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**A VALUES-BASED APPROACH TO
DEVELOPMENT: PRINCIPLES OF
CONTENT OF DEVELOPMENT, THE
RIGHT TO DEVELOPMENT, AND
SUSTAINABLE (HUMAN) DEVELOPMENT**

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**A VALUES-BASED APPROACH TO DEVELOPMENT:
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QERIM QERIMI

I. DELIMITATION OF PROBLEM AND CLARIFICATION OF GOALS

The magnitude of interdependence at a global scale and at all levels of formal and informal, institutionalized and non-institutionalized social settings of interaction is what has caused a growing attention to human development as one of the key planetary concerns. The fate of environment seems to be no less fortunate, at least from a perspective of the frequency of its presence in national and international fora. In fact, the quality of human life is nowadays seen—and rightly so—as organically related to the notion of environment. Such a correlation between human development and the environment has given rise to what has come to be known as “sustainable development,” a key concept in the field of international environmental law with growing implications in arenas of international relations, international trade and human rights.

The precise content of sustainable development, in terms of its legal and practical implications is still open to some debate, although the concept or several of its principles have gained respectable recognition by various international instruments and institutions. It is the conceptual meaning of the notion of sustainable development, the extent and scope of its legal and policy implications that form the core object of this article. Other key notions surrounding the theme of human development, such as development itself, the right to development, and a more expansive notion of sustainable human development will also be explored.

A number of alternative solutions will be introduced at the end of this article through the utilization of the value categories system, including a multi-factor practical component to be used as an instrument that could enhance the process of promoting and preserving the value categories system, or a world public order of human dignity. The method employed is integrative, in that it tends to utilize knowledge from varying fields such as legal and policy sciences.

II. BACKGROUND AND CONTEXT

The question concerning development goes far beyond the *de facto* existence of a “two-world” system, broadly categorized: the developed and the developing or underdeveloped countries (here including the least developed countries). This distinction is partially related to the artificial ideological-based views of the past that have generated, what the French jurist Karel Vasak has described as the three generations of human rights. According to this view, the first generation consists of civil and political rights conceived as freedom from state interference, often referred to as “negative rights.”¹ The second generation consists of economic, social, and cultural rights, and requires the state action to provide such rights, widely known as “positive rights.”² The third of these generations is the right to development—that consists of solidarity belonging to peoples and covering global concerns like development, environment, humanitarian assistance, peace, communication, and common heritage—an analogous notion to the French Revolution’s concept of *fraternité*.

The right to development has been part of the international debate on human rights for over thirty years but has not yet entered the practical realm of development planning and implementation (Marks 2004; Alston 1988; Marks 1981). From the outset, the concept of the right to development has been controversial, followed by a wide range of

¹ The so-called “negative rights” are fundamentally civil and political in nature, and are codified in Articles 3 to 21 of the 1948 Universal Declaration of Human Rights, and in the International Covenant on Civil and Political Rights of 1966. The essential aim of civil and political rights is to protect the individual from the arbitrary exercise of the State power. These rights include: freedom of speech; freedom of religion and belief; the right to a fair trial; the right to political participation; freedom of assembly and association; freedom of movement and alike.

² The origin of the “positive rights” has mainly derived from the views of writers such as Jean-Jacques Rousseau and employed by Continental legal tradition. *The French Declaration of the Rights of Man and the Citizen* followed in 1791 by the French Constitution provides for poor relief and free public education, the first sign of what we call today: *economic and social rights*. According to this point of view, there are things to which every person is entitled and for which State is obligated. Simply, this is in line with Rousseau’s argument that people agree to live in common if society protects them. Of this kind are the following: the rights to education, to legal equality, and to a livelihood. These rights fall on the second-generation human rights, and can be considered as an equivalent to equality or *égalité*. The nature of these rights is fundamentally social, economic and cultural, which means that they are concerned with the economic, social and cultural well being of persons. These rights are codified in the International Covenant on Economic, Social and Cultural Rights of 1966, as well as in Articles 22 to 27 of the Universal Declaration of Human Rights. Among others, they include the following: the right to work and to just and favorable conditions of work; trade union freedoms; the right to education; the right to an adequate standard of living; the right to health.

debates and reactions. It emerged as a result of preoccupation of newly independent countries with problems of development and the dominance of East-West issues on the agenda of the Commission on Human Rights, thus contributing to the creation of a sense of marginalization of concerns of the South. This was a driving force behind Third World delegations' efforts to use the United Nations to advance the idea of a New International Economic Order. The idea was not free of challenges. It generated various reactions among Western nations "that ranged from cautious support among Western European delegations to outright hostility for the idea of a human RTD from the United States and a few others" (Marks 2004, p. 141). The group that eventually drafted the Declaration on the Right to Development was established in 1981,³ and key Western delegations made it clear to the other members of the drafting group that they would ensure that the Right to Development Declaration was not used as a means of resuscitating New International Economic Order, which Keohane (1998) calls "[a] resounding failure." Nor would they allow the Declaration to create any entitlement to a transfer of resources; aid was a matter of sovereign decision of donor countries and could not be subject to binding rules under the guise of advancing every human being's right to development. Developing countries had especially benefited from the insights of economists who occupied high positions as international officials, like Samir Amin and Raul Prebisch, who pushed the idea that gave rise to a sense of an "unjust international economic order" that could be redressed if the "right to development" was respected (Marks 1981).

These divisions, product of the Cold War paradigm divided the world in two parts (excluding the non-aligned nations): into (1) democratic pro-Western or pro-US world, and (2) communist pro-Eastern or pro-Soviet world. Certain set of rights were associated with each of these parts of the world. The distinction between "negative" and "positive" rights—known as well as "justiciable" and "programmatic" rights—is a typical reflection of the Cold War paradigm. The result, as seen later, was drafting and adopting by the UN General Assembly of two different covenants: International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social and Cultural Rights (ICESCR). Different theories and explanations have been advanced in order to find the reasons behind this decision, in particular with respect to the substance of

³ Commission on Human Rights Resolution 36 (XXXVII) of 11 March 1981.

guarantee and the modalities of implementation of the two covenants. However, it is no longer accepted that there can be made a clear distinction between “negative” and “positive” rights since both categories of rights entail legal obligations on the part of States, and issues of measurability arise in relation to the obligation of both covenants. Both covenants produce legal effects upon the States Parties and both use procedural mechanisms in order to measure the level the obligations are implemented. Moreover, they are *recognized* as equal and interdependent. This relationship has been clearly articulated and recognized by Vienna Declaration and Program of Action, adopted on June 25, 1993 by the consensus of the representatives of 171 States, at the end of the World Conference on Human Rights. Paragraph 5 of the Vienna Declaration provides:

“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”⁴

The Vienna Declaration also provides for the right to development, recognizing it as “a universal and inalienable right and an integral part of fundamental human rights.”⁵

The same attitude with regard to all the rights was previously held in the Declaration on the Right to Development, adopted by the UN General Assembly in 1986:

“All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights”⁶
(Article 6, paragraph 2).

