyers, and international and non-governmental agencies. In this same year, two advocates of the right to development became judges on the International Court of Justice. These two judges were M’Baye (1972, 1978, 1981, 1984) and Bedjaoui (1979); both instrumental in the promotion of this right.

In 1980 the vote on a document adopting the right to development was repeated in the CHR. The voting did not differ essentially from that of 1979: the US voted against and four abstained (France, Germany, Britain, and Portugal). These votes, according to Mestdagh (1981) indicate the inability of those advocating such a human right to define it and clarify its meaning and implications. This view of the nature of Western opposition is not supported by future votes and events. When the content of the right to development becomes clearer, later in 1986, the US still votes against it. An explanation of such a rejection of the right, as we will see, is better understood by viewing this right in the context of the world political economy, and the position of the US in such an economy.

In 1980, a UN seminar was held at the request of the CHR to discuss the relationship between the right to development and human welfare. Mestdagh (1981) points out that "although in theory the seminar was attended by experts who were not acting under the instructions of their governments, it turned out to be a politically loaded meeting" (p. 36). Instead of focusing on the merits of the right to development, the delegates exchanged accusations about the present international economic order. However, in this seminar, a paper by Verwey stands out, and need to be mentioned here. In this paper, Verwey (1980) calls for a
recognition of the developing countries as a special category of
subjects in international law. This implied some sort of affirmative
action. In this respect, Third World countries are entitled to
compensations for past colonialism and present international imbalances.
If these arguments can be asserted, Third World countries may become
entitled to a right to development, with all its implications.

A number of similar seminars were organized by: the UNESCO (Mexico
City, 1980), the ICJ (Dakar, 1978; The Hague, 1981), and the UN Division
on Human Rights (Geneva, 1980). Another important endorsement of the
right came from the Organization of African Unity in January 1981, when
it approved a draft of the African (Banjul) Charter of Human and
Peoples' Rights. This Charter gives formal, and explicit, recognition
to the right to development as a right of peoples. Article 22 of the
African (Banjul) Charter of Human Rights (1981) provides that "all
people shall have the right to their economic, social and cultural

All of these individual and organizational endorsements gave the
right to development the energy it needed for further recognition and
application. This energy created further advocacy and gave the
promoters of the right a chance to mobilize in the CHR, and other UN
agencies. Indeed, in 1981, the right to development was at "the
threshold of general acceptance as a positive international law" (Rich,
The Working Group of Governmental Experts on the Right to Development

In 1981, the CHR established a Working Group to draft a DRD (UN CHR, 1981). The Group was composed of governmental experts from the Third World (i.e., Algeria, Cuba, Ethiopia, India, Iraq, Panama, Peru, Senegal, Syrian Arab Republic), the West (i.e., France, Netherlands, United States of America), and the then Eastern Bloc (i.e., The Soviet Union, Yugoslavia). A number of these countries identified themselves as part of the non-aligned movement. All Third World countries in the group, with the exception of Ethiopia, were former Western colonies. The establishment of such a group was endorsed by a number of other UN specialized agencies: ECOSOC, UNESCO, and UNCTAD. In its 1981 meeting, the Working Group was unable to reach a meaningful agreement. As a result, the UN GA assigned Yugoslavia the responsibility for securing progress on drafting a DRD.

The work of the Group was long and tenuous. Few changes in the composition of the Group were made through the years. At the 1982 session of the Working Group, a number of Third World delegates expressed their insistence on the synthetic nature of the right to development. The right was described as encompassing the sum of conditions and obligations which would allow the effective realization of other fundamental human rights (UN CHR, 1982). This view of the right to development is repeated later in the 1984 Group meeting. In this year a technical consolidated text of the DRD was drafted. The consolidated text (UN CHR, 1984) stipulates that by virtue of the right to development, every human person, individually or collectively, has the right to participate in,
contribute to, and enjoy a peaceful international and national political, social and economic order, in which all universally recognized human rights and fundamental freedoms can be fully realized. (p. 1)

In this same document, article 5 states that

in spirit of solidarity, states and the international community as a whole should focus on the creation of local, national and international conditions favorable to the promotion and protection of the rights set forth in the Universal Declaration of Human Rights and the International Covenant on Human Rights. (p. 5)

In its 1985 meetings, the Group was able to achieve consensus on a number of issues in the proposed declaration. The articles that attracted the most support from all blocs have a number of characteristics. First, they highlighted desirable goals such as development and respect of human rights. Second, the general themes of these articles were previously mentioned in other international documents. Third, they avoided allocating blame and responsibility for the existing international imbalances. And finally, they used general language.

To illustrate the complex processes of negotiation and mediation, a number of examples can be cited. At the 1985 session, critical questions about the right to development remained unresolved. Consider the suggestions made by the experts from the U.S. and the Soviet Union on the nature of the right. The expert from the Soviet Union (CHR, 1985), in his suggested formulation of article 1 of the Declaration, argued that

the main content of the right to development means the inherent right of all states and peoples to peaceful, free and independent development. Any manifestation of inequality, dictate, discrimination in the international economic relations is inadmissible and shall be eliminated. (p. 11)

The emphasis by the Soviet expert on the primacy of economic and
social rights was countered by an emphasis over the individual nature of
the right to development by the U.S. expert. This expert (UN CHR, 1985)
argued that any formulation of the right to development should read:

The right to development, which is based upon article 28 of
the Universal Declaration of Human Rights, is the human right
of every person, individually or in entities established
pursuant to the right of association, to participate in,
contribute to, and enjoy a political, social, and economic
order in which all human rights set forth in the International
Bill of Rights can be fully realized. (p. 3)

These views represent the ideological differences, as well as the
conflicting conceptions of human rights, between West and East. The
doctrines of Third World and Eastern bloc countries focus on concepts
such as collective, economic, cultural, and people's rights; while
Western countries emphasize individual, civil, and political rights.

The Working Group continued its work and reached consensus on the
desirability of including the following provision in paragraph 6 of the
Declaration. This paragraph (UN CHR, 1985) states: "Recalling the
right of peoples to self-determination, by virtue of which all peoples
have the right freely to determine their political status and freely to
pursue their economic, social and cultural development" (p. 3). This
 provision was approved by all members of the Group. The right to self-
determination is nothing new in international law. Such a right was
portrayed a desirable one by all powers, especially in the early 1960s.

The second part of the same paragraph was not attractive to all
delegates. It refers to the sovereign right of people to freely dispose
of their natural resources. This part raised a number of doubts and
disagreements. The experts from the US and France argued that a link
between international law and sovereignty over natural resources and the
right to development cannot be drawn. The experts from the Third World insisted that, in view of the relevant provisions of the fundamental UN instruments relating to economic and social progress, the full sovereignty of peoples over their natural resources should be reaffirmed without reservations or qualifications. Although the gap between the two points of view put forward narrowed considerably through the efforts of experts from Yugoslavia, Netherlands, and Peru, the members of the Working Group as a whole were unable to reach agreement on a text (UN CHR, 1985).

Similar disagreement surfaced in relation to paragraph 9 addressing the structural aspects of the proposed Declaration. Article 15 of this paragraph formulated by experts from Algeria, Senegal, and Cuba, suggested that the denial of the various human rights was only one of the obstacles to development; the main obstacle being the present prevailing international economic order. The experts from the West took the view that the implementation of a development strategy based on the denial of human rights, especially individual rights, might constitute an obstacle to development and to the fulfillment of the human being. The experts from the East disagreed, and pointed out that such a view is contrary to the fundamental UN instruments concerning economic and social development. This argument is consistent with Eastern countries' doctrines that emphasize collective rights, including economic ones (UN CHR, 1985).

In agreement with the Third World position, these countries argued that the main obstacle to the economic and social development of countries which have won independence are the sequels of colonialism,
neo-colonialism, apartheid, foreign exploitation, aggression and occupation, and interference in internal affairs. Western representa­tives rejected the inclusion of these statements in paragraph 9 of the proposed Declaration. The experts from Yugoslavia, the Netherlands, and Third World countries considered that this paragraph should not be too negative in tone and that emphasis should be placed on means conducive to interdependence of various rights (UN CHR, 1985).

Discussions on this paragraph, and others, continued during the 1985 session; however, no general agreement was reached on the proposed text on the right to development. Consensus on issues that were considered important by all blocs was hard to achieve. Seeing this, the Yugoslav delegation circulated a first draft declaration to the 40th Session of the GA. The draft attracted a surprising level of acceptance, especially among Third World countries, but consensus proved illusive (UN GA, 1985a). Since such a consensus is necessary to establish legal authority to any resolution adopted by the UN GA, the Yugoslav delegation decided not to press the issue at this session.

