THE NEW INTERNATIONAL ECONOMIC ORDER, BASIC NEEDS AND RIGHTS: NOTES TOWARDS DEVELOPMENT OF THE RIGHT TO DEVELOPMENT

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For those concerned with achievement of human rights and fundamental freedoms, as an aspect of just national and global orderings, the declaration establishing the New International Economic Order (NIEO) has raised many disquieting fundamental problems. It is a striking paradox that the human rights movement within the United Nations system which emerged, and even thrived, during the period of the collapse of the Old International Economic Order (OIEO) failed to penetrate the basic thinking on the NIEO. Undoubtedly the basic impulse of the NIEO, its objectives and strategies, point to a restructuring of North-South relations in such a fundamental manner as to reduce dominance and dependence which characterized the OIEO relations between the rich and the poor countries. Undoubtedly, even modest progress, towards the NIEO objectives promises to generate structural changes in global development enabling the poor countries to emerge from their poverty and to move them from relative weakness to strength.

But, like the OIEO, the NIEO does not show much solicitude for a model of structural changes or development which would lead to human rights achievements. The four “seminal” resolutions concerning the NIEO mention human rights “only once”; and they do not acknowledge the promotion and protection of human rights as “an important, let alone essential, ingredient of the efforts to establish a NIEO”. The NIEO does not contain, in terms, any maxim of redistributive equities within the nation state; the highest achievement of the NIEO would be maximization of economic surplus, with no assurance that this would be used to ameliorate poverty, misery and exploitations of the people. The NIEO may provide both necessary and sufficient conditions for stronger states in the South; but stronger states may remain strong, for considerable periods of time, (and even for epochs) without meeting “the basic needs of the masses”. Indeed, the NIEO formulations appear at times so human-rights

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4. UNESCO Doc. SS 78/Conf. 630/12 (1978); pp. 25-26; see also notes 2 & 3.
neutral as to be consistent with, and even to legitimise, gross denials and deprivations of human rights. The essential problem thus was "how the quest for development could be fully harmonized with the protection of human rights." The General Assembly expressed its deep concern with the problem in 1977 in which it proclaimed that "continuing existence of an unjust economic order . constitutes a major obstacle to the realization of economic, social and cultural rights in developing societies". The General Assembly, therefore, decided that all UN human rights endeavours shall accord high priority "to the realization of the New International Economic Order as an essential element for the effective promotion of human rights and fundamental freedoms." One momentous result of this mandate has been the articulation within the UN system of "the human right to development."²³

II

Much confusion has developed over the right to development; confusion surrounds its origins, formulations, ambit, existence and nature. And the confusion extends to both key terms: "right" and "development". At times, confusion borders on chaos. But some of us seem to think with Nietzsche that "you must have chaos in you to give birth to a dancing star." Others maintain that such chaotic confusion on so vital a matter as human rights and development fatally eclipse human rights analysis and action. Although the controversy concerning the right to development seems primarily of interest only to international jurists, the implications run deep for the future of the UN system as well as of mankind.

The technique of massive reiteration of an idea, a notable social invention of the UN era, (which in less worthy fora would be questioned, if not dismissed,

5. For example, Verwey observes that para 4 (d) of the NIEO declaration proclaiming that "every country has the right to adopt economic and social systems that it deems to be the most appropriate for its own development" would be a debatable principle if it were taken as carte blanche for policies violating human rights". W.D. Verwey, "The Establishment of a New International Economic Order and the Realization of the Right to Development and Welfare", I.J.I.L., Vol. 21 (1981), pp. 1-78 at p. 77.
6. Report of the Secretary-General, the International Dimensions of the Right to Development as a Human Right in Relation to other Human Rights Based on International Cooperation, including the Right to Peace, Taking into account the Requirements of the New International Economic Order and Fundamental Human Needs", E/CN/-4/1334 at p. 63, 1979; (hereafter referred to as the Secretary-General's Report.)
8. See the Secretary-General's Report, note 6.
9. The debate concerning the right to development has largely been conducted among jurists; see Verwey, Alston notes 2 & 5 respectively; see also K. de Vey Mestdagh, "The Right to Development: from Evolving Principle to ‘Legal’ Right in Search of Substance" in the book cited in note 2 at p. 143. See also the scholarly literature cited in the Secretary-General's Report.
10. See Alston, Verwey, Mestdagh and the Secretary-General's report cited in note 6.
11. Alston, note 2, at p. 106.
12. See Verwey note 5 at pp. 11, 68-78.
14. See generally, the Secretary-General’s Report; Verwey and Alston, notes 2 & 5 respectively.
17. Verwey, note 5, at p. 35 (emphasis in original).
18. Verwey, note 5, at p. 3.
argue that "the international community has no need for new human rights, especially in the context of development which is in general a question of the most elementary right to a dignified existence."