⁴ *Vienna Declaration and Programme of Action: Note By The Secretariat*, World Conference on Human Rights, Part I, U.N. Doc. A/CONF.157/23 (1993).

⁵ *Ibid.*

⁶ U.N. GAOR, 41st Sess., Supp. No. 53, at 183, U.N. Doc. A/RES/41/128 (1986).

In fact, the Declaration is the most pertinent existing instrument that would help clarify the meaning of key notions surrounding the theme of development.

III. KEY NOTIONS: DEVELOPMENT AND THE RIGHT TO DEVELOPMENT

The Declaration on the Right to Development provides some conceptual guidelines with respect to both the right to development and the process of development. Article 1 of the Declaration conceptualizes the right to development in the following terms:

“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.”⁷

From this statement, several components can be discerned. The first refers to the right to development as an inalienable right, something intrinsically connected to the notion of human being. The logic behind this is the natural need to development. And, a set of rights is of absolute necessity in order to make such development a realistic and possible notion. As the *ordinary meaning* of this provision suggests, this right is an entitlement to both individual human persons, and to groups of persons, or peoples. Given the collective and group-based orientation of human persons, an individual’s development is naturally impacted by that of the community and vice versa; thus, there is a mutual correspondence. However, as Article 2 of the same Declaration explicitly provides, “the human person is the central subject of development,” who “should be [both] the active participant and beneficiary of the right to development.”⁸

As far as methods of realization of the right to development are concerned, three could be identified from the above text. First, there is a need for participation. The second

⁷ *Ibid.* art. 1.

⁸ *Ibid.* art. 2

comes contribution, which is logically conditioned by participation. The third is enjoyment. One could also speak of enjoyment only as the culmination of the other second steps (i.e., participation and contribution), however, this is a crucial, perhaps the most crucial stage of this three-steps setting, as some may indeed participate and/or contribute, but yet may not enjoy the fruits of development. This stage is what in the concept of “development,” elaborated below, is recognized as “fair distribution of benefits.”

As for the first two components, it could be possible to categorize them in terms of rights and duties. The first, participation, is rather to be perceived as a right, hence the right to participation, whereas the second (contribution) may be viewed in terms of an obligation in a sense of production, which is that participation has to be manifested with some practical results, in order for individuals or peoples to be able to fully realize all of their rights and fundamental freedoms, and by that, effectuate the right to development.

The third stage of the analysis of the above Article 1 is directed towards the kind of development to be enjoyed. As prescribed in the text, this development should be of economic, social, cultural and political character. This set of development settings should make it possible, and in fact, would be made possible if all human rights and fundamental freedoms can be fully realized. In this sense, there is a fixed correlation between development and human rights and fundamental freedoms.

For a better comprehension of the right to development, a more precise designation of development itself would be needed. As regards this precise conceptual meaning of *development*, the Declaration on the Right to Development (“DRD”) is instructive. It defines development as:

“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 there from.”⁹

⁹ *Ibid.* pmb1.

Development is thus best conceived in terms of a comprehensive economic, social, cultural and political process, hence the right to a process of development, which should be of an economic, social, cultural and political nature. In other words, the right to development—as put by Arjun Sengupta (2004, p. 343), a former UN Independent Expert on the Right to Development—“is the right to a process that expands the capabilities or freedom of individuals to improve their well-being and to realize what they value.” Overall—and in terms of the outcome of this process-based right—“the improvement of the quality of life of human beings is the first and foremost objective of every effort towards the fulfillment of the said right” (Desai 1992, 31). The definition provided in the DRD suggests further that, the progressive realization of the right to development may be said to include not only “active, free and meaningful participation” in development, but also “fair distribution of benefits resulting” from such participation in the process of development, which entails the realization of all human rights. As far as rights/duties equation is concerned, the same story of State-individual relationship that exists in the human rights arena could apply. Article 3(1) of the Declaration provides that, “States have the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development.”¹⁰ This relationship is in particular addressed in the case of ICCPR, whereby its treaty body is pronounced on the issue of the beneficiary of the rights protected by the Covenant. In its General Comment no. 26(61), Human Rights Committee provided that:

*The rights enshrined in the Covenant belong to the people living in the territory of the State party. The Human Rights Committee has consistently taken the view, as evidenced by its long-standing practice, that once the people are accorded the protection of the rights under the Covenant, such protection devolves with territory and continues to belong to them, notwithstanding change in government of the State party, including dismemberment in more than one State or State succession or any subsequent action of the State party designed to divest them of the rights guaranteed by the Covenant.*¹¹

¹⁰ *Ibid.* art. 3(1).

¹¹ Human Rights Committee, *General Comment 26 (61)*, A/53/40, Vol. I (1998), Annex VII (p. 102); CCPR/C/21/Rev.1/Add.8/Rev.1.

IV. PAST TRENDS IN DECISION: LEGAL AND POLICY MACHINERY

A. UN System

Although the question of human development goes far back to the history, it was not until the end of World War II that the international community went on to adopt more concrete legal and policy measures that could affect development. In fact, first instruments adopted in the immediate post-World War II period, such as the UN Charter, were mainly concerned with international economic and social co-operation rather than addressing the right to development *per se*. However, one cannot deny the importance of such cooperation as a constitutive instrument of development. The same is true with what has come to be known as International Bill of Human Rights (i.e. Universal Declaration of Human Rights, ICESCR, and ICCPR and its two Optional Protocols); none of the instruments deals specifically with the right to development. However, they have helped to clarify several components of the right to development, and the associated concepts, such as sustainable development. A discussion and description of all *perceived* relevant legal and policy instruments that in one or another way concern the right to development will be offered in the following sections and sub-sections.