At this stage, Western states rejected the concept of the right to development by highlighting its dangerous nature. These alleged dangers are elaborated by Donnelly (1985) who argues that the right to development

is not merely a delusion of well-meaning optimists, but a dangerous delusion that feeds off of, distorts, and is likely to detract from the urgent need to bring together the struggle of human rights and development. (p. 478)

Donnelly (1985) argues that the right to development is being promul­gated essentially as a ploy by repressive governments to justify their behavior. Donnelly (1985) insists that the right to development is
a particularly insidious threat because it plays upon our fondest hopes and best desires, and diverts attention from more productive ways of linking human rights and development. (p. 485)

These arguments are, in fact, directed against economic rights in general. And, in many respects, these views are similar to those used by the Reagan Administration to justify its rejection of the right to development as well as economic rights in general (Alston, 1985). Such resistance to economic rights by the Reagan Administration can be found in the "Country Report on Human Rights Practices," issued by the US State Department (1982). This report states that

the idea of economic and social rights is easily abused by repressive governments. No category of rights should be allowed to become an excuse for the denial of other rights. For this reason, the term economic and social rights is not used. (p. 9)

These views are based on the rejection of the notion that international structures and external forces share a part of the responsibility for failures to implement human rights in the Third World. For Donnelly (1985), the insistence on blaming external forces for human rights violations is "too easily transformed into an argument that removes responsibility for human rights violations from repressive regimes" (p. 500). Alston (1985) agrees that the notion of the right to development can be manipulated and distorted by those who would use it to justify repressive policies. But in that respect "it is no different from any other human right" (p. 433). For Alston the possibility of abuse is an insufficient reason to reject the concept of the right to development because it has so much to offer in other respects.

In the course of negotiation, the concerns expressed by Western delegates, and others, resulted in a number of amendments. An amendment
submitted by the Netherlands and France to make clear that references in the Declaration to the right of peoples to full sovereignty over all their natural resources is governed by Article 1, paragraph 2 of the ICCPR, was incorporated in the Declaration (UN GA, 1985b). With this amendment, the support of 15 Western countries was secured (i.e., Australia, Austria, Belgium, Canada, France, Greece, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, and Turkey). This amendment was intended to show that there is no need to refer to sovereignty over natural resources in the DRD. An amendment demanded by the Pakistani delegate, calling for incorporating references to specific aspects of the NIEO was deflected so as not to risk losing the support of those industrialized countries prepared to vote in favor. The Pakistani request was adopted as a separate resolution with a significantly reduced minority (UN GA, 1985c). Only two Western countries voted in favor of this resolution, New Zealand and Turkey.

Finally, the Yugoslav delegate felt that it was time to take the proposed draft declaration to the GA for a vote. On December 4, 1986, Yugoslavia circulated a draft DRD, but this time made clear its willingness to press the matter to a vote. The GA, by a vote of 146 in favor to 1 against (the US) with 8 abstentions, adopted Resolution 41/128, the DRD (UN GA, 1986).

Beyond the Declaration of the Right to Development

This Declaration is an outcome of many years of arduous work, and represents an important contribution to the debate over the right to development (Forsythe, 1989). However, the institutionalization of the...
right to development did little to resolve questions of implementation. On the contrary, the vague text of the Declaration attracted new jurisprudential speculations. It could easily have been doubted that the Declaration would ever have any practical applications (Barsh, 1991). Like the NIEO, the DRD was an expression of frustration in the face of intransigent North power, but seemed to lack a workable program (Falk, 1988).

Since the adoption of Resolution 41/128, the Working Group continued to work on concrete recommendations for the implementation of the DRD. After three annual sessions, the CHR declared that the Group failed to achieve its objectives. The Commission (UN CHR, 1989) asked the Secretary-General to organize instead

a global consultation on the realization of the right to development, to focus on the fundamental problems posed by the implementation of the Declaration, the criteria which might be used to identify progress and possible mechanisms for evaluating such progress. (p. 4)

The Global Consultation on the Right to Development as a Human Right was convened in Geneva in January 1990, with some 20 experts, representatives a dozen of UN programs and agencies, more than 50 governments, and 40 NGOs. This Global Consultation was somewhat more representative of the South, and of indigenous peoples' organizations, than is often the case in meetings of this nature. This led to an emphasis on the structure of international economic relations as a condition for the achievement of human rights, as well as the tendency to view internal political conditions as a function of the distribution of economic power (Barsh, 1991).

The implementation of the DRD was a source of conflict among the
regional groups. Western participants argued for a basic human needs approach. This involves the prioritization of the achievement of certain economic and social rights, such as the rights to food, shelter, and education. This view implies an international regime based on confessional aid rather than sharing of productive resources and technology (UN, 1990). Participants from the South disagreed. They advocated giving a priority in national development policies to participation and political transformations, as opposed to basic needs. They also expressed a need for political transformation and democracy in international relations, rather than more aid or confessional resources (UN, 1990).

The report of the Global Consultation concludes that, above all, "the concentration of economic and political power in the most industrialized countries" is an obstacle to development and is "perpetuated by non-democratic decision-making processes of international economic, financial and trade institutions" (UN, 1990, p. 7). The right to development, according to the conference report, is not as much a right to the improvement of material conditions, as it is the right to have a voice in and share control over the economic environment.

The Global Consultation, and the resulting documents, were characterized as positive steps, and a valuable basis for continuing the examination of possible implementation measures. The debate over the right to development and its implementation is far from over. This debate is producing an ever renewed interest in the concept of the right to development. New and different interpretations of the concept of the right and the DRD continue to surface. The content of the right, as
well as its existence, is still shaped by a negotiation process among the concerned parties; those who promote the concept and those who resist it. At the present time, no consensus has been achieved concerning the right to development.

This lack of consensus over Resolution 41/128 raises questions about the authority in which the Declaration should be held (Rich, 1988). The largest international donor in monetary terms, the United States, voted against this Declaration. In its explanation of the vote, the US delegation described the Declaration as imprecise and confusing, took exception to the connections drawn between disarmament and development, and disagreed with the view that development was principally achieved by transfers of resources from the developed to the developing countries (a view not elaborated in the Declaration) (UN, 1986, p. 32).

The eight countries abstaining included five Nordic countries, Japan, the United Kingdom, and the Federal Republic of Germany, all significant aid donors. From their explanations of the vote, two preoccupations emerged: first, that priority should be given to individual human rights rather than the concept of a human right of peoples and, secondly, that the provision of development assistance could not be seen as an obligation under international law (UN, 1986).

Rich (1988) suggests that it is interesting that these aspects of the Declaration should be singled out for criticism. Like most other UN resolutions, Resolution 41/128 does not impose any duties on states. The duties talked about in the Declaration are not specific, let alone quantified; rather they are couched in quite general language. The claim in Article 3 that "states have the duty to cooperate with each
other in ensuring development and eliminating obstacles to development" (p. 3) is interpreted by Rich (1988) more as a description of existing development assistance objectives than an onerous obligation. Where the Declaration calls for "more rapid development of developing countries" (Article 4, p 1), it does so in passive voice and as "a complement to the efforts of developing countries" (p. 3).

Third World delegates and those from the Eastern bloc made strident effort to describe the right to development as both a peoples' right and an individual right to secure the votes of the West. The Declaration is clear in its insistence that "the right to development is an inalienable human right" devolving on both persons and peoples (Article 1) and that all aspects of the right are indivisible and interdependent (Article 9). According to Rich (1988), the majority of Western countries are still not prepared to accept this notion, for their ideologies emphasize individual rights to the exclusion of collective rights. They are also unwilling to accept the notion of affirmative action as a human rights obligation. Many Western delegates feel that compensating Third World governments for past colonization is an unacceptable concession to Socialist bloc doctrines (Donnelly, 1985).

According to Rich (1988), the reluctance of a few countries to support the DRD does not obscure "the force of the innovative concepts elaborated in the Declaration" (p. 52). Rich adds that the adoption of the Declaration by such a wide majority should be seen as an important and perhaps decisive step in the progress of the right to development to the status of international law.