III

Underlying these styles of responses is, of course, the massive debate concerning "development"; after all, the right is the right to development. The 1979 General Assembly Resolution provides a classic formulation of the right when it says that "... the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations".20 The Secretary-General's Report on the Right to Development identifies core components of development as follows:21

(i) The realization of the potentialities of the human person in harmony with the community should be seen as the central purpose of development;
(ii) The human person should be regarded as the subject and not the object of the development process;
(iii) Development requires the satisfaction of both material and non-material basic needs;
(iv) Respect for human rights is fundamental to the development process;
(v) The human person must be able to participate fully in shaping his own reality;
(vi) Respect for the principles of equality and non-discrimination is essential;
(vii) The achievement of a degree of individual and collective self-reliance must be an integral part of this process.

Most of these principles clearly underlie the primordial UN instruments (the Charter and the Universal Declaration of Human Rights). They also represent the quintessence of a more human conception of development stressing not just economic growth but values of social justice.22 Significantly, the alternate paradigm of human development focuses on rights as means of development, rather than ends in themselves. And the values towards which this development effort is aimed are: human integrity (through fulfillment of the basic needs), autonomy, participation, self-reliance and alienation.23 This alternate para-

digm of development provides the building blocks for a just global order—under for a new international human order.24

The attempt to correlate the NIEO to the new paradigm of development focuses on the category of basic needs (BN). The fulfillment of basic needs which enable human entities to subsist as human beings (at the most minimum level of formulation the right to bodily and mental integrity or survival) require among other things, a transformation of the OIEO international division of labour into the programme outlined in the NIEO. The essence of the NIEO has been well captured by Galtung:

The New International Economic Order (NIEO) stands for a new way of ordering the international economic system so as to bring about, first, improved terms of trade between the present-day centre and periphery countries (in other words, between the First World and the Third World countries); secondly, more control by the periphery over the world economic cycles that pass through them (the controls to include nationalization of natural resources, soil, processing facilities, distribution machinery, financial institutions etc); and, thirdly, increased and improved trade between the periphery countries themselves.25

Each of the principal ideas summarized above embodies a wide variety of interlocking and complex constellations of material interests of the elites (of the First and Third Worlds as well as of the elites of new world of international organizations). Naturally, while there is substantial agreement on the NIEO package, emphasis on ideas, objectives and strategies vary enormously. Many emphasize, rightly, that a favorable change under the auspices of the NIEO can only come about if the nations of the Third World were to adopt self-reliant development strategies, even to the point of "delinking" themselves as far as possible, from the existing structure of the international division of labour.26

Be that as it may, insofar as the existing inequities of the world economic order are causally related to the cruel frustration of the basic needs of millions of human beings in the Third World, the NIEO framework may thus appear consistent with the new paradigm of development. In this sense, it would be justified to say that "the overall objective of the New International Economic Order is to increase the capacity, individually, to pursue development."27 Further, insofar as the NIEO more concretely heralds "the new conception of the redistribution of power and decision-making and sharing of the world

21. See the Secretary-General's Report, note 6, p. 13.
22. See the Secretary-General's Report, pp. 20-28.
25. Galtung, note 3, at p. 455.
27. The Secretary-General's Report at p. 83.
resources based on needs" it contributes substantially to the right to develop-
ment.

IV

These general acknowledgements still leave plenty of analysis and action on
the agenda of the right to development. First, the conceptions of BN require
articulation. Second, areas of concomity and contradiction between the BN and
NIEO approaches to development have to be explored. Third, there is the
question of the identification of the neighbouring rights\(^{28}\); that is, "rights" as
essential to development as fulfilment of the human integrity through BN
satisfaction. Fourth, there is the question whether the right to development
should embrace the right (in the sense of immunity) against repression.