1. Charter of the United Nations

The UN Charter—as it is true with a number of other issues related to international law and relations—provides a useful guideline for a wide range of questions related to economic and social development. Despite its rather general orientation on issues that may be of essential importance to development, the Charter’s focus is clear in that it reaffirms, and to that end, introduces a number of provisions aiming to further the world’s social progress. One such aim is stipulated in the preamble of the UN Charter, providing that the United Nations was formed to, *inter alia*, “promote social progress and

better standards of life in larger freedom,”¹² as well as “to employ international machinery for the promotion of the economic and social advancement of all peoples.”¹³

These aspirations are most clearly articulated in Articles 1(3), 13(1)(b), 62, and perhaps most importantly, Article 55 (a) and (b). For the sake of further elaboration and a better understanding of the Charter’s provisions, Article 1(3) provides that, it is a *purpose* of the United Nations “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”¹⁴ Article 13 (1) (b), prescribing the functions of UN General Assembly, requires that the Assembly initiates studies and makes recommendations for the purpose of “promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”¹⁵ The Economic and Social Council is also assigned with the duty to make or initiate studies and reports with “respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.”¹⁶ The key provision of the Charter dealing with economic and social questions is Article 55, providing that:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

¹² *Charter of the United Nations*, Can. T.S. 1945 No. 76; [1976] YRBK. U.N. 1043; 59 Stat. 1031, T.S. 993 (signed at San Francisco on June 26, 1945; entered into force on October 24, 1945).

¹³ *Ibid.*

¹⁴ *Ibid.* art. 1, ¶ 3.

¹⁵ *Ibid.* art. 13, ¶ 1 (b).

¹⁶ *Ibid.* art. 61, ¶ 1.

*b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation.*¹⁷

Article 55 should be read in conjunction with Article 1, although the former tends to be more specific in defining the scope and the range of responsibilities of the UN. To this network of provisions dealing with economic and social issues, Article 56 may be of critical value in order to strengthen the obligations of both Member States and the UN. The main contribution of Article 55 is that it adds to a culture of coherence of the purposes and goals of the UN as articulated in Article 1, making it clear that peaceful and friendly relations among nations do not require only banning the use of force, but also requires providing solutions to economic, social, health, and related problems. Although the wording of Article 55 is framed in a very careful, legally-soft language, in that the Organization is obliged to only “promote” such “purposes” (not even principles), the connection between the promotion of economic and social development and stability, and the maintenance of international peace and security is somewhat encouraging and strengthens the legal character of the provision. Article 56 may be considered as further strengthening the obligations of Member States toward providing the economic stability and social well-being to their peoples through committing themselves to take concrete, joint and separate actions, in order to make these goals become reality.

2. International Covenant on Economic, Social and Cultural Rights

As now indicated, the International Covenant on Economic, Social and Cultural Rights (ICESCR) personifies what are called as “positive rights” or second generation of human rights. This covenant is of profound significance as it covers key components of a comprehensive and process-based right to development.

Part II of ICESCR lays down State obligations concerning the implementation of the rights enunciated in the Covenant. Article 2(1) requires State Parties to “take steps, individually and through international assistance and co-operation, especially economic

¹⁷ *Ibid.* art. 55.

and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”¹⁸

Two key references in this provision that merit further attention are the “availability of resources” and “progressive realization” of the rights recognized in the Covenant. This wide and somewhat less restrictive formulation of this key ICESCR’s provision has made many to regard the Covenant’s obligations as programmatic principles rather than genuine legal obligations. This view is mainly held by those States that do not view the ICESCR rights as legal and/or justiciable, but rather as group, programmatic principles or promotional obligations. This view has been especially shared during the period of Cold War among Western democracies. Today, the main proponent of this view seems to have remained the United States, which has signed but not ratified this Covenant. As quite recently reaffirmed by a US delegation at the UN Commission on Human Rights, “the realization of economic, social and cultural rights is progressive and aspirational. We do not view them as entitlements that require correlated legal duties and obligations. States therefore have no obligation to provide guarantees for implementation of any purported ‘right to development’.”¹⁹

However, the Committee on Economic, Social and Cultural Rights, which is entrusted to monitor State reports under the ICESCR, has consistently held that every single ICESCR right contains an individual rights’ element.²⁰ It was for this reason that, in 1997 it submitted to the Commission on Human Rights a draft of an Optional Protocol to the ICESCR, which provides for an individual and group complaint mechanism alongside the existing system of State reporting.²¹

¹⁸ International Covenant on Economic, Social and Cultural Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200, U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), art. 2, ¶ 1, 999 U.N.T.S. 3 (*entered into force* Jan. 3, 1976)

¹⁹ United States Government, Statement at the U.N. Commission on Human Rights, 59th Sess., Comment on the Working Group on the Right to Development (Feb. 10, 2003).

²⁰ CESCR General Comment No. 3, U.N. Doc. E/1991/23.

²¹ Draft Optional Protocol to the ICESCR, U.N. Doc. E/CN.4/1997/105. As regards subsequent developments, in 2001, the Commission on Human Rights appointed an independent expert, Mr. Hatem Kotrane, to examine the question of a draft Optional Protocol to ICESCR (Res. 2001/30). The independent expert submitted reports to the Commission in 2002 and 2003 (E/CN.4/2002/57 and E/CN.4/2003/53, respectively), recommending the adoption of a complaint mechanism. In 2002, at its fifty-eighth session, the Commission decided to establish at its next session an Open-ended Working Group “with a view to considering options regarding the elaboration of an optional protocol to the ICESCR” (Res. 2002/24). The

In any event, although States may implement ICESCR rights progressively, yet they should take immediate measures, and do so, through using to the maximum extent possible their available resources. States are not allowed to postpone to infinite the implementation of ICESCR rights, or to use conditional resources as an excuse for inaction.

States are required to undertake steps both individually and through international assistance and co-operation. This means that, if a State does not have the necessary available resources, it may seek international assistance and make use of international means provided to it for the realization of ICESCR rights.

Although available economic resources may be a reason for State's failure to fully implement some of the rights, yet as stated by the Committee on Economic, Social and Cultural Rights, there is a number of rights that can directly be implemented and without any need to allocate particular economic resources. These rights may include the following: the principle of non-discrimination in Articles 2(2) and 3, the claim for equal pay for equal work (Art. 7(a)(i)), the right to form and to join a trade union (Art. 8), the protection of children from exploitation (Art. 10(3)), the right to compulsory elementary schooling free of charge (Art. 12(2)(a)), or the freedom of science and research (Art. 15(3)) (Carven 1995, pp. 181-82). In other words, the inaction or lack of implementation of the ICESCR rights on the part of States cannot be justified; in fact, the ICESCR provisions do clearly create legal duties.