This view is widely accepted by Third World advocates. These
advocates realize that regardless of the official status of GA resolutions, these can create what has been described as the legislative energy of the Assembly (Nanda, 1984). For them a resolution "holds a real attraction because of its flexibility, its rapidity and the security it gives these countries through the control of the technique as a result of their numbers" (Rich, 1983, p. 296).

However, it needs to be realized that the objections expressed to the Declaration were shared by countries voting in favor of Resolution 41/128. These objections must be given due weight when assessing the degree of acceptance of the Declaration in the international community. Countries like the US are major players in the politics of the UN and can influence the international markets regardless of the UN. The US, and other Western countries, are major donors to the UN, and a number of UN specialized agencies are dominated by Western powers (e.g., IMF, World Bank).

The weight of the objections to the right to development go beyond the important vote made by the US. Luard (1979) argued that, in the context of the UN, an absention vote is equivalent to a no vote. If that is true, then 9 countries had actually voted against the Declaration (i.e., the US plus eight abstentions). In addition, a number of those who voted for the Declaration placed conditions on their approval (e.g., The Netherlands, France). State practice, which is the most important indication of a yes vote, does not indicate that states are bound by the Declaration.

Lack of consensus over the right and the non-binding nature of GA resolutions contribute to undermining the legal weight given to the
Declaration. Regardless, a number of scholars and international lawyers argue that the right to development is necessary. Rich (1988), for example, argues that the right to development disallows any suggestion that economic rights have priority over civil and political rights. It would give substance to the claim that such rights are indivisible and interdependent. Most importantly, the right to development provides a rationale for development beyond the impersonal calculations of economic growth targets. If the right to development is to be applied, development projects that allow coercive pressures on individuals, removal of indigenous or agrarian populations, or unacceptable environmental damage, could no longer be supported by aid from international organizations. In this respect, the right to development can be viewed as a reflection of the changing attitudes and conceptions toward economic development and human rights, and the increasing relationship between the two concepts. Development is becoming increasingly described as a form of humanism.

In conclusion, Donnelly (1985) states that he joined the quest for the right to development but came up empty handed. He "came upon the idea of turning on the light. The room, alas, proved empty" (p. 473). For Donnelly (1985), the legal reasoning behind the existence of a right to development is awfully weak. Nonetheless, he warns us of the dire consequences of a dangerous black cat that may be manipulated to promote repressive governments. Alston (1985) disagrees with this interpretation. He argues that the right to development is neither the black cat, nor the white cat which some commentators might imply. In fact, at this stage of its emergence into the domain of international law it is no more
than a kitten. If it grows as it should, it will become not a pure white Angora cat but a multicolored one, with its good and bad points and perhaps a rather mixed pedigree. (p. 518)

This interpretation is accompanied by calls to take a pragmatic approach to the right to development (Verwey, 1980). Boven (1980) suggested that we shouldn't care so much about the term, but use the right to development as a vehicle to introduce human rights in the development process. Finally, Rich (1988) suggested that "while dissenting opinions are significant, there is a likelihood that dissent will diminish as the years pass and as the Declaration is given practical application" (p. 53). In spite of this argument, the international legal status of the right to development is still a matter of considerable contentions.

Conclusion

In this chapter, the specific claims surrounding the creation of the right to development were presented. Various actors, events, and processes have contributed to the creation of the right to development, as we know it now. Whether these claims were made in support of, or against the right, they have influenced its nature, content, and legal existence. The UN, with its various agencies and committees, played a major role in this process. The UN provided the arena, the resources, and the organizational processes needed to achieve any meaningful discussion over the right to development. However, the efforts of various power blocs, as well as the efforts of private organizations and individuals, were decisive in constructing the concept of the right to development, and the resulting Declaration.
These specific claims were made possible only by structural and organizational changes on the international economic and political order. The end of colonialism, the emergence of neo-colonialism, and the evolution of the UN were among the factors that contributed to an environment where claims about a right to development are viable. The importance and weight of these processes and claims in regard to the theory set out in Chapter II must be examined to increase our understanding of the construction of the right to development, and the DRD, and its aftermath. That will be the task in the next two chapters.
CHAPTER V

INTERPRETATION

The preceding chapters presented the theoretical, historical, and empirical data needed to understand the construction of the right to development and the claims-making processes surrounding its creation. These data show that the creation of this right cannot be explained easily, and certainly not by one cause.

In this chapter some sense must be made of the data presented in the previous chapters. Since the examination of the construction of the right to development is a case study, nothing definitive can be said concerning the relationship of the data (evidence) to the theoretical framework. The data, however, do suggest some directions and approaches to be further investigated in the study of human rights-creation. What can be done also is to attempt to go beyond this case study and use the data as a way of connecting a number of historical, organizational, and interactional processes that contribute to the creation of human rights.

This chapter will proceed by presenting an analysis of the data to address the research questions in light of the theoretical framework. The focus will be on the claims-making processes surrounding the creation of human rights in general. An analysis of the theoretical framework will be conducted simultaneously by tying up the data with the theory. Here, a number of comments will be made in regard to the interconnection between micro and macro processes that lead to the creation of human rights.
Structural Aspects

This study showed that human rights do not evolve in a vacuum; they are an outcome of complex organizational and structural processes. In the case of the right to development, a number of historical events led to its creation. Among these are: the end of colonialism, the emergence of an unbalanced international economic order, the evolution of the UN, and the rising power of Third World countries. Other factors that contributed to the creation of the right to development include the competition between East and West, the competition among international economic powers, and the efforts of specific individuals (e.g., international lawyers, social scientists) and groups (e.g., NGOs). All of these processes need to be tied to their structural context.

The evolution of the right to development, in its various dimensions, is a response, or more accurately a series of responses, to structural inhibitions upon the definition, protection, and promotion of human rights. It represents societal and individual initiatives to project normative energy on behalf of those victimized by current political, economic, and cultural arrangements. A global capitalist system tends to create conditions of global inequality and trade imbalances. In such a system, economic power is often synonymous with political power, which allows some countries or groups to be able to assert their definitions of human rights at the expense of others. The core countries are able to influence the political economy of the world and the ideology of society so that their position is enhanced.

The right to development can be seen as a political issue. Demands surrounding human rights reflect conflicting values that are vested with
power. To Third World countries, the right to development may be the most pressing political issue they face. To them, the international economic system perpetuates underdevelopment and human rights violations. The right to development is perceived as a prerequisite to the enjoyment of all other human rights and as a tool to overcome international imbalances.

The construction of the right to development is influenced by the historical relations that existed between the actors. Colonialism and neo-colonialism influenced the perceptions and realities of human rights and development processes in a capitalist world system. This system brought economic benefits to the North, while disadvantaging the South. These experiences resulted in demands for a NIEO and a right to development where comprehensive development becomes a human right for individuals, groups, and peoples. Demands surrounding the right to development, however, were made possible only in an organizational setting. The UN provided such a setting.

Organizational Aspects

Claims are to be viewed in their social content and context. Collective approaches to law-creation (i.e., resource mobilization and social movements) brought our attention closer to the organizational context in which claims are made. Claims about the right to development would not be possible without the availability of an international arena like the UN.

In the UN, demands for human rights have a global character. The nature of these rights is influenced by a global system of relations
between a number of actors who have different cultural notions of what human rights are. Here, processes of conflict, domination, and subordination are given a character of negotiation, consultation, and discourse. Ideally, the argument with the most merit prevails (see, Habermas, 1975). However, issues of power are still present. Power differentials influence the nature and outcome of conflict. Power, in this respect, can be derived from a number of sources: numerical majority, as in the case of Third World countries in the GA; historical hegemony, as in the case of the super-powers in the Security Council; from a financial position that a country has in relation to a specific UN specialized agency, as in the case of the US in the World Bank and the UNESCO; and from some moral stands that a government takes in relation to human rights, as in non-alignment or promotion of human rights elsewhere, as in the cases of Yugoslavia and the Netherlands.

The credibility of claims made in the UN depends on how the organization itself is perceived. The power of a UN resolution is relative to how the organization is viewed by its members. In the 1970s and early 1980s, the Third World viewed the UN, and its resolutions, as strong and applicable. At the same time, the UN was discredited in the West, in the US in particular, because it was controlled by small radical Third World countries, and because "nothing can ever be done in the UN" (Luard, 1979, p. 213). But, lately, these views have changed. The UN is increasingly perceived by the US as upholding international laws.
Social Movements

This study showed that the different blocs in the UN can be compared to typical social movements, in that they represent discontent with a situation, they consist of individual actors supported by a constituency (governments or NGOs), and they mobilize and use resources to assert their claims. However, unlike the typical social movement, member delegates to the UN originate as representatives of governmental institutions; they are paid professionals with interests that are similar to those of the governments that they represent. They also come to have their own distinctive interest in perpetuating the institutional arrangements of the UN. Others involved are the UN employees, who are experts in their fields. This professionalism contributes to the complexity of human rights creation.