It is by now well-known that the formulation of BN in the Declaration
of Principles and Programme of Action adopted by the ILO Employment
Conference in 1976 provides for the first time a cogent articulation of basic needs
and approaches and strategies for meeting them. Much of the criticism of the
conception of BN stems from an overconcentration on paragraph 2 of the
Declaration and Programme of Action. It describes two kinds of basic needs.
First, "certain minimum requirements of a family for private consumption;
adequate food, shelter and clothing as well as certain household equipment
and furniture". Second, BN include "certain essential services provided by and
for the community at large, such as safe drinking water, sanitation, public transport
and health, educational and cultural facilities."\(^{29}\)

If the Declaration and the Programme had stopped here in its articulation
of the BN it would have been fully vulnerable to the charge that "it draws too
rigid a line between private and public; that it allocates satisfiers (they are not
needs) to these areas; and that it neglects non-material needs."\(^{30}\) Nor would a
closer attention to the Declaration and the Programme necessarily support
the conclusion in the Secretary-General's Report that the strategy does not
give salience to "the need to respect civil and political rights in the
development process".\(^{31}\)

The Declaration and Programme extend both to non-material needs and
vital human rights, including political and civil rights. They proclaim that,
like employment,\(^{32}\) education itself is a basic need.\(^{33}\) At several key places
the Declaration and the Programme recognizes participation by people in making

35. Id. at para 3, 13, 18.
36. Id. at para 8 (c).
37. Id. at paras 17, 38.
38. Id. at para 5, 47-51.
39. Id. at para 23.
40. Id. at para 5.
41. Id. at para 13.
42. The Secretary-General's Report, note 6, at p. 102.
43. Id. p. 104.
44. See J. Galtung & A. Wirak, Human Needs, Human Rights and the Theory of Development
    (UNESCO, Division of Social Sciences, 1977).
Not merely this, Galtung has brilliantly reconstructed other apprehensions which are real to the Third World elites. The BN approach may begin to "legitimize" innovatory interventions by the North: this may happen principally by the North insisting that NIEO and related measures be tied to some kind of monitoring or invigilation on the issue whether BN are being effectively met in the South. Further, by emphasizing the satisfaction of material needs and by continually enlarging the listing of the basic material needs, the First World may follow measures aimed at augmenting the "purchasing power of the vast Third World proletariat" in this sense, the BN approach could be used as "an instrument to enlarge the First world's market in the Third World". Moreover as Galtung demonstrates, "under certain conditions, a systematically pursued BN approach, whether or not based on local self-reliance as a major ingredient, may make the Third World less of a threat to the First World's hegemony".

The overall result is mutual suspicion among the First and the Third World elites: the former disregard the latter's pro-NIEO arguments as "disingenuous plea for ensuring privileges to Third World's elites". Similarly, the arguments proceeding from basic needs appear equally disingenuously aimed at "preserving the First World privileges at the international level".

Clearly, then, at the level of action and interaction among the elites of the First and Third Worlds, we are far from the stage where BN and NIEO approaches can really be seen to be complementary rather than contradictory. Perhaps, the enunciation and elaboration of a development (howsoever confused and confusing it may now appear) provides one way of reorienting the future postures of dialogue. The right to development notions have sufficient flexibility to provide a more substantial reinterpretation of the NIEO and BN approaches; they remind us that these approaches respond to global concerns and not just to specific justice-constitutencies in the Third World. Achievement of NIEO and BN strategies holds significant gains for the North, including reduction of world tensions. To invoke the logic of the NIEO Programme of Action: the accelerated development of developing countries would be decisive element of world peace and security. It would also ameliorate the costs of overdevelopment, both in terms of overconsumption (causing resource scarcity) and life-styles. Substantial transformations in the North will follow

52. Galtung, note 3, at pp. 462-63.
53. Id. at p. 464.
54. Id. at pp. 463-65.
55. Id. at p. 467.
56. Id. at p. 470.
57. NIEO Declaration para b.
58. See, S. George, How the other Half Dies: The Real Reasons for World Hunger (1976); see also note 61.
The implementation of NIEO. The widening gap between developing and developed countries (to which the NIEO Declaration refers) cannot be closed without such transformations. Indeed, “no gaps will close unless growth and consumption are slowed in the North”.

Similarly, the BN approach extends both to the North and the South. If satisfaction of the more immediate material needs, consistent with basic human rights, appear ethically and prudentially to be the urgent imperative for the Third World, satisfaction of some of the more non-material needs appears to be paramount to the First and Second world also.

The overarching values of the new paradigm of development (integrity, dignity, autonomy, participation, self-reliance and de-alienation) make no distinction among the Three worlds. The human right to development, in this sense, awaits recognition, and realization, in more or less, equal measure in all parts of the world. The import of this rhetorical looking observation becomes increasingly clear when we turn to the problematic of the neighbouring rights and to the right against repression.