Working Group has held four sessions, one each year, starting as of 2004: in 2004 (23 February-5 March), 2005 (10-20 January), 2006 (6-16 February), and 2007 (16-27 July). At its second session (2005), the Working Group gave the Chairperson a mandate to prepare a report containing elements of an Optional Protocol with a view to facilitating the discussions. This "elements report" allowed for a focused discussion on the main elements of an individual communications procedure at the third session, which was held in 2006. By its Resolution 1/3 of 29 June 2006, the Human Rights Council changed the mandate of the Working Group, giving it a specific two-year mandate to negotiating the text of an Optional Protocol to the ICESCR, on the basis of a first draft to be prepared by the Chairperson-Rapporteur of the Working Group. At its fourth session (2007), the Working Group completed a reading of the first draft optional protocol, prepared by the Chairperson-Rapporteur, Ms. Catarina de Albuquerque (A/HRC/6/WG.4/2). Following the fourth session, the Chairperson-Rapporteur prepared a revised draft (A/HRC/8/WG.4/2), which the Working Group considered at the first part of its fifth session (4-8 February 2008). On the basis of discussions held at those meetings, the Chairperson-Rapporteur prepared a second revised draft (A/HRC/8/WG.4/3), to be considered in the final stage of negotiations on the optional protocol during the second part of the fifth session (31 March-4 April 2008).

3. International Covenant on Civil and Political Rights

Development is being recognized to include not only economic, social and cultural processes; political processes and development is another key and integrated component of the comprehensive process of development, as civil and political rights are for political development. Here lies the value of International Covenant on Civil and Political Rights (ICCPR).²² The ICCPR provisions do also have a fundamental role in the process of effective implementation of the economic, social and cultural rights. In fact, there exists a correlation of such kind that lacking one “group” of the rights would highly endanger the existence of the other “group.” As perhaps most famously proclaimed in the now quoted UN Declaration on the Right to Development (article 6, para. 2), “all human rights and fundamental freedoms are indivisible and interdependent,” and that “equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.”²³ It is mainly in this sense of all the rights’ interrelationship and interdependence that the ICCPR provisions are of critical importance to development.

B. Other Legal and Policy Development-Related Measures

1. UN Millennium Declaration

In 2000, the UN Millennium Declaration was adopted at the largest-ever gathering of heads of state and government from both rich and poor countries. World leaders committed to achieve concrete steps toward advancing human development and reducing poverty by 2015 or earlier. The Declaration recognized “a collective responsibility to uphold the principles of human dignity, equality and equity at the global level,” and affirmed the determination “to establish a just and lasting peace all over the world in accordance with the purposes and principles of the Charter” of the United Nations.

²² International Covenant on Civil and Political Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200, U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* March 23, 1976).

²³ U.N. GAOR, 41st Sess., Supp. No. 53, at 183, U.N. Doc. A/RES/41/128 (1986).

The Declaration considered certain fundamental values to be essential to international relations in the twenty-first century, including: freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility.

According to this Declaration, success in meeting these objectives depends, *inter alia*, on good governance within each country, but “it also depends on good governance at the international level and on transparency in the financial, monetary and trading systems.”

2. The Monterrey Consensus

The March 2002 Monterrey Consensus—reaffirmed in the September 2002 Johannesburg Declaration on Sustainable Development and the Johannesburg Plan of Implementation—provides a framework for advancing the partnership between rich and poor countries to achieve the Millennium Development Goals. The Conference was held against a background of drastic shortfalls in resources necessary to achieve the internationally agreed development goals, including those contained in the UN Millennium Declaration.²⁴

The Monterrey Conference laid down basic principles for international development cooperation, embracing six areas of financing for development, aiming at the following objectives: (1) mobilizing domestic financial resources for development; (2) mobilizing international resources for development (*i.e.*, foreign direct investment and other private flows); (3) international trade as an engine for development; (4) increasing international financial and technical cooperation for development; (5) external debt; (6) addressing systemic issues, such as enhancing the coherence and consistency of the international monetary, financial and trading systems in support of development.²⁵

²⁴ See Monterrey Consensus of the International Conference on Financing for Development, *Report of the International Conference on Financing For Development*, Monterrey, Mexico, 18-22 March 2002, A/CONF.198/11, ch. 1, at 5.

²⁵ See *ibid.*

3. The Johannesburg World Summit

The Johannesburg World Summit on Sustainable Development (26 August - 04 September 2002) reaffirmed sustainable development as a central element of the international agenda and gave new impetus to global action to fight poverty and protect the environment. Governments agreed on a set of concrete commitments and targets for action to achieve a more effective implementation of sustainable development objectives.

Key Initiatives and Announcements from the Johannesburg Summit include the following:

- a. **Water & Sanitation** (US announced \$970 million in investments over the next three years on water and sanitation projects; the European Union announced the “Water for Life” initiative that seeks to engage partners to meet goals for water and sanitation, primarily in Africa and Central Asia; the Asia Development Bank provided a \$5 million grant to UN Habitat and \$500 million in fast-track credit for the Water for Asian Cities Program; the UN has received 21 other water and sanitation initiatives with at least \$20 million in extra resources).
- b. **Energy** (the EU announced a \$700 million partnership initiative on energy and the US announced that it would invest up to \$43 million in 2003; the nine major electricity companies of the E7 signed a range of agreements with the UN to facilitate technical cooperation for sustainable energy projects in developing countries; the UN Environment Program launched a new initiative called the Global Network on Energy for Sustainable Development to promote the research, transfer and deployment of green and cleaner energy technologies to the developing world; the UN has received 32 partnership submissions for energy projects with at least \$26 million in resources).
- c. **Health** (the US announced a commitment to spend \$2.3 billion through 2003 on health; the UN has received 16 partnership submission for health projects with \$ 3 million in resources).

- d. Agriculture** (the US invested \$90 million in 2003 for sustainable agriculture programs; the UN received 17 partnership submission with at least \$2 million in additional resources).
- e. Biodiversity and Ecosystem Management** (the US announced \$53 million for forests in 2002 – 2005; the U.N. received 32 partnership initiatives with \$100 million in resources).
- f. Cross-Cutting Issues** (Agreement to the replenishment of the Global Environment Facility with a total of \$3 billion; \$2.92 billion announced pre-Summit and \$ 80 million added by EU in Johannesburg; Norway pledged an additional % 50 million towards following up the Johannesburg commitments; the United Kingdom announced it was doubling its assistance to Africa to £ 1 billion a year and raising its overall assistance for all countries by 50 per cent; the EU announced that it will increase its development assistance with more than 22 billion euros in the years to 2006 and by more than 9 billion euros annually from 2006 onwards; Germany announced a contribution of 500 million euros over the next five years to promote cooperation on renewable energy; Canada announced that it will eliminate tariffs and quotas on almost all products from the least developed countries, and that by 2010, it would double development assistance; Japan announced it will provide at least 250 billion yen in education assistance over a five-year period and that it would extend emergency food aid amounting to \$30 million to save children in southern Africa from famine; Ireland announced that it has allocated almost 8 million euros in emergency funding in response to the humanitarian needs of the African region).