As a result, rights and laws become goals in themselves, rather than means. The institutionalization of human rights, in many cases, renders them inefficient. When the objective is to create a human right by passing a resolution, battles over these resolutions become real to those involved. Resolutions are taken seriously because it is perceived that they will create some energy to initiate other resolutions and maybe some type of action. However, the non-binding nature of these resolutions contributes to some compromise. Here the real issues become coopted, and in some cases lost. Conflicts over the creation of human rights come to have a life of their own separate from other types of conflict, especially outside the UN. For example, the US and Iran (under the Shah) cooperated in a number of economic issues privately. However, in the context of the UN, they clashed over a number of issues
including the NIEO and the right to development. Iran was conforming to its Third World status.

In the context of the UN, success and failure are measured differently from that of typical social movements. Success is measured by the ability to pass a resolution in the GA and to institutionalize a human right. However, promoters of a human right hope for more than a resolution; they would like to follow up with implementation. The recognition of a human right by the GA is the start of new claims where the focus is now directed at implementation.

Conflicts in the UN become real because they are believed to be real. Although these conflicts represent real problems that exist outside the UN, the new conflict in the UN has a life of its own, and it is perpetuated for its sake. Such a conflict could be seen as separate from other types of conflict outside the UN. Since passing a resolution is seen as an outcome of what is perceived as real conflict, it is therefore viewed as real success.

In such an environment, the original and more important issues lose their importance and urgency, leaving way for new conflicts. Controlling the organization, the decision making process, and conflicts over technicalities become more important. In this atmosphere issues become blurred or transformed, where amendments and compromises become characteristics of any negotiation process. This type of subtle social control distracts from the real issues of inequality and underdevelopment.

In an organization like the UN, actors are able to pull out of the conflict. If they are dissatisfied with the arena and its procedures,
or unable to assert or impose their views, they can choose to withdraw, and may discredit the legitimacy of its decisions (the US and the UNESCO). They may also resort to applying pressure from the outside so as the organization will change its rules and affiliation.

The Third World as a Social Movement

In the UN, the Third World could be viewed as a social movement, especially when the issues are economic. Countries from the Third World have more or less similar historical experiences with the North. They portray themselves as having unified interests and ambitions. They share very similar voting patterns. They also use common tactics and means to carry out their claims. They coordinate their efforts in their conflict against the North. The non-aligned movement acted on behalf of these countries and brought North-South issues to the forefront of the UN. OPEC provided the elitist support that is needed for a movement's success. It contributed to the financial needs of this movement, something that gave it the leverage needed to compete with the other blocs in the UN. This shows that social movements are created through effective claims-making and mobilization of resources.

The non-aligned movement led an organized protest within the UN. This type of protest was reforming rather than revolutionary. It was conducted through legitimate channels. This protest was related to major world events; the rise of radical governments and the increasing economic power of some Third World countries led to even more power in the UN. The responses to these changes by the dominant Western countries were, mostly, unfavorable. This dialectical relationship
influenced the nature of both protest and responses to protest.

However, the unity of this social movement should not be overestimated. Members of the Third World bloc come from varying backgrounds and face different problems. They have ideological and cultural differences. But most importantly their economic situations are drastically unequal. Some of them enjoy some of the highest standards of living (e.g., Gulf countries), while others have to deal with poverty, lack of health services, and inadequate housing. Third World countries have varying positions, especially relating to political issues. This division is in part due to the East-West conflict.

The Dialectics of Protest and Social Control

This study showed the need to go beyond a deterministic view of the nature of conflict between social classes and the outcomes of such a conflict. Official responses of those who control the institutions are problematic; they are not necessarily unified. In fact, this same argument can be applied to social movements, and their various responses to problematic situations. In the case of human rights-creation within the UN, it is often suggested that interest and regional groups are highly cohesive. This assertion is not supported by evidence. As we have seen in Chapter IV, what are perceived as cohesive interest groups are less cohesive than is usually believed.

However, in the context of the UN, the lack of agreement on the part of the dominant group could be misleading, and it needs to be carefully examined. Lack of consensus over voting does not imply lack of agreement on principles and practice. Voting for or against a
resolution, in itself, is not binding. Resolutions are also full of loopholes. Most western countries recognize the grievances of Third World countries in the UN, and most are willing to accommodate them by passing resolutions. This is due to a number of factors discussed in Chapter IV. Gaining official acceptance for a resolution could be relatively easy in the GA. Western countries vote for a resolution and go on the record as promoting rights and development, but in practice, they are part of the problem (Nanda, 1984). Votes by themselves do not establish legitimacy. GA resolutions are neither binding nor final statements.

Positive official responses to Third World demands regarding the right to development could be directed at containing discontent rather than an actual attempt to recognize and legitimize the right. However, it could be argued that passing a resolution is one step towards legitimating demands for change. Resolutions are demanded for their moral and ethical power. The US, in its insistence on resisting the right to development, illustrates the symbolic power of a GA resolution. Passing such a resolution could lead to further demands. A resolution could also be used as leverage, and could become a mechanism to create more discontent and therefore more resolutions. In practice, countries are less inclined to act upon resolutions. In the case of the right to development, countries that voted for the DRD, such as France, still do not even acknowledge the existence of this right in practice.

Voting for or against a resolution has to do with how much power an actor has in the negotiation process. Some countries are not only able to resist pressure to conform to the majority, but also to exert
pressure on others to vote against a resolution (the case of the US). Other countries perceive themselves as unable to vote against a resolution for a variety of reasons. They use a utilitarian approach, where they weigh their interests with those demanding change against how much are they going to sacrifice. This approach resembles the votes by a number of European countries that voted yes or abstained in relation to the right to development. These countries were dependent on the oil coming from the Third World; their relatively small economies depended heavily on the resources, markets, and labor of the Third World. Other countries perceive themselves, as well as present themselves, as carrying the human rights banner on an international level (e.g., the Dutch government).

Lack of consensus among the opposing blocs could also be misleading. Countries may clash over issues in the UN, but their actions outside of the UN shows a different story (US and Iran under the Shah). On the one hand, Western countries that voted against the right to development act sometimes as if such a right exists. These countries represent the major aid contributors to Third World countries. For them, legitimizing such principles and practices is perceived as threatening. On the other hand, some Third World countries that voted for the right act as if no such right exists, especially in dealing with indigenous groups.

The above arguments imply that social problems, laws, and human rights, such as the right to development, may achieve official acceptance, but this, however, does not lead to recognition in practice or to implementation (see, Gamson, 1975). The DRD (1986) is a case of
acceptance with no actual achievements (implementation), except for passing the resolution. Such a resolution, however, is seen as an achievement by some (Luard, 1979), because it creates the energy needed for the GA to act, and legitimizes demands for change. Furthermore, the actors who promote specific resolutions believe that they will be able to achieve real change that goes beyond the symbolic affirmation of their claims.

The UN as a Political Organization

The UN, as an arena, needs to be situated in the context of time and historical circumstances. The UN, itself, is an outcome of historical processes that were primarily determined by a global capitalist system. Claims-making processes surrounding the UN, its philosophy, and procedures were shaped for the most part by Western countries. Indeed, the UN Charter was primarily drafted by Western delegates from the US, France, and Britain to deal with the outcome of World War II. The creation of the UN was a response to a new world system where classical colonialism had ended, paving the way for new forms of domination. The UN, in this respect, could be seen as one mechanism to manage or control the newly independent countries and the countries defeated after the War. The West was still concerned with securing raw materials, markets, and cheap labor to promote its economic interests.