V

The right to development “straddles both categories of economic, social and cultural rights and civil and political rights”

raising the question concerning choice inter se between protection of one group of rights at the cost of another. The choice situation is often described starkly as “bread” (material BN) versus “freedom” (non-material BN). But the issues are not really “bread” and/or “freedom” in the abstract, but rather who has how much of each, for how long, at what cost to others and why?

Indeed, at the concrete existential levels some people have both ‘bread’ and ‘freedom’; others have freedom but no or little ‘bread’; still others have half a loaf...with or without freedom, still others have a precarious mix where ‘bread’ is assured if certain (not all) freedoms are barred.

The problem of human rights in situations of mass poverty is thus of redistribution, access and needs. In other words, it is a problem of ‘development’.

It has been suggested in the Report of the Secretary-General that if a “balanced and comprehensive approach” to development “is adopted, then respect for entire spectrum of human rights is theoretically assured.” Accordingly, the evolving conceptions of the right to development assert, hitherto unsuccessfully, the theme of the “indivisibility of all human rights”. The emphasis is not so much on the discrete recognition of human rights but on the organic linkages between these rights and the right to development. Apart from the Charter, the Universal Declaration, and the two Covenants on human rights, emphasis is now placed on a large number of ‘neighbouring’ rights, considered indispensably interlinked to the task of the realization of the right to development. Among these rights are: the right to self-determination, the right to peace, the right of participation, and the right to “interdependence” and “cooperation”. The rather relaxed and liberal use of the expression “right” in this context conceals variegated shades of analytical confusion and misdeemeanours; but the areas for rigorous analysis thus offered invite separate treatment elsewhere.

We may only note, at this stage, that the indivisibility-of-rights thesis entails progressive concurrent realization of all these rights, especially the right to peace.

Clearly, close linkages exist between peace, development and human rights. The linkages begin to be effectively perceived only when the negative conception of peace, as outlawry of war, is replaced by a positive conception. There can be “no lasting peace if individuals are deprived of their rights and liberties, if peoples are oppressed by their peoples, if populations are beset by poverty or suffering from malnutrition and sickness”. Equally disruptive of peace are the conditions of the “flagrant and continuously aggravated inequality among nations, the persistence of international injustice in regard to the distribution of resources, the perpetuation of overt or covert relations of dominance, corrupting the nation’s very life...” In this sense, “peace is to be understood as a just and democratic system of international relations based on the principles of peaceful co-existence and not simply as absence of war”.

Assertions of this nature have cumulated in the UN practice to a level where it might be justified to talk about the right to peace, having vital relation to the right to development. Indeed, it may be rightly said, that the United Nations Charter is “the legal embodiment of the the right to peace.”


60. R.E. Fagen, “Equity in the South in the Conflict of North-South Relations” in Fishlow et. al. note 26, at p. 210, (emphasis in original).


62. The Secretary-General’s Report, page 63.


64. Ibid.

65. The Secretary-General’s Report, at pp. 63-64.

66. Ibid.

67. The Secretary-General’s Report, at pp. 63-65.

68. Ibid., at pp. 53-62, 152-156, also see Alston, note 2; Verwey, note 5, and Mostagad, note 9.

69. Secretary-General’s Report, at p. 76.

70. UNESCO Doc. 19 C/4, para 208, quoted in the Secretary-General’s Report, at p. 76.

71. Ibid., at p. 74.

72. Ibid., at p. 72.

73. Ibid., at p. 116.
The right to peace may well be on its way to integration with the right to development. But in no sense does it extend to vital questions of arms race, arms traffic and militarism. Both the NIEO and the BN approaches avoid any worthwhile reference to these processes; so do the covenants on human rights. It has been recently proclaimed that the “link between disarmament and the New International Economic Order is... fundamental”74 and that the “ever spiralling arms race is not compatible with the efforts aimed at establishing” the NIEO.75 This reiteration of the obvious has not changed the normative inadequacies of the NIEO, BN and human rights frameworks. The whole structure of NIEO instruments assumes that arms trade, arms traffic and militarism have no economic significance for reorganizing the international division of labour.76 And neither security nor demilitarization has been articulated either as a basic human need77 or as a basic human right.78 We examine these three aspects briefly.

(a) Military Expenditure, Arms Trade and Traffic and the NIEO:

The general profiles of arms trade and traffic, and of military expenditure, in the Third World are by now well-known. And yet the literature on the NIEO does not sufficiently appreciate the impact of armament trade, traffic and expenditure on the achievement even of the limited aspects of objectives of the NIEO.