4. The Copenhagen Consensus

Another important event in the field of development is the Copenhagen Consensus whose goal was in setting forth priorities among a series of proposals for confronting ten global challenges, as identified by the United Nations: civil conflicts, climate change, communicable diseases, education, financial stability, governance, hunger and

malnutrition, migration, trade reform, and water and sanitation. A panel of some of the world's most distinguished economic experts, among which three Nobel laureates, was invited to consider these issues.

The panel assigned the highest priority to new measures to prevent the spread of HIV/AIDS. Spending assigned to this purpose would yield extraordinarily high benefits, averting nearly 30 million new infections by 2010. Costs were estimated at \$ 27 billion. According to the *2004 Report on the Global AIDS Epidemic*, although international recourses devoted to meeting the challenge of HIV/AIDS have increased from about \$50 million in 1996 to about \$2.8 billion in 2002, more than \$10 billion annually is needed to stem the pandemic.²⁶

Policies to attack hunger and malnutrition followed HIV/AIDS. Reducing the prevalence of iron-deficiency anemia by means of food supplements, in particular, has an exceptionally high ratio of benefits to costs. Of the three proposals considered, this was ranked at \$12 billion. The panel ranked a second proposal, to increase spending on research into new agricultural technologies appropriate for poor countries, at number five. Further proposals, for additional spending on infant and child nutrition, and on reducing the prevalence of low birth-weight, were ranked eleventh and twelfth, respectively.

With regard to trade reform, the panel considered three main proposals: (1) multilateral and unilateral reduction of tariffs and non-tariff barriers, together with the elimination of agricultural subsidies; (2) extension of regional trade agreements; (3) adoption of the "Everything but Arms (EBA)" proposal for non-reciprocal lowering of rich-country tariffs on exports from the least developed countries.

In order to give a proper answer to the problem of water and sanitation, the panel proposed, among others, small-scale water technology for livelihoods.

The panel also considered alternatives to improve education in developing countries. They endorsed the view that externally supervised examinations improve accountability of schools and should be promoted. Yet, some 115 million children do not attend primary school, and enrollments are woefully low in Sub-Saharan Africa (57 %) and South Asia (84 %). As put in the *Human Development Report 2003*, "lack of education robs an

²⁶ UNAIDS, *2004 Report on the Global AIDS Epidemic*, 137 (2004).

individual of a full life. It also robs society of a foundation for sustainable development because education is critical to improving health, nutrition, and productivity. The education Goal is thus central to meeting the other Goals.”

5. The Doha Development Round

The Doha Round, named after the city of Doha, Qatar, where the trade negotiations took place in November 2001 marks a new attempt to further opening up markets, but also rectifying some of the imbalances of the past (Stiglitz 2003, p. 245). The negotiations were directing towards trade liberalization, thus lowering trade barriers between countries of varying degrees of development and prosperity.

Another meeting was held in 2003 in Cancún, intending to reach an agreement on Doha objectives. The talks failed due to disagreements on farm subsidies and access to markets.

At the next meeting in Geneva in 2004, a framework agreement on opening global trade was reached, with the US, EU, Japan and Brazil agreed to end export subsidies, reduce agricultural subsidies and lower tariff barriers, and developing countries agreed to reduce tariffs on manufactured goods, but gain the right to specially protect key industries. No progress, however, was achieved in Paris talks in 2005.

In Hong Kong’s 2005 WTO Ministerial Meeting, trade ministers were able to reach a deal on setting a deadline for eliminating subsidies of agricultural exports, which is the year 2013. What was seen as a step in achieving a long-pursued UN goal is that the final declaration required industrialized countries to open their markets to goods from the world’s poorest nations.

The latest of the Doha liberalization talks was held in July 2006 in Geneva. The talks were unable to produce any agreement in matters relating to reducing farming subsidies and lowering import taxes.

The collapsed Doha trade liberalization talks will continue to have serious consequences for poor and/or undeveloped and underdeveloped or developing countries. In fact, given the state of interconnectedness between countries of the world, such event could also have its costs to, or impact rich economies.

The likely consequences of a failure to reach an agreement in Geneva talks may be translated, though not limited to the following terms:

- the failure of international community to create an equitable and balanced multilateral trading system will create serious impediments to a sustained process of economic growth;
- there may be a considerable delay in concluding the negotiations and it seems unlikely for talks to resume in the coming months. To the skepticism of a successful outcome of the Doha Round adds also the fact that the broad authority granted to the United States President under the Trade Act of 2002 will expire in 2007; and that any trade agreement will later on need to be approved by Congress;
- such a delay, in turn, will be a lost chance to further global growth and to improve the current state of poor countries;
- the suspension of this multilateral process may give rise to a shift toward bilateral, and in some cases, regional free trade agreements. Despite the advantages that such agreements create, yet they cannot substitute the effects of multilateral liberalization.

C. The Concept of Sustainable Development

1. UN Conference on the Human Environment (Stockholm Declaration)

The UN Conference on the Human Environment is famously known for bringing into life the idea and concept of “sustainable development,”²⁷ which it defines as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”²⁸

After “having considered the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment,” the Commission proclaimed as the “imperative goal for mankind” the need to defend and improve the human environment for present and future

²⁷ *Report of the UN Conference on the Human Environment* (“Stockholm Declaration”), New York, 1972, UN Doc. A/Conf. 48/14 (1972).

²⁸ *Ibid.*

generations in harmony with peace and global economic and social development.²⁹ Such a goal was contextualized in light of international law, thus trying to expose the legal character of it, while reminding States of their legal obligations. The Conference declared, as a matter of “common conviction,” that:

*States have in accordance with the Charter of the United Nations and the principles of international law, the sovereign **right** to exploit their own resources pursuant to their own environmental policies, and the **responsibility** to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.³⁰ (Emphasis added).*

The Conference, in spite of its contribution towards developing a new conceptual framework to environment, did not prove to be a sufficient instrument to reducing environmental problems. The concept of “sustainable development” was further expanded by several other instruments.

2. UN World Charter for Nature

Due to concerns over the degradation of world’s ecosystems, a decade later, the UN General Assembly adopted the World Charter for Nature, establishing the principle that all ecosystems and resources of the world “be managed to achieve and maintain optimum sustainable productivity.”³¹ The principle also recognized that, in exercising sovereignty over their natural resources, each State shall give effect to the provisions of the World Charter for Nature.³² The overall effect of the World Charter may be seen more in terms of expanding upon the notion of sustainable development.

²⁹ *Ibid.*

³⁰ *Ibid.* Principle 21.

³¹ G.A. Res. 7, U.N. GAOR, 37th Sess., No. 51, at 239, U.N. Doc. A/Res/37/7 (1982), *reprinted in* 22 I.L.M. 455 (1983).

³² *Ibid.* ¶ 22.