It needs to be noted, however, that viewing the UN as totally controlled by the world capitalist system would be misleading. Changes in the UN, its structure and procedures took place at different stages of the organization's history. While we saw that the UN and its ideals

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were originally controlled by Western powers, these powers did not create exclusive hegemony over the organization. The Soviet Union and China had a role in shaping the direction of the UN. This role might be described as marginal, but it was significant enough to draw attention to East/West issues, which predominated in the early discussions of the UN. Third World countries enjoyed some influence over the UN and its specialized agencies. They represent the numerical majority in the GA, and have representatives in all UN agencies. As we have noted earlier, the rising power of OPEC and the non-aligned movement, and the emergence of the newly-industrialized countries (e.g., Taiwan, Thailand) in the 1970s changed the face of the UN. At this stage, the organization was characterized by Western commentators as being dominated by countries of the South. Indeed, the end of the 1970s witnessed a number of victories on the part of Third World countries in the UN. The adoption of the NIEO and the creation of the human right to development are two aspects of the rising influence of Third World countries in the UN.

While the UN has provided the arena needed for discourse, and the resources needed for mobilization, a number of concerns need to be raised. The UN itself is a political institution where conflict is eminent. The evolution of the organization was contingent on the historical processes that led to its creation. In the UN, not all claims are equal. In the GA all votes are nominally equal, but, passing a resolution does not mean implementation. Financial contributions to UN specialized agencies determine, to a large extent, if a resolution is going to be carried out or not. The lack of support from powerful
countries demote the relevance of a resolution. The power of the
Security Council on the other hand, is real because its decisions are
accompanied by the ability to act.

Whether the UN is dominated by the South or the North, a broader
view of the organization shows that it is limited by a world system that
is capitalist in nature. A few countries, like the US, are major finan­
cial contributors to the UN. When the US was dissatisfied with the UN,
it withdrew its funding from a number of organizations, including the
UNESCO. The organization was then practically paralyzed.

The recent changes in the international order added to the complex­
ity of the relations among the actors. The fading away of an Eastern
clock and the increasing influence of capitalist countries in the inter­
national economy could be seen as a reaffirmation of Wallerstein's
capitalist world-economy theory. Now, more than ever, the world is
divided into core, semi-periphery, and periphery countries in a global
system that is dominated by capitalist powers. This is reflected in the
UN. The last few years witnessed the reemergence of the US as the major
power in the politics of the UN. At this stage, the right to
development is increasingly under attack. Third World countries have
been trying to implement such a right since 1986 with no success.

Claims-Making Processes

The construction of human rights cannot fully be understood without
analyzing the claims-making and the organizational practices of specific
actors. Boven (1980) argued that the right to development is an
expression of conflict between the haves and the have-nots on an
international level. However, it is interesting to note that claims on behalf of the have-nots were not made by those who are directly influenced by global inequality, but by government delegates and intellectuals who perceived their historical experiences and ideas as connected with those who are at a disadvantage.

As important as it seems, the political economy of the world needs to be viewed as made up of a number of points and processes. Individual claims may seem minor, but should not be underestimated. The right to development, as we know it, was directly shaped by the efforts of people like M'Baye (1972), Vasak (1977), Boven (1980), Alston (1985), Rich (1988), and Donnelly (1985). Their views, while conflicting, influenced all aspects of this right. For example, M'Baye (1972), a Third World advocate, emphasized the collective nature of the right to development. Donnelly (1985) presented a Western view that focused on individual and political rights.

The DRD was drafted by government delegates. But, the concept of the right to development was influenced by a multitude of academic, legal, and philosophical discussions that preceded the Declaration. A number of concepts that served as the bedding for the right to development were introduced by such discussions. These concepts included, among others, the rights of people, a structural approach to human rights, and humanistic development. In the case of the right to development, the role of intellectuals in the creation of human rights, laws, and social problems, was reaffirmed.

The efforts by various actors to promote (or resist) the right to development were accompanied by changes in the conceptions of economic
development and human rights. Economic growth is no longer seen as the sole objective of development. A holistic approach to development has emerged both in the North and the South. Intellectuals from the North, such as Shumacher, viewed development as directed at the human being. Shumacher's calls for simplicity and smallness were consistent with demands, originating in the South, for a more equitable distribution of global resources. This was also accompanied by a growing literature on dependency theories and world-systems theory. The changes in the way human rights and development were perceived were expressed in a human right to development.

A humanistic approach to development was perceived by Western countries and multi-national corporations as dangerous. It threatened their geo-political interests. Such a humanistic approach is perceived as inconsistent with the existing institutional and structural arrangements that perpetuate a capitalist system which benefits the West while disadvantaging the South. In fact, leaders of Third World governments also benefit from the present arrangements and resist a humanistic approach to development. Boven (1980) draws our attention to hypocritical positions taken by some Third World leaders. These leaders demand equality on an international level, while promoting inequality and injustice in their own countries.

Claims about the right went beyond actors from the South. Indeed, the right to development was created through complex processes of negotiation between those who promoted the right and those who resisted it. Those groups and individuals involved in these processes belong to one or more of the following categories:
1. Private individuals: including social scientists, lawyers, human rights activists, and other intellectuals. These individuals have varying views on the right. However, the majority of them viewed this right as desirable and necessary for the promotion of other human rights. Others (e.g., Donnelly, 1985; Forsythe, 1989) viewed the right to development as dangerous to the already existing human rights. All of these individuals used their writings, presentations, and the international intellectual debate to assert their views on the right. Some of these individuals (e.g., Boven, 1980; M'Baye, 1972; Vasak, 1977) were strategically located in a number of organizational settings including NGOs and UN specialized agencies.

It is interesting to see that some of the most effective promoters of the right to development came from the Third World, and were located in European countries (in universities, UN agencies, and other international organizations). Those include M'Baye (1972), Bedjaoui (1979), Dupuy (1979), and others. The role of these issue entrepreneurs, their claims-making, and their activities as social movement professionals cannot be underestimated in understanding the creation of the right to development and related concepts (e.g., the NIEO, peoples' rights). The promotion of the right to development was preceded or accompanied by the promotion of these concepts that made it sound logical.

The role of intellectuals extended to setting an agenda for discussions related to the right, as well as shaping the organizational activities needed for discourse and mobilization. They were able to bring issues of development and human rights to the international arena, and define underdevelopment and human rights violations as major social
problems. Creating attention could be seen as a source of power. However, the activities of these entrepreneurs are dialectically correlated with government positions. In Europe the most activity related to the right originated in the Netherlands. The stands of the Dutch government and its various ministries, especially the Ministry of Development created an atmosphere that encouraged a debate on the right to development.

Claims made by individual actors were not made in a vacuum; arenas were needed to carry out their claims. Those were provided by NGOs and the UN.

2. NGOs: Efforts to promote the right to development involved a number of organizations, NGOs in particular (e.g., ICJ, NOVIB). The activities of these organizations created an atmosphere conducive to free debate and discourse. They also provided a much needed alternative for indigenous and disadvantaged groups to present their views on the right to development. Indeed, this right is usually viewed as a right that transcends governments, to be held by indigenous groups. NGOs played a major role in relation to UN activities relating to issues of human rights and development. In fact, NGOs were able to hold parallel conferences to those of the UN to discuss the same issues and to lobby for alternative views. NGOs played a major role in promoting the right to development through organizing workshops, conferences, and international seminars.

Boven (1980) believes that NGOs are underestimated by the UN, and they should play a larger role because they represent the real concerns of the people. It needs to be stated that the most active NGOs
originated in the North, and most of those receive funding from their own governments. Third World governments, as well as human rights activists, criticized what they perceive as the limited (ethnocentric) view of these organizations in regard to human rights and development.

The role of private individuals and NGOs gave the right to development dimensions that go beyond the state. However, a closer examination of the processes that led to the creation of this right reveals that a statist conception of human rights still persists. The content and nature of the right to development is specified by governments, and those who are the targets of governmental abuse have little international recourse to relief.

3. Government Delegates: Almost all delegates from the Third World promoted the right to development. For us to understand the construction of the right to development, a dialectical relationship between the efforts of these delegates and the responses of the most powerful need to be presented. To only look at Third World countries when studying the right to development is misleading. We must not ignore the historical context in which these demands have developed and the reactions of those with the most power.

A dialectical relation resulted in accommodation and compromise. Demands for a NIEO and a right to development were accompanied by resistance to changes in the present global economic system. Third World countries in the UN had to adjust their demands to satisfy those Western countries that were willing to compromise. They had to use legitimate means and channels to convince the most powerful of the legitimacy of their demands.
Delegates presented the views of their governments. Their role, while complementary to those of intellectuals, gave claims about the right to development more authority. Their role was decisive; they are the ones who translated the intellectual debate over the right into concrete demands. They drafted and finalized the DRD. They are the ones who voted for or against the Declaration in the GA. Governments have the power to implement the right to development or disregard it.