The cumulative military expenditure of the Third World, at 1978 prices, amounted to US $ 316 thousand million in 1975-1979: of this, $ 147 billion was by OPEC members and $ 169 billion by other developing countries.79 Arms import by Third World countries (again measured at 1978 prices) amounted to $65.2 billion for the period of 1975-79 ($32.3 billion were spent by the OPEC members and $32.9 by others).80 In 1970, the Third World countries acquired arms amounting to $5.6 billion; in 1979, the amount was $16.1 billion.81 Brazil, India, Taiwan, Singapore and South Korea have “expanded their military production” in the last decade, mostly under license from the developed countries and the South-South arms trade has begun to grow.82

That military expenditure results in “misallocation of resources on a global scale” has now been acknowledged in the UN system.83 The relation between economic growth and military expenditure, according to some econometric findings, is negative.84 Indeed, econometric studies show, that a “one per cent increase in the military share of the GDP was associated with a 0.23 per cent reduction in the investment share of the GDP and a 0.18 per cent reduction in the share of agriculture”.85

The “negative effects on agriculture” could lead to further costs like “increased dependence on food imports and reductions in the real incomes of the poorest people, in both the cities and the countryside”86. The other economic and social costs include: foreign exchange87, diversion of skilled persons away from the tasks of “civilian capital formation”88, risks of “worsened inflation”89, diversion of resources for development of military research which have only “incidental or spin-off benefits for the civil society”89, risks of unemployment for the relatively unskilled89. The Secretary-General’s Report on the Economic and Social Consequences of the Arms Race and Military Expenditure has authoritatively concluded:

As long as the arms race continues it is hard to imagine a new international division of labour and new international commercial, monetary and financial order can be instituted in which all countries, without discrimination on military-strategic grounds, would have access to credit markets, raw materials and other means of economic development and cooperation.89

(b) Basic Needs and Arms Trade, Traffic and Expenditure:

The BN approach, too, has been relatively insensitive to the implications of military expenditures by the Third World. The following epitomizes the extent to which frustration of BN may occur through excessive military spending:

83. Secretary-General’s Report, at p. 114.
84. Palme Report, p. 90.
85. Ibid.
86. Palme Report, p. 90.
87. Ibid., at p. 91.
88. Ibid., at pp. 78-82.
89. Palme Report, p. 91.
91. Palme Report, pp. 92-93; see also note 83.
...Ethiopia and Somalia spent more on arms imports in 1977-79 than did all the Nordic countries plus the Netherlands. Arms import were less than 0.1 percent of the national income of the European countries, but about 14 percent of the national income of the two African countries. Their cost was equivalent to the income of 36,000 people in the European countries, but of 5,000,000 people in the African countries.94

Military spending of this nature constitutes a requiem on the strategies of meeting basic needs and the right to development. But even less extreme, and routinely institutionalized, military expenditure has, as seen in the preceding section, substantial effects on economic development, thus contributing to the same result. And even modest cut-backs in military expenditures have astonishing potential for meeting basic material needs. For example:

The programme of the World Health Organization to abolish malaria is short of funds; it is estimated that it will eventually cost about $450 million which represents only one-thousandth of the world's military expenditure. The cost of providing a ten year programme for essential food and health needs in developing countries is less than half of one year's military spending.94

Questions of jurisdictional competence of the ILO might have prevented consideration of this aspect in the formulation of the strategy for meeting the basic needs; the NIEO suffered from no such constraints and one should think that the Human Rights Commission in its wide ranging brief to evolve the right to development should encounter no constraint in relating BN and disarmament.

On the agenda of BN proponents lies the challenge of conceptualizing BN as inclusive of security and disarmament. If security is a basic need of individuals and nations, so is demilitarization.94 Indeed, all non-material needs, especially self-reliance and participation, need to be revisited from the perspective of security and demilitarization as basic needs. Participation of people in decisions affecting their destiny must surely include decisions concerning militarization; and strategies of self-reliance, imaginatively handled, may offer ways of accommodating both security and disarmament as basic human needs.94

(C) Militarism, Human Rights and Repression:

The human rights costs of military spending arms, trade and traffic are, indeed, extensive. Measured simply in terms of massive repudiation of the basic right to life, human rights costs are staggering: since World War II ten million people in the Third World have been killed in wars fought with conventional weapons.97