3. UN World Commission on Environment and Development (Brundtland Commission)

The UN World Commission on Environment and Development was created in 1983 to shed further light on the content, and policy and other implications of “sustainable development.”³³ The Commission’s mandate was to: a) re-examine the critical issues of the environment and development and formulate innovative, concrete, and realistic action proposals to deal with them; b) strengthen existing and propose new forms of international co-operation on the environment and development; and c) raise world-wide levels of understanding and commitment to action.³⁴ The Commission is also known as the Brundtland Commission, after its chairman Norwegian Prime Minister Gro Harlem Brundtland. After many years of work and public consultation, the Commission issued its report entitled, *Our Common Future*.³⁵ The Commission conceived of “sustainable development” a process of meeting “the needs of the present without compromising the ability of future generations to meet their own needs,”³⁶ a *notion* which is not free of limits “imposed by the present state of technology and social organization on environmental resources and by the ability of the biosphere to absorb the effects of human activities.”³⁷ In other words, “sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations.”³⁸

4. UN Conference on Environment and Development (Rio Declaration on Environment and Development)

The UN Conference on Environment and Development was held at Rio de Janeiro in 1992. The Conference produced the Rio Declaration on Environment and Development,

³³ *Of Preparation of the Environmental Perspective to the Year 2000 and Beyond*, U.N. GAOR, 38th Session., Supp. No. 47, 102nd plen. mtg., U.N. Doc. A/38/47 (1983).

³⁴ World Commission on Environment and Development, *Our Common Future* 43 (1987).

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.* at 46.

which contains 27 principles, covering varying aspects of the relationship between environment and development. The Declaration builds upon the U.N. Conference on the Human Environment (1972), reaffirming many of the Stockholm Declaration's principles. However, the Rio Declaration brings some new approaches and principles to environment protection and development. Of these progressive principles are the precautionary principle and polluter-pays principle (respectively principles 15 and 16). Unlike the Stockholm Declaration of 1972, the Rio Declaration makes specific reference to the right to development, which "must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations" (Principle 3). This would not only mean an inter-generational equity, but also the effectuation of environmental needs in addition to developmental human needs. As Principle 4 of the Rio Declaration states, "in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it."

5. Human Development Reports and the Advancement of "Sustainable Human Development"

The United Nations Development Program (UNDP) has further developed and expanded the concept of "human development" during the 1990s. This new conception refers to a process of enlarging people's choices: human development is about people, about expanding their choices to live full, creative lives in freedom and dignity.

The work of economists such as Amartya Sen, a Noble laureate, and Mahboub El Haq has profoundly shaped the conceptual meaning of development during their work at the United Nations Development Program.

Research carried out by Sen remains an integral reference of this conception, in particular his contribution in 1990 over the concept of developing human capabilities as an objective of the sustainable human development process. His basic notion of development is defined in terms of a process of expanding people's choices (Sen 1999).

Every *Human Development Report* has argued that the purpose of development is to improve people's lives by expanding their choices, freedom and dignity.³⁹ The Human Development Indicator (HDI) is an indicator of the degree human development enjoyed in various countries, introduced in *Human Development Report 1997*. HDI is comprised of the following measuring components:

- 1) Longevity (life expectancy at birth);
- 2) Knowledge (adult literacy rate, gross enrolment ratio);
- 3) Decent standard of living (GDP per capita measured in PPP\$).⁴⁰

To this list and understanding was later added several other aspects and dimensions, and the name of the concept itself was changed from “human development” to “sustainable human development” in order to highlight the importance of sustaining all forms of capital and resources—physical, human, financial, and environmental—as a precondition for meeting the needs also of future generations. By enhancing human capabilities to expand choices and opportunities for men, women and children, sustainable human development creates an environment in which human security is guaranteed and individual human beings can develop their full potential and lead a life of dignity and freedom.

The concept of “sustainable human development,” thus, represents an evolution of the classic concept of human development: its emphasis has moved from the material well-being of states to the well-being of people.⁴¹ While the classical approach was based on three factors of production, namely land, capital and labor, the new paradigm of sustainable human development places people at the center, as the principal actor and the ultimate goal of development.

³⁹ UNDP, *Human Development Report 2003*, 27-28 (2003).

⁴⁰ UNDP, *Human Development Report 1997* (1997).

⁴¹ *Human Development Report 1994* describes “sustainable human development” as follows: “[s]ustainable human development is pro-people, pro-jobs, and pro-nature. It gives the highest priority to poverty reduction, productive employment, social integration, and environmental regeneration. It brings human numbers into balance with coping capacities of societies and the carrying capacities of nature. It accelerates economic growth and translates it into improvements in human lives, without destroying the natural capital needed to protect the opportunities of future generations. It also recognizes that not much can be achieved without a dramatic improvement in the status of women and the opening of all economic opportunities to women. And sustainable human development empowers people—enabling them to design and participate in the processes and events that shape their lives.”

By way of summary, the central subject of development and its ultimate beneficiary is, and should be, the human person who then may act either individually or in association with any group of people. As rightly provided in the Declaration on the Right to Development, the central beneficiary of the right to development is indeed the human person, and in the Rio Declaration—in the context of sustainable development—human beings are at the center of concerns for sustainable development.

D. The Status of Sustainable Development

The concept of “sustainable development” has diversified its presence in a variety of economic, legal and policy settings. It can be found in such sources as the jurisprudence of the World Court,⁴² in several economic agreements, such as the WTO Agreement⁴³ and NAFTA.⁴⁴ Although it is recognized at a level of a rather “concept” (*Gabčíkovo-Nagymaros*) or “objective” (WTO Agreement), and key components of it such as environment is still covered by the so-called “soft law,” it is also true and should indeed be noted that sectors of environment are being translated into “hard law,” by acquiring the status of custom. Yet, however, there is not single treaty codifying legal obligations concerning environment.

Those progressive principles affirmed in the Rio Declaration, *i.e.*, the precautionary and the polluter-pays principles have already acquired a stronger legal character, widely recognized as forming part of customary international law. The precautionary principle was reaffirmed by the ICJ in *Gabčíkovo-Nagymaros* case. The Court held that “vigilance and prevention are required on account of the often irreparable character of damage to the environment.”⁴⁵ This principle is also recognized in various international and regional instruments, including but not limited to, World Charter for Nature; United Nations

⁴² See *Gabčíkovo-Nagymaros (Hungary v. Slovakia)*, Judgment of 25 September 1997, ICJ Reports (1997), and *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*, 8 July 1996, ICJ Reports (1996).

⁴³ Agreement Establishing the World Trade Organization (WTO Agreement), 1994, reprinted in *International Legal Materials*, 33 (1994), at 15.