The most influential delegates were the ones who drafted the Declaration. Neutral countries that appeared to be disinterested parties were instrumental in the creation of the right. Among these was the Yugoslav delegate who was instrumental in promoting the right while trying to play the role of the mediator. The Netherlands played a similar role among the Western Delegates, and Peru among Third World countries. The US delegate resisted the right to development the most. Third World countries were able to build coalitions with some European countries given that the problems were redefined and the nature of the proposed solutions and resolutions were modified.

4. UN Specialized Agencies: The most influential individuals in the creation of the right to development were those located in strategic positions in the UN. These are not government delegates, rather they are treated as experts with proper credentials for the job. Their claims were given even more weight when made through an organizational setting such as the CHR, the UNESCO, UNCTAD, World Bank, and others. Actually, the one agency that promoted the right to development the most was the CHR, with M'Baye as its Chair. Organizations that resisted the right include the World Bank and the IMF. Those two were dominated and
funded by Western powers. Resources provided by the UN were both material (such as funding, place to meet) and non-material (legitimacy).

Conclusion and Overview

The data analysis indicates that the construction of human rights is a complex phenomenon. In the case of the right to development, many factors appear important in its creation. The human right to development emerged and developed through an interaction between claims-making activities, organizational context where resources were available or could be generated, and the presence of class conflict among the different actors within a capitalist world system.

In this chapter, an analysis of the historical and theoretical data was undertaken. The significance of utilizing structural, organizational, and individual (specific) processes in explaining the construction of the right to development was pointed out. These processes need to be tied to the theoretical framework to make sense of the research questions set forth.
CHAPTER VI

THE CONCLUSIONS

This research is a case study of the construction of the human right to development. An integrated theoretical framework was used to analyze the individual, organizational, and structural processes that led to the creation of this right. The theoretical framework drew on a number of approaches that emphasize social interaction and collective behavior (i.e., natural-history models, social movements, resource mobilization, and public arenas), a dialectical (critical) model of law-creation, and world-systems theory.

In this chapter, a number of observations will be made about the theoretical framework presented in this study. The contribution of each of the theories used to aid our understanding of the construction of the right to development will be discussed. This will be followed by a discussion of the limitations of the theory and the data, and of the need for further research. The last section will be a summary of the study.

Evaluation of the Theory

The socio-historical analysis presented in this study is consistent with, and supports, the theoretical framework. By combining a number of interactionist approaches with a dialectical approach to law-creation and world-systems theory, an integrated framework was created that proved to be useful and insightful. It allowed for an exploration of
both micro and macro processes surrounding the creation of the right to
development. It is important to draw on all of the theories utilized in
the framework.

The study showed that it is necessary to link micro processes to
macro processes in trying to explain human rights-creation and social
problems. The war demonstrated that an integrated theoretical frame­
work is useful in providing an analysis of the micro-level claims-making
processes, the organizational level resource analysis, macro-level class
analysis, and a structural analysis of the functioning of capitalism.

At the micro-level, interactionist approaches showed the importance
of claims-making and individual enterprise. This study showed that
laws, social problems, and human rights are created, rather than
discovered. The efforts of M'Baye, Vasak, Alston, and others represent
claims put forth to define and promote the right to development as a
human right. The study also confirmed the necessity to focus on the
flow of interaction and interpretive processes, and on the way in which
meanings are created and changed. Without interaction, people will be
unable to create the shared world they live in. The right to develop­
ment was created through interaction and exchange of symbols and
meanings.

The focus on immediate and specific processes that led to the
creation of the right to development showed that this right was a result
of enterprise, and that it was the product of certain individuals or
groups making claims about specific situations. These claims were based
on the particular interests, values, and views of the actors. A concern
with the subjective nature of the right to development illustrated that
human rights are created through complex processes of interaction among individual actors. In this respect, the study lends support to the various interactionist approaches and the constructionist paradigm.

Natural-history models were valuable to this study because they showed that a human right does not emerge full blown. A human right is best viewed as always being in a dynamic state of becoming. Claims are still being made about the right to development. Amendments are constantly made to accommodate the conflicting conceptions of the right to development.

The study showed that the right to development went through a number of stages. Awareness of global inequality and underdevelopment was a necessary prerequisite for a right to development to emerge. The construction of concepts such as global solidarity, three generations of rights, and peoples' rights served as the bedding for a full-blown publicity campaign on behalf of the right to development. Advocates of the right to development had to create concern for the global problems perceived to be related to the right to development. This right achieved official recognition on a number of occasions in a number of international settings. This was followed by a continuous effort to maintain the attention of the various institutions concerned with the right.

A number of organizations were established to insure implementation. The actions of these organizations created new claims, especially about their failure to implement the right. Some actors decided that it is no longer viable to work with the institutions because no action was being taken.

These elements of a natural-history model are confirmed by the
history of the right to development. However, it needs to be noted that the stages talked about here are not mutually exclusive. In the context of the UN, it seems that two stages persisted over time: a continuous attention to the right, its content, and legality, and continued claims-making about the lack of implementation. These provide new grounds for new definitional activities (Kitsuse & Spector, 1973). The right to development might not have achieved full recognition, but it certainly is still at the center of attention.

A study of the right to development also showed that collective behavior and social movements are necessary to create a human right. The efforts of NGOs, the non-aligned movement, and intellectuals were decisive in shaping the right. The power of these groups and individuals was, in many cases, derived from their collective stands on the issues. Their power was also derived from their numerical majority, organization, resources, mobilization, and the availability of an arena. The different actors in the UN were able, to varying degrees, to define what the right to development is. The more powerful these actors were, the more influential they would become. The creation of a human right is dependent on the success or failure of social movements and resource mobilization.

This study showed that claims about the right to development are interrelated with claims about other human rights. They exist simultaneously in several stages of development. There is a need to go beyond a descriptive approach to the creation of human rights. Rather, it is essential to focus on the interaction between all related claims. The competition among the claims must be attended to. In this respect,
a public arena model is useful. By focusing on the competition between the various claims, it was clear that human rights do not just evolve because of their merit, but rather because of the ability of actors to assert their claims.

The availability of an arena (the UN) was probably the most important factor in the creation of the right to development. In the UN, advocates of the right were able to set the agenda for discussion. They also used the organization to express their concerns, and to define problematic situations. The UN provided the actors with material and non-material resources needed for mobilization. The study shows that the concern with public arenas as expressed by Hilgartner and Bosk (1988) is justified.

A public arena model, as forwarded by Hilgartner and Bosk (1988), argues that the institutions of society have a limited carrying capacity when it comes to dealing with social problems, i.e., society has limited time and resources. This is a deterministic view of society and its institutions. These institutions change and expand. Therefore, we need to go beyond a limited view of society, to a more flexible one. Society's institutions reproduce and expand; they have reproductive capacities, as opposed to limited carrying capacities. Institutions, like the UN, produce other institutions or subdivisions to handle emerging social problems. In the case of the UN, a number of specialized agencies were created to handle the grievances and claims of the different groups, especially in the field of development, and as relating to the issue of the right to development.

This reproductive capacity is consistent with the accommodative
nature of a global arena such as the UN. The intention here is to satisfy the wishes of conflicting blocs in relation to their different conceptions of human rights. For example, the UNESCO and the UNCTAD are said to be devoted to Third World conceptions of human rights and development. The World Bank and the IMF are dominated by Western powers. Although the reproductive capacity of these institutions seems to be flexible, it is not totally unlimited. If a country feels uncomfortable with any of these organizations, it may withdraw its financial contributions, such as in the case of the US and the UNESCO. This contributes to a reduced reproductive capacity. Here, the institutions lose some of their abilities to deal with existing or emerging problems.

Another theory that emphasized collective behavior is resource mobilization theory. This approach sensitized us to how participant's activities and use of resources affect the viability of claims-making and definitions. In this study, social movements and actors mobilized various resources to achieve success. Resource mobilization enabled us to understand the formation and dynamics of social movement organizations and protest activity. The Third World as a social movement presented by government delegates became professionalized and bureaucratized. This led to a greater distance between the public, most concerned by problems, and the governmental positions presented in the UN. NGOs had a relatively liberal influence on the positions of Western governments, while having a conservative influence on the positions of Third World advocates. Resource mobilization theory describes the methods and resources utilized by actors to achieve success. However,
it does not always shed light on why people engage in action to achieve social change. This was attended to by a dialectical model.