But the cost to human rights in terms of repression is almost impossible to measure. Repression involves situations of denial of basic rights, deprivation of basic needs, and use of force and even terror to suppress any significant assertion of basic human rights.98 This kind of repression is typically associated with the rise of militarism, that is "extension of military and military organization into civilian spheres, a process which has its apex in military rule."99

The complex links between militarism, repression and imperialism (both of the capitalist and socialist variety) have been systematically explored in recent literature.100 Military rule,101 and variants of authoritarian rule102 in the Third World, contribute to repression both at the instrumental and systemic levels.103 The concern with the prevention of torture, degrading, cruel and inhuman punishment seeks to deal with repression merely at an instrumental level, as does the valuable movement for the promotion of human rights in the administration of criminal justice through the efforts of the UN Committee on Crime Prevention and Treatment of Offenders. But systemic repression engendered by militarization cannot possibly be dealt with by movements for a right to development, unaccompanied by any serious concern with disarmament.

The systemic repression arises at least at two levels. The first is one where industrialization and modernization "stimulated by importation of modern weapons and the establishment of domestic military production" results in the "reproduction of the worst features of capitalist development" entailing "the impoverishment of peasants and rural workers; intensified exploitation of the work force; and the concentration of production, not on products that would raise the living standards of the majority of people, but on arms and luxuries for export and benefit of the local elite".104

The second level of systemic repression through militarism has been highlighted by empirical studies on monopolistic positions established by countries

101. See Falk and Luckham articles cited note 98.
102. See the typologies proposed by Falk and Luckham in articles cited in note 98, at pp. 130-134 and pp. 203-213, respectively.
103. See Randle, cited note 98, at p. 62 for an elaboration of this distinction.
104. Ibid.
of the First and Second World as suppliers of armaments. The notable study by Oberg leads to an unimpeachable conclusion that "arms trade grows out of a global dominance structure" and that "a quite new division of labour in terms of world military production is emerging" which will "surely... serve... serve... serve... serve central as well as sub-imperialist interests but not the true socio-economic development for the periphery".105

The forms of military and authoritarian rule in the Third World countries, and the corresponding escalation of repression, have been imaginatively explored in notable essays by Richard Falk106 and Robin Luckham.107 Regardless of whether we use Falk's eclectic categories of description of authoritarianism108 or Luckham's rigorous class analysis of forms of authoritarian policy,109 it is clear beyond doubt that on both approaches the "global drift towards authoritarian patterns of governance seems to reflect the failure of modern state system to assure minimum realization of human rights on the national level".110 These approaches underscore as well "the futility of expecting national governments to act as progressive agents of global reforms".111 Imaginative suggestions for reversal of these trends through expanded assertions of the role of individual and non-governmental associations provide a hope for genuine alternative.112 But these lie outside the scope of the present paper.

Clearly, the right to development movement has to address itself to causes and alternatives to systemic repression of human rights. A more sustained attention to militarism and repression, and a fuller advertence to the implications of armament and disarmament, in instruments and analysis of NIEO, BN and human rights is thus imperative.

In addition to the known realities of the arms trade, traffic and military expenditure, proponents of the right to development must also reckon with the diversification of conventional weapons systems and the distinctive perils that they pose. The sinister developments in biochemical and geophysical weapons

105. Oberg, article cited in note 100, at p. 234.
106. See note 102.
107. Ibid.
108. Falk uses the following categories of authoritarian variants: (i) Brazilianization: (Modell for the rightists, capitalist elites in the Third World) e.g. Iran, Indonesia (Argentina); (ii) Leninization (Third World Socialist societies); (iii) Praetorianization ("drawing on notion of militarized rule", of "left or right orientation"); (iv) Stalinization and (v) Trilateralization (attempts to "adopt capitalism to a changing global context").
109. Luckham's variants are: (i) Neocolonial alternative, (ii) "booty capitalism", (iii) dependent capital development, (iv) Rentier-or-petro capitalism, (v) State Capitalism, (vi) Rentier or petro socialist, (vii) State collectivism, and (viii) Socialist alternative.
110. R. Falk, note 98, at p. 131.
111. Ibid., at p. 129.
112. Ibid., at pp. 183-184; Randle, note 99, at pp. 119-129; See also Palme Report, pp. 138-181.

system has as yet not attracted sufficient attention in the evolution of the right to development.