⁴⁴ North American Free Trade Agreement (NAFTA), 1993, reprinted in *International Legal Materials*, 32 (1993), at 297. See also North American Agreement on Environmental Cooperation, 1993, reprinted in *International Legal Materials*, 32 (1993), at 289.

⁴⁵ ICJ, *Reports*, 1997, ¶ 78.

Framework Convention on Climate Change; The Convention for the Protection of the Marine Environment of the North-East Atlantic (known as the “OSPAR Convention”); Cartagena Protocol on Biosafety; and African Convention on the Conservation of Nature and Natural Resources.

The same is true with regard to the polluter-pays principles, which at very least, represents a European regional custom. Most clearly, this principle is articulated in, and protected by Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage. The purpose of the Directive is “to establish a framework of environmental liability based on the ‘polluter-pays’ principle, to prevent and remedy environmental damage.”⁴⁶ Other major instruments, affirming and reaffirming this principle include: OECD’s (Organization for Economic Co-operation and Development) Environment and Economics Guiding Principles Concerning International Economic Aspects of Environmental Policies; EC Council Recommendation of 3 March 1975 regarding cost allocation and action by public authorities on environmental matters; OECD Council Recommendation concerning the Application of the Polluter-Pays Principle to Accidental Pollution; the OSPAR Convention; International Convention on Oil Pollution Preparedness, Response and Cooperation; and 2003 Kiev Protocol on Liability for Accidental Damage to Transboundary Waters.

The duty not to cause environmental damage, as articulated in Principle 21 of the Stockholm Declaration and Principle 2 of the Rio Declaration, is perhaps one of the most representative environmental principles that bind States through its customary character. According to Principle 2, “States have, in accordance with the Charter of the United Nations and the principles of international law ... the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.” The principle was also extensively dealt in the jurisprudence of the World Court and other international tribunals. In its advisory opinion on *the Legality of the Threat or Use of Nuclear Weapons*, the Court held that, “the existence of the general obligation of States to ensure

⁴⁶ Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on Environmental Liability with regard to the Prevention and Remedying of Environmental Damage, OJ L 143 of 30.4.2004.

that activities within their jurisdiction and control respect the environment of other States or of areas beyond national control is now part of the corpus of international law relating to the environment.”⁴⁷ The same line of reasoning was repeated by the Court in its *Gabčíkovo-Nagymaros* decision of 1997. The origins of the customary character of this principle are traced to the ICJ’s ruling in *Corfu Channel* case and of the Arbitral Tribunal’s decision in the *Trail Smelter* arbitration. In *Corfu Channel*, the Court held that a State is under an international obligation “not to allow knowingly its territory to be used for acts contrary to the rights of other States.”⁴⁸ And, in *Trail Smelter*, the Arbitral Tribunal stated that, “no State has the right to use or permit the use of its territory in such a manner as to cause injury by fumes in or to the territory of another or the properties or persons therein, when the case is of serious consequences and the injury is established by clear and convincing evidence.”⁴⁹

Other principles of sustainable development, relatively speaking, of a lesser degree of clarity in terms of their legal status have, no doubt, an unquestionable role to play and remain an integral part of sustainable development. Such principles as evolved over time, and most prominently articulated in the Stockholm, respectively Rio Declaration, as well as the UN Millennium Declaration and IUCN Draft International Covenant on Environment and Development include: sovereignty over natural resources, intergenerational equity, sustainable use of resources, common but differentiated responsibilities, environmental impact assessment, global partnership, integration, non-relocation of harm, notification and consultation, peaceful resolution of disputes, public participation and access to information, and good governance, including accountability. An effort to codify (in a non-binding instrument) the principles that constitute the body of sustainable development was made by International Law Association, leading up to New Delhi Declaration of Principles of International Law relating to Sustainable Development. The New Delhi Declaration came up with the following list of principles: (1) the duty of States to ensure sustainable use of natural resources; (2) the principle of equity and the eradication of poverty; (3) the principle of common but differentiated responsibilities; (4) the principle of the precautionary approach to human health, natural

⁴⁷ ICJ, *Reports*, 1996, ¶ 29, at 241-42.

⁴⁸ ICJ, *Reports*, 1949, at 22.

⁴⁹ *United Nations Reports of International Arbitral Awards*, vol. 3, at 1965.

resources and ecosystems; (5) the principle of public participation and access to information and justice; (6) the principle of good governance; and (7) the principle of integration and interrelationship, in particular in relation to human rights and social, economic and environmental objectives.⁵⁰

V. ALTERNATIVE SOLUTIONS AND RECOMMENDATIONS IN THE COMMON GLOBAL INTEREST

Going beyond the limits of normativity, this section will introduce a set of alternative solutions and recommendations built upon the global values processes (Wiessner and Willard 2004; Lasswell and McDougal 1992). In addition, at a more practical level, on the mode of effectuating such human dignity-based conceptual framework, this article proposes a four Is system which is meant to serve as a guide light in this process, namely: information, interaction, incentives, and institutions. These elements are critical for an adequate or better system of promoting and preserving human dignity, and help remove certain misunderstandings and obstacles that otherwise may appear in the process of reducing (as a minimum) and eliminating (as an optimum) underdevelopment, or eradicating poverty and human suffering.

A. Value Categories System

1. Power refers to the making of decisions important to the social context as a whole and enforceable against challengers when necessary by the use of severe sanctions. In order to have important decisions that could better serve human development, then good and effective governance is fundamental.

A sound system of governance is essential for creating an enabling environment in which to pursue development. The three major domains or realms of governance should be compatible and, preferably, cooperative. Governance exercises its influence, and in turn is influenced by, institutions and organizations. The institutions and organizations of governance must be designed to contribute to sustainable development by establishing

⁵⁰ ILA Resolution 3/2002. See also UN Doc. A/57/329.

the political, legal, judicial and social circumstances for poverty reduction, job creation, environmental protection and the advancement of women. Good governance⁵¹ is now widely considered the primary means for achieving sustainable development.

For politics and political institutions to promote development and safeguard the freedom and dignity of all people, democracy must widen and deepen,⁵² and this has to be done in accordance with the specifics and realities of each society.

Good governance for sustainable development requires stronger mechanisms for people to participate in politics, government, the private sector, and the organization of civil society. After what happened in many developing countries and having in mind their general economic, political and social situation, restoring people's confidence in the state is one of the main challenges in re-establishing sound governance. Government leaders, capable of gaining public confidence, are needed. Political parties can help develop good decision-makers. Decentralizing responsibilities and resources to local and community levels can also restore participation.

At the end, countries must build the notion of participation into education systems. In the short-term, however, teachers must be trained to instill in children the values of participation. Another means of fostering participation is through citizen charters. Other mechanisms such as local and national elections are important means of involving citizens. Developing public consciousness is also a key to ensuring that mechanisms such as decentralization result in participation, leading to stronger influence from the bottom up. Governance systems must make people feel like active citizens.