A dialectical model of law-creation also finds support in this study. Class conflict on national and international levels was a factor that caused some action to remedy global inequality and other social problems. The right to development is, after all, an attempt to deal with the domination-subordination relationship between the North and the South. Here, the political economy of human rights is reaffirmed. Human rights are political issues that are vested with power. The most powerful were able to assert their definitions of human rights. The fact that an individualistic approach is still the dominant approach shows that the West and the US are still the dominant groups in international politics, and in the UN. Eastern and Third World countries made many claims about the collective nature of human rights. However, they have been unsuccessful in asserting the primacy of their claims.

A dialectical model showed that the conflict between the North and the South is inherent in the global economic system. The basic nature of this conflict does not change, but the expression of conflict changes. The nature of the alliances also change, at least on the surface. The negotiation process between the South and the North has changed through the historical periods.

From colonialism to the UN, we see two different settings that influenced the content and nature of the negotiation process. In the UN, Third World demands are coopted, and real issues are blurred. UN resolutions, in this respect, could be seen as conservative. No final solutions for the masses are in sight. The masses are also unable to
mobilize because, in theory, their demands will be achieved through the UN. If a group of people decide to carry out any real change through changing the status quo, their demands will be labeled as illegitimate because they are not carried out through the legitimate channels of international organizations. The inability of the entrepreneurs to achieve substantial change leads the masses to lose confidence in both the entrepreneurs and the institutions. Collective action is now regulated within the limits of the institution that is working under rules created by the dominant group. This means the UN plays a conservative role in world politics and, in a broader sense perpetuates global inequalities.

The best that this organization can achieve is some kind of reform that is limited by the existing global capitalist system. This system serves to perpetuate inequalities between the haves and the have-nots. A closer examination of the right to development shows that in the short run, Third World countries are able to pass resolutions and create reform. However, success is limited because the global economic system, which is seen by many as the problem, is still intact. Indeed, a number of theorists argue that the UN itself is an outcome of a global capitalist system. Here, demands for substantial change are coopted and real issues are avoided.

In this study, all of the theories used in the theoretical framework found some support. However, a number of comments and concerns about the data and the theory need to be stated.
Limitations of Theory and Data

The Theory

The integrated theoretical framework presented in this study can be further used to investigate the creation of social problems, laws, human rights and other social phenomena. This framework has provided a balanced approach to micro and macro processes and showed that it is essential to analyze all levels of reality (individual, organizational, and structural) to understand social phenomena. To this theoretical framework, it would have been helpful to add a theory of new class (Ehrenreich & Ehrenreich, 1977; Gouldner, 1979). This theory was needed to clarify and explain the role of a distinctive group of people, namely UN workers and other intellectuals. These are professionals whose survival is dependent on the perpetuation of the type of conflict created in the UN. Many of them are not directly affected by the problems they are attempting to deal with. This class is hardly homogenous. Some align themselves with the ruling class in their own countries, while other represent the mission of the UN and its various agencies. A theory of new class would be able to shed some light on why highly educated and privileged actors involve themselves in demands on behalf of the masses.

An examination of the theoretical framework contributes to the debate on behavioral (conditions) and constructionist (definitional) paradigms. The study lends support to the constructionist paradigm by showing that human rights laws are not objective realities independent of the subjective understanding of social actors. The study has shown
that human rights are socially constructed. They are neither eternal nor inalienable. Human rights are not objective realities that are independent of the subjective understanding of individuals. They are claims that have achieved a special kind of endorsement by a widespread or influential constituency on an international level. Human rights are normative phenomena; they are directed at producing specific changes in what is perceived as an unjust situation. At the international level, human rights are usually presented as having a special kind of urgency and universality.

Strain theories (as presented by Smelser, 1962) are unable to sufficiently explain social problems, and the rise of social movements. The degree of harm is not a decisive factor either in defining a condition as a social problem or in producing a social movement. The right to development, which is essentially an expression of Third World dissatisfaction with the present international economic order, was not pushed when the intensity of global inequality was at its highest point. Rather, this right was promoted at a time when a large number of Third World countries had achieved higher growth rates in their GNPs. In the last 5-6 years the right to development was undermined, although the disparities between the South and the North are increasing.

This study illustrated the significance of a constructionist paradigm in the study of social problems and phenomena. However, to restrict ourselves to this paradigm could be misleading and may contribute to passivity and antipathy to social change. Sociologists are part of society and are affected by it; they have a duty to create knowledge, but also to contribute to more humane arrangements. In this
respect, it is necessary to deal with underdevelopment and violations of human rights as real problems that have real implications to those affected by them. To ignore the objective nature of these problems is to distract attention from conditions that are harmful to a large number of people.

To insist that a sociologist needs to be value neutral or on the side (Gusfield, 1984) is to ignore that sociologists are making claims, merely by engaging in research. Their choice of research problems and questions are hardly exhaustive. A researcher has to make tough choices when it comes to selecting the data that will be used as evidence in her/his study. For objectivity to be achieved, sociologists need to tell it like it is; this is a challenge in itself.

The Data

Since this is a case study, nothing definitive can be said about the relationship between the data and the theoretical framework. However, a number of directions can be suggested.

Attempts have been made to ensure the validity and reliability of data. However, in a study of this nature, getting the whole story is obviously impossible. It is the nature of qualitative research that not all data can be presented. The data used in this case study are not exhaustive. Not all actors, claims, events, or documents can be presented. Some UN documents were difficult to locate, while others suffer from lack of complete information about the actors and their specific positions. The question here is when do we stop bringing in new data? It could be argued that data collection is completed when
specific trends persist over time, and when generalizations can be made. To insure the reliability of these data, they need to be compared with historical patterns and theory.

Further Research

This study certainly has yielded some interesting data, insights, and relationships to the theoretical framework set forth. In this study, the importance of structural processes in a global system as contributing to the construction of human rights creation were shown to be pertinent to the case of the right to development. Those processes should be more thoroughly explored in other case studies and applications to further refine and develop the explanatory power theory provides.

Organizational factors also seemed important to the understanding of the construction of human rights. In this study, only a few organizational characteristics were examined; very likely, there are many other aspects or organizations which should also be studied to determine how they contribute to human rights creation. An in-depth analysis of the role of the UN as a global arena would be an interesting case study and contribute to our understanding of the organizational aspects of the construction of human rights. One interesting and controversial question that is not fully answered in this study is the position of the UN in a global capitalist system: is the UN determined by such a system?

The assertion that Third World countries could be seen as a social movement needs to be further examined. How are they similar, or
different, from typical social movements? What are the dialectical relations between their efforts and the responses of a more powerful West?

Also needed is a more thorough study of NGOs. They represent special kinds of organizational practices and procedures that result in specific outcomes related to human rights and development. The role of individual claim-makers is also decisive in the creation of human rights. Further studies are needed to closely examine these individuals, their claims and interests in creating human rights. Do they constitute a new social class?

Future research needs to go beyond mere analysis of human rights. Issues of praxis and implementation are essential. For those people who have to deal with hunger, lack of medical attention and housing, issues relating to the right to development are real and need to be attended to.

Studies that show how sociologists and sociological theories can be useful in the study and promotion of human rights and development are needed. Also needed is an emphasis on the interdependence between social and economic phenomena. An inter-disciplinary approach to human rights and development can contribute to our knowledge about these issues and may result in bringing a more balanced approach to the promotion of development.

The limitations of this study should not negate its usefulness. Many important factors relative to the creation of human rights were uncovered. For sociologists, this study could be seen as an addition to the existing literature on constructionism, dialectical theory, and
world-system theory. It also contributes to the study of social problems and to the debate over behavioral and constructionist paradigms. The utility of a constructionist paradigm is evident in this case study. Human rights and laws are socially created instead of inherently given. The study also contributes to the study of social movements and collective behavior, as well as social organization and organizational practices.

In the field of economics, this study goes beyond the traditional approaches to economic development. The study showed that this process is not a value free enterprise independent from the perceptions of planners and social scientists. Development is a political process that is surrounded by varying claims about the desirability of this process. The choice of an approach to economic development implies that some groups may benefit while others may lose. Humanistic approaches to development, as well as classical approaches, are constructed, and only can be viable if political pressure can be exerted in the decision-making process regarding alternative development paths.