The Chemical weapons systems are in very advanced stage of development. Binary nerve gas, known as VX nerve gas, has been placed high on the list of the chemical munitions of the superpowers. Approximately 150,000 tons of nerve gas lies stockpiled in the US and West Germany. There is already considerable outcry within Europe over the "lethal cloud"; the toxic arsenals poses dangers to densely populated urban centres of Europe. Chemical rearmament in the First and Second Worlds is growing rapidly despite the ban imposed by the 1925 treaty. It is also likely that chemical arsenals may grow in the Third World. The information on chemical weapons systems is more closely guarded than that on nuclear weaponry.

Apart from varieties of nerve gases and psychic poisons military biology has perfected large number of plant-destroying agents, including genetically mutated breeds of pests and rodents. These latter devices are now subsumed under the category of, 'food weapons'. In addition, there have been developed a whole variety of geophysical devices ready for military uses; these include climate modification, seeding of clouds and hurricanes, earthquake engineering, techniques for triggering flash floods and the allied range of destructive techniques. Commonly subsumed under the rubric 'geophysical' weapons, some of the climate modification techniques are often characterized as "draught weapons". There are also under advanced state of experimentation attempts to modify certain elements of the atmosphere; these include attempts, notably, at attacking the ozone layer obtaining in the strata of between fifteen and fifty kilometers altitude, which absorbs most of the ultra-violet rays of the sun. Decomposition of ozone molecules in a target area could be fatal to life in all its forms.114 To this genre of weaponry also belong fairly advanced experimentation at augmenting intensity of electrical oscillations in the ionosphere which could "seriously impair brain performance in very large populations in selected regions over an extended period."115

The "food weapon" systems have been already developed and developed extensively since 1960s, notably in the Vietnam War, but perhaps not only there. On reliable information, it has been established that during 1962-1970, roughly 90,000 tons of anti-plant agents were sprayed over 20,000 sq. kilometers (about 10 per cent of the land surface of South Vietnam) resulting in unprecedented crop destruction and poisoning of a staggering number of 1,311,000 people. Apart from extensive use of herbicides and defoliants, military biologists everywhere are

115. Ibid.
perfecting techniques of genetic mutations of new types of weeds which devour plants and of anti-plant viruses, bacteria and fungi causing blight of food crops. What is more, biological warfare centres in advanced countries are developing increasing virility and high rate of populations growth (such as carrier ants and rodents).

Draught weapons are also being deployed. During the period 1967 to 1972, an ambitious project under the auspices of the Pentagon involved flying of 2,602 sorties over South East Asia with 47,409 canisters of silver iodide (a cloud seeding agent). Its impact on the regime of monsoon must remain highly speculative; but “it is an observational fact that during these periods the Ho flood in recorded history in the year 1971, which claimed more than one million lives alongwith much of the standing crops, and the Indian sub-continent suffered one of its worst droughts in 1972, forcing large scale food import.” Only scientist, that the CIA and the Pentagon almost succeeded in so seeding clouds as to seriously affect the sugar production in Cuba in 1970.

To the challenges thus posed, we must add the new challenges raised by continuous scientific experimentation, civilian as well as military, which threaten the transformation of the nature of men. Fundamental experimentation has already made significant headway. Genetic engineering of humans is already possible through techniques of negative eugenics, including sex control technology, which holds serious threats to human rights of privacy, dignity and life. Positive eugenics is already on its way through programmes enriching human beings with “desirable qualities” through new reproductive technologies, including the seed banks. Cloning (“the systematic nonsexual production of exact human-rights type concerns with such research are not one bit too premature human rightsists.”) Behaviour modification through electrical and chemical means has impressive victories to its credit, right from school children to violent prisoners and so-called psychopaths. The abuses of psychotropic drugs, hypno-techniques, and psychosurgery in making dissidents and non-conformists more “receptive” to ideological social control have already been amply documented.

All these developments of science and technology have profound implications for the future of human rights which have been formulated with anguish.

117. Ibid., at p. 116.

efforts at marshaling international concern in the last few decades. For example, some implications of sex control technology pose threats to the modest victories won for the rights of women. Amniocentesis, a method of genetic screening, which enables foretelling of the sex of the foetuses, has revived the practice of female infanticide at the fetal level in some developing countries whose cultures are already predisposed to low status of women. Even in cultures not so disposed, there are real possibilities, through recourse to genetic screening, of adverse effects of men-women ratios. Similarly, the already prevalent practice of ‘contractual babybearer’ or ‘genetic mother’ or ‘hired and leased wombs’ resulting in well-organized baby farms in some ‘advanced’ countries raise not just the question concerning the notion of family but of social justice and equality for women who have to earn their living through these kinds of ‘services’.