2. Enlightenment refers to the process of gathering and spreading of information, institutionalized in agencies of research and the information media. As Amartya Sen (1999) puts it, the principal idea of development is that it should be seen as a process of expanding the real freedoms that people enjoy. The best way of expanding the real freedoms is through freely accessing and spreading information.

⁵¹ The characteristics that a system of good governance must possess are as follows: participatory, sustainable, legitimate and acceptable to the people, transparent, promotes equity and equality, able to develop the resources and methods of governance, promotes gender balance, tolerates and accepts diverse perspectives, able to mobilize resources for social purposes, strengthens indigenous mechanisms, operates by rule of law, efficient and effective in use of resources, engenders and commands respect and trust, accountable, able to define and take ownership of national solutions, enabling and facilitative, regulatory rather than controlling, able to deal with temporal issues, service-oriented.

⁵² UNDP, *Human Development Report 2002* (2002).

3. Wealth is the production and distribution of goods and services, institutionalized in business corporations and partnerships, trade unions and consumers' associations. In the modern world, communications and transportation remains vital in establishing a system of wealth. Furthermore, the creation of a favorable climate to enterprise and the mobilization of local savings for investment would further help a better functioning of the system of wealth. Moreover, there is of same level of importance to foster sound financial management, including efficient tax systems and productive public expenditure.

4. Well-being is opportunity for safety, health and comfort; relevant institutions include facilities for medical care and disease prevention. Because an unhealthy population cannot be a productive labor force, because a basic standard of health should be viewed as a fundamental human right, because it is unconscionable that diseases that could be eradicated or at least controlled continue to afflict millions in the less developed world, often robbing them of any human dignity.

5. Skill is opportunity to acquire and exercise excellence in a particular operation, including schools, artistic, vocational and professional organizations concerned with maintaining and improving standards of performance and taste.

The first and the most important precondition here is the effective realization of the right to education or the growth of social opportunity in the form of widespread access to education. Education is the most important value by which human beings are able to participate and interact with society, and through which the human mind and values develop. As Justice Cardozo (1928, p. 104) once said, “[W]e are free only if we know, and so in proportion to our knowledge. There is no freedom without choice, and there is no choice without knowledge, - or none that is not illusory. Implicit, therefore, in the very notion of liberty is the liberty of the mind to absorb and to beget.” The furtherance and enjoyment by all of this value could be a decisive force in the Third World's path towards sustainable development. Thus, supporting civil education will be essential for long-term progress, and providing more information through the media will be crucial to develop public awareness and confidence in current political regimes.

6. Affection is giving and receiving intimacy, friendship and loyalty, including the institutions of family and intimate friends plus associations established to express loyalty. In this respect, certain prerequisites are necessary. First of all, man and women have the

right to live their lives and raise their children in dignity, free from hunger and from fear of violence, oppression or injustice.

7. Respect is the recognition and reciprocal honoring of freedom of choice. McDougal, Lasswell and Chen suggest that using this universal principle, it is possible to cover all aspects of life requiring protection by formulations of rights (McDougal, Lasswell and Chen 1980). Distinctive institutions provide recognition of common merit as a human being and particular merit as a member of a group.

A cohesive policy, a well-defined strategy and an increased and consistent level of commitment of the world elites is the very essence of attempts to make the human values triumphant in the developing world and strengthen democratic consolidation throughout the world. Global challenges, as put in *Human Development Report 2003*, must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most. Furthermore, human beings must respect one another, in all their diversity of belief, culture and language. Differences within and between societies need to be understood only as a precious asset of humanity.

8. Rectitude is responsibility for conduct. Its institutions formulate and apply standards of responsibility, and justify and celebrate these norms in religious, metaphysical or ethical terms. The notions of accountability and responsibility are the key to expand the value of rectitude. Responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally.

B. Four Is System

Shortly elaborated, the four Is system stands, contributes and operates in a rather integrated and comprehensive manner, thus covering the most-needed and critical facets of the development process. This practical operating system is necessary to promote, protect and advance the value processes.

1. Information serves the purpose of expressing the positions of the parties involved, offering clear guidelines on the process, and outlining the pathways. This element is

fundamental to having informed and sustained decisions. It also encompasses the maintenance of regular channels of communication and exchange information among both institutional and non-institutional settings.

2. Interaction includes a process of genuine cooperation among parties, as well close relationship and ability to overcome obstacles and reach compromises that are in the common global interest. It does also involve meaningful participation.

3. Incentives help transform underdevelopment, create sustainability and use them in a way that best contributes to the establishment of accountable and responsible institutions and to maximizing the access of all to all the goal values. It is important to getting the incentives right and on time.

4. Institutions are broadly-defined as norms, expectations, rules, and organizations, or structures of expectations concerning who, with what qualifications and mode of selection is authorized to make which decisions by what criteria and what procedures. The ultimate concern of the institutions is and should be the individual human being who may act either alone or in association with different associations or groups. The four elements work as a system of complementary settings, so giving a due weight to this system and implementing it in the practical modes of policy interactions would considerably impact and enhance the process of reducing and eradicating the lack of human development.

VI. CONCLUDING REMARKS

In the last analysis, the future of effective realization of the right to development, and of sustainable development in general, will very much depend on the extent the above-listed values are addressed and applied at both national and international levels. As far as these values remain neglected, the success of the battle for a just and equal world would only remain a nice dream. And, this is really not the solution that reflects the global common interest. An order of human dignity asks for maximizing access of all to all the values humans desire.

The wording of the United Nations Millennium Declaration that “[i]n addition to our separate responsibilities to our individual societies, we have a collective responsibility to

uphold the principles of human dignity, equality and equity at the global level” does have a perfect connotation of how this problem can be solved. However, these perfect terms seem to remain perfect only in terms of its wording and purpose. As already suggested and concluded, this is simply not enough. The most-desired human values must be widely shaped and shared by all human beings. Further, as it is seen in this discussion, there is no single solution to the problem of development. The solution, in fact, is us; it can be found among and within all the diversity of cultures and other social associations or groups, of ideas or schools of thoughts, of projects, and between and among all varieties of national, regional and international institutional and non-institutional settings and processes, which all together can bring into life a public order of human dignity through a process of rigorous implementation of justice, equality and human values at all levels and in all processes. In turn, this will be translated into living in a more secure and peaceful world. One’s freedom surely benefits from the other’s freedom. The same is true with rights. Such mutual correlation is the best instrument to advancing the cause of a world public order of human dignity, thus realizing the most vital human values that constitute the universe of human aspirations.

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