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The Third United Nations World Conference on the Least Developed Countries: A Global Agenda for the New Millennium

Globalization of the world economies has widened the economic and social disparities that exist between the richest and the poorest nations. As the wealthy capital markets of the modern industrialized states continue to flourish, profound poverty and stagnant economic growth further deteriorates the poorest segment of the world. In a constant state of social disrepair and without the necessary economic and institutional mechanisms to facilitate trade and investment, the world's poorest nations are seemingly isolated from the rest of the global community. These impoverished nations have failed to develop an internal social infrastructure capable of providing their citizens with a minimum standard of living. Millions of people are without adequate food, water, housing, health care, and education; almost 10% of the world's population lives in extreme poverty.¹

The Third United Nations World Conference on the Least Developed Countries (hereinafter "LDCs") convened in May 2001 and pledged a new commitment to helping nations suffering from social and economic failure.² At the close of the Conference, members adopted a plan of action containing a broad range of initiatives under the Programme of Action for the Decade of 2001-2010.³ The participating governments also adopted the Brussels Declaration outlining the objectives of the Third World Conference: to develop a strategic formula combining the resources of the LDCs and the international community to eliminate extreme poverty and inte-

¹ See *Third U.N. Conference on the Least Developed Countries*, available at <http://www.unctad.org/conference/backgrd.htm> (last visited March 25, 2002). UNCTAD has assumed the role of review, appraisal and follow-up implementation of the Programme of Action. *Id.*

² See *Brussels Conference Commits To Eradicating Poverty in the World's Poorest Countries; Decade-Long Action Programme Calls for Partnership; Mutual Commitments*, U.N. Doc. DEV/BRU/24 (2001) available at <http://www.unctad.org/conference/devbru24e.htm> (last visited March 15, 2002).

³ See *Programme of Action for the Least Developed Countries*, U.N. Doc. A/CONF.191/11 (2001). The Programme of Action was adopted by the Third United Nations Conference on Least Developed Countries in Brussels, Belgium on May 20, 2001 and by the United Nations General Assembly on June 8, 2001.

grate the LDCs into the global economy.⁴ The partnership framework underlying the Programme of Action for the Decade of 2001-2010 allows the LDCs and their international development partners to design and implement policies and measures necessary for economic and social recovery. Insufficient human, productive and institutional capacities; low levels of domestic and foreign investment; indebtedness; external social problems such as HIV/AIDS virus⁵ and civil war conflict, were some of the many policy concerns at the Third Conference.⁶

I. ORIGINS OF THE UNITED NATIONS' COMMITMENT TO THE LDCs

In 1971, the collective international community participating in the United Nations General Assembly recognized a group of nation-states characterized by severe poverty and economic misfortune.⁷ It was during this time that the United Nations officially designated these nations as the Least Developed Countries or LDCs.⁸ Today, there are forty-nine recognized LDCs, representing

⁴ See *Brussels Declaration*, Third United Nations Conference on the Least Developed Countries, at 1, U.N. Doc. A/CONF.191/12 (2001). The Brussels Declaration is a three-page declaration of the objectives of the Third United Nations Conference of the Least Developed Countries that was adopted by the United Nations General Assembly on July 2, 2001. *Id.*

⁵ See DIANA AYTON-SHENKER AND JOHN TESSITORE, EDS., *A GLOBAL AGENDA: ISSUES BEFORE 56TH GENERAL ASSEMBLY TO THE UNITED NATIONS 85* (Rowman & Littlefield Publishers, Inc.) (2002). HIV/AIDS is now the leading cause of death in Africa affecting some 31 nations. The impact of such diseases as polio, diphtheria, tuberculosis, measles, tetanus, and whooping cough has had a significant impact on development even though vaccinations exist for these diseases. *Id.*

⁶ See *Brussels Declaration*, *supra* note 4, at 1-3. See also *A Global Agenda: Issues before 56th General Assembly to the United Nations*, *supra* note 5, at 85. Although the LDCs, as a group, have experienced significant improvements in the rates of growth of GDP since 1995 compared with the previous decade, the rate of growth has declined from 4.6% in 1996 to an estimated 2% in 1998-1999. *Id.* See also *Acceleration of Development in Africa and the Least Developed Countries*, U.N. Doc. A/AC.253/22, February 24, 2000. *Supra* note 5, at 85.

⁷ See *Statistical Profiles of the LDCs, 2001: What Are the Least Developed Countries?*, available at <http://www.unctad.org/en/pub/ps21dc00.en.htm> (last visited March 15, 2002).

⁸ See United Nations Conference of Trade and Development, *supra* note 1, at 1.

a combined population of 610.5 million people – equivalent to over 10% of the world's population.⁹

The LDC status, created by the United Nations Economic and Social Council, contains three main criteria.¹⁰ First, the LDCs are low-income nations, as measured by the gross domestic product per capita.¹¹ Second, the LDCs are characterized as having weak human resources, as measured by a composite index based on indicators such as life expectancy, adult literacy, and calorie intake.¹² Lastly, the LDCs suffer from low levels of economic diversification, as measured by the composite indexes of the percentage of manufacturing in the gross domestic product, the rate of employment, and the annual per capital commercial energy consumption.¹³

As the economic and social development of the LDCs became a growing concern to the international community, the United Nations General Assembly responded by holding the First United Nations World Conference on Least Developed Countries in Paris, France in 1981.¹⁴ At the First World Conference, the General Assembly unanimously adopted the Sustained New Programme of Action (SNPA) containing plans for increasing domestic economic development in the LDCs and for developing international trade policy.¹⁵ Despite ambitious domestic re-development policies and

⁹ See *Statistical Profiles of the LDCs, 2001*, *supra* note 7, at 1. The forty nine countries include: Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea Bissau, Haiti, Kiribati, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Sudan, Togo, Tuvalu, Uganda, United Republic of Tanzania, Vanuatu, Yemen, Zambia. See *Statistical Profiles of the LDCs, 2001*, *supra* note 7, at 1.

¹⁰ See *Statistical Profiles of the LDCs, 2001*, *supra* note 7, at 1.

¹¹ See *Statistical Profiles of the LDCs, 2001*, *supra* note 7, at 1.

¹² See *Statistical Profiles of the LDCs, 2001*, *supra* note 7, at 1.

¹³ See *Statistical Profiles of the LDCs, 2001*, *supra* note 7, at 1.

¹⁴ See United Nations Conference of Trade and Development, *supra* note 1, at 1.

¹⁵ See United Nations Conference of Trade and Development, *supra* note 1, at 1. International support measures were developed to carry out a structural transformation of the domestic economies of the LDCs as well as international donations in the areas of aid, debt, and trade. See United Nations Conference of Trade and Development, *supra* note 1, at 1.

international aid donations the economic situation worsened in the 1980s.¹⁶

Refusing