Similarly, questions regarding genetic engineering though recombinant DNA pose some fundamental problems concerning controls over methods of making man. In advanced capitalistic societies, private industries have begun to claim patents over new forms of life. The recent decision of the American Supreme Court in Diamond v. Chakrabarty, and the debate that ensued, clearly shows grants of patent rights over micro-organisims life forms created in laboratories does involve very serious questions, ethical and legal, concerning the very nature of life and rights and the inadequacy of law to cope with the fantastic growth in science and technology. Much before this decision, plant patenting laws in North America and Europe have raised serious problems of survival of the rich natural varieties of plants in Europe and of increasing hegemony of agrichemical and pharmaceutical, multinational conglomerates in seed industry. Incidentally, plant patenting laws in North America and Europe is one more potent weapon in the hands of agribusiness which, more or less, ensures the persistence of hunger, starvation and malnutrition in the South.

Coming to grips with forces of science and technology as they affect the future of human rights also entails a sound grasp of how scientific research is organized, directed and controlled. The political economy of the scientific estate should be of interest and concern for the right to development.

To the perils of the toxic arsenal, and the unanticipated potentialities of the modification of men, we must now add the real and present danger of the extinction of mankind as a whole. The NIEO-BN-human right approaches to the right to development have yet to come to grips with the radical uncertainty concerning human survival posed by the threats of nuclear annihilation. Concern with this threat would yield, as a paramount element of the right to development, the right to the survival of the human species or, which is the same thing, a right against regression.

VIII

Human survival is not entirely a non-issue for the proponents of human

119. See note 58.
rights and of the right to development. But it lies at the outer peripheries of their concerns. Occasional acknowledgment of linkages between disarmament and development in the right to development discourse fail to signify any sustained and systemic concern. Concern with human survival is smugly left to disarmament specialists and scenario-building strategic thinkers. It is a striking paradox that while the extinction of mankind is a real and present danger, human rights-specialists proceed with their specialized concerns assuming some how that human survival is unproblematic!

The dangers of nuclear proliferation are well-known; and the hegemonic character of the Nuclear Non-Proliferation Treaty, together with related measures and approaches towards nuclear disarmament by the "balance-of-terror" (the important notion here is that of terror, rather than of balance) powers, have generated quest for a new kind of equality among the nations: namely, nuclear equality. To this tendency towards catastrophic equality, one must add the possible dangers of microproliferation—that is, access to nuclear weapons by non-state groups, whether 'dissident' or 'terrorist'.

It is too late in the day to discount the real dangers of recourse to nuclear weapons systems. It might also be too late to be an optimist and hope that the same forces of science and technology which have produced the threat of human extinction will somehow, someday, produce the ways of coping with it. The best antidote is the education in the obvious, now provided by Jonathan Schell's *The Fate of the Earth*, an elaborate quote from which is justified.

Bearing in mind that the possible consequences of the detonations of thousands of megatons of nuclear explosives include the blinding of insects, birds, and beasts all over the world; the extinction of many ocean species, among them some at the base of the food chain; the temporary or permanent alteration of the climate of the globe, with the outside chance of "dramatic" and "major" alterations in the structure of the atmosphere; the pollution of the whole ecosphere with oxides of nitrogen; the incapacitation in ten minutes of unprotected people; the blinding of people who go out into the sunlight; a significant decrease in photosynthesis in plants around the world; the scalding and killing of many crops; the increase in rates of cancer and mutation around the world, but especially in the targeted zones, and the attendant risk of global epidemics; the possible poisoning of all vertebrates by sharply increased levels of vitamin D in their skin as a result of increased ultraviolet light; and the outright slaughter on all targeted continents of most human beings and other living things by the initial nuclear radiation, the fireballs, the thermal pules, the blast waves, the mass fires, and the fallout from the explosions; and, considering that these consequences will all interact with one another in unguessable ways and, furthermore, are in all likelihood an incomplete list, which will be added to, as our knowledge of the earth increases; one must conclude that a full-scale nuclear holocaust could lead to the extinction of mankind.

The inescapable conclusion is that the right to development ought to include the right to species survival or right against regression. Only then it is of importance to all mankind. The basic need of mankind as a whole is of species survival and the right to development, considered this way, should provide strategies for meeting this basic need. The inability to comprehend this aspect within the framework of the right to development has for too long made the development dialogue merely a North-South affair. Hard headed appraisal of the human extinction should open up alternate directions for the development of the right to development, transcending the present boundaries of development discourse.

120. At p. 93.