What makes this research distinctive is an attempt to go beyond the micro-macro trap, and to bring in data pertaining to both micro and macro processes. Immediate interactions and experiences of individual actors were utilized as data. Also used were data on the broad structures of society and the global economy that delimit individual actors working in organizational settings. Individual, organizational, and structural levels of reality were all utilized in this study to achieve a comprehensive understanding of the human right to development.
Summary

This study presents a comprehensive attempt to understand the construction of the human right to development in relation to its organizational and structural contexts. The historical events, organizational arrangements, and claims-making processes that led to the creation of the right are discussed. In doing so, the study utilized a multitude of historical documents, sociological theories and methods.

In an attempt to understand the construction of human rights, an integrated theoretical framework for examining the problem has been developed. This framework includes theories that stress interactionism and collective behavior (i.e., natural-history models, social movements, resource mobilization, and public arena model), a dialectical theory of law-creation, and a capitalist world-economy. This framework was intended to address the influence of structural, organizational, and individual processes in human rights creation. Human rights are constructed within a global system of relations between the actors. The most influential aspect of such a system is the expansion of capitalism and the spread of colonialism and neo-colonialism. The UN provided the organizational aspects needed to create human rights on a global level. Individual actors proved to be decisive in creating human rights. The role of intellectuals should not be underestimated.

Data for this study primarily came from historical documents. By analyzing various data from UN documents, regional organizations and NGOs documents, academic and political conference manuscripts, etc., a number of research questions, guided by the theoretical framework, were
raised. The data showed that, in this case study, structural factors that characterize the relations between the West, the South, and the East were influential in the promotion or resistance of human rights. In addition, organizational factors, such as the existence of the UN as a public arena, the organizational practices of NGOs, and other types of collective behaviors, were examined and could be seen as important in the construction of the right to development. The data also showed that individual claim-makers are important in the construction of human rights.

Although this was a case study and offered no definitive statements about the construction of human rights, it is to be considered as an addition to an increasing sociological literature that emphasizes social constructionism, as opposed to behaviorism (conditions). It also contributes to the efforts of integrating micro sociology with macro sociology. This study also directs our attention to a number of directions for further research. To fully understand human rights and development, and the social construction of reality, more research is needed. This can best be accomplished through a number of case studies which can further refine and develop the theoretical framework used here.

Issues of human rights and economic development and the relationship between them must not be ignored. These issues are related to a number of global social problems that affect the well-being of all humans on earth. Through further research, an understanding of the construction of human rights, especially as related to development, can be achieved. Through such an understanding, more mechanisms can be
devised to insure the promotion of human rights and economic development on a global level.
ENDNOTES

1 For more on the content of the right to development, see Appendix A where the full text of the Declaration of the Right to Development (Resolution 41/128) is presented.

2 The terms "South" and the "Third World" are used interchangeably here to refer to the 143 African, Asian, and Latin American member countries in the UN. They are distinguished from the economically advanced capitalist (First World/Western) and socialist (Second World/Eastern) countries. Although the precise origin of the term "Third World" is obscure, it has become widely accepted and utilized by economically poor countries to distinguish themselves, especially in their negotiations with economically rich nations on critical international issues. While it is unfortunate that numbers such as First, Second, and Third occasionally bear the regrettable connotation of superiority and inferiority when used in reference to different groups of nations, the fact remains that the term "Third World" is widely used among developing nations primarily in an effort to generate and represent a new sense of common identity and growing unity of purpose. More recently the terms "South" and "North" are becoming popular (Todaro, 1985). These terms are used through this study not because any of them represent a firm bloc. Likewise, the terms "East" and "West" are used in the traditional sense of distinguishing between Eastern (socialist) and Western (capitalist) Europe, although in practice this distinction has virtually disappeared over the past two years. This has led to a
widespread use of the term "North" to refer to "East" and "West." A number of individual states, in each bloc, have played a crucial role in the right to development debate.

3 Roland Y. Rich from the Australian Department of Foreign Affairs. Rich insists that the views expressed in his articles and speeches do not necessarily represent those of the Department of Foreign Affairs.

4 The following is a list of secondary sources where UN documents can be found: Brownlie, I., 1981; Council of Europe, 1985; Laqueur, W., & Rubin B., 1979; Stevens, R.D., & Stevens, H.D., 1973; United Nations Information Office (UNINFO), 1984.

5 Karel Vasak, Legal Advisor to the UNESCO and formerly Director of the UNESCO Division of Human Rights and Peace and Secretary-General of the International Institute of Human Rights.

6 Jack Donnelly is Associate Professor of Political Science, the University of North Carolina, Chapel Hill, North Carolina, USA.

7 Philip Aston (Australia), former member of the UN Secretariat; member of the UN Division of Human Rights.

8 Theodore C. van Boven (Netherlands), former Director of the UN Division on Human Rights; former member of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. Boven's critical remarks of the UN's approach to development and human rights appear in his speeches in front of international seminars, especially a seminar organized by NOVIB on Human Rights and Development Cooperation in 19809 (see Boven, 1980). The views expressed by Boven may indicate some of the reasons why his contract as Director of the Division on Human Rights was not renewed in 1981. Boven is presently Professor of...
Law, Federal University of Limburg, Maastricht, the Netherlands.

Richard A. Falk is the Albert G. Milbank Professor of International Law and Practice in the Department of Politics, Princeton University.

Ved P. Nanda, Professor of Law and Director, International Legal Studies Program, University of Denver College of Law.

In 1972, M'Baye was the President of the Senegal Supreme Court and a distinguished member of the Human Rights Commission. A few years later, he became the Chairman of the Commission, and then Chairman of the ICJ and a judge in the International Court.

The Non-Aligned Movement began in 1955 at Bandung. While the movement took a formal character in Belgrade in 1961, its primary ideological and political thrusts came from the meeting in Bandung. Here, the major issues were decolonization and racial equality with opposition to a global war and a search for a solution to the fundamental economic problems that confronted the majority of these nations. The Non-Aligned Movement slowly transformed itself from being a social movement into much more tightly organized pressure group in the 1970s. The movement attempts to influence world politics by participating in international organizations. The movement's members are actively involved in the UN, and have participated in the creation of specialized agencies within the UN to implement specific objectives. They have taken active part in the promotion of the NIEO (Singham, 1978) and the right to development. More recently the Non-Aligned Movement is in a state of decline; most of its original leaders have disappeared from international politics. The movement became more fragmented due to
the changes in international politics in the East and the South.
APPENDIX A

Declaration on the Right to Development, December 4, 1986
APPENDIX A

Declaration on the Right to Development, December 4, 1986


Status: Declaration annexed to General Assembly resolution (adopted 146-1:8); recommendatory vis-a-vis member States.

Comment: Adopted after lengthy gestation, but without avoiding a vote. Proclaims the right to development as an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, with the human person as the central subject, active participant and beneficiary of the right to development. Avoids specific reference to certain issues, such as 'increased concessional assistance to developing countries', and to earlier resolutions such as the Charter of Economic Rights and Duties of States: these were incorporated in a separate resolution, Res 41/133, The Right to Development, also adopted on 4 December 1986 by a vote of 133-11:12.

Text:
The General Assembly.

Having considered the question of the right to development, 1. Decides to adopt the Declaration on the Right to Development, the text of which is annexed to the present resolution.
Annex Declaration on the Right to Development.

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

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

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


Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples, including those instruments concerning decolonization, the prevention of discrimination, respect for, and observance of, human rights and fundamental freedoms, the maintenance of international peace and security and
the further promotion of friendly relations and cooperation among States in accordance with the Charter.

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development.

Recalling further the right of peoples to exercise, subject to relevant provisions of both International Covenants on Human Rights, their full and complete sovereignty over all their natural wealth and resources.

Mindful of the obligation of States under the Charter to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

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

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

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

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

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

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

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

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

Article 1

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their national wealth and resources.

Article 2

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

1. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect of their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfillment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development.

3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the
basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

Article 3

1. States have the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development.

2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations.

3. States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should fulfill their rights and duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights.

Article 4

1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.
Article 5

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

Article 6

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

2. All human rights and fundamental freedoms are indivisible and interdependent; equal protection of civil, political, economic, social and cultural rights.

3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights as well as economic, social and cultural rights.

Article 7

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control as well as to ensure that the resources released by effective disarmament measures are used for comprehensive
development, in particular that of the developing countries.

Article 8

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be made with a view to eradicating all social injustices.

2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Article 9

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

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

Article 10

Steps should be taken to ensure the full exercise and progressive
enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.
Adiseshiah, M. S. (1972). *It is time to begin, the human role in development.* Paris: UNESCO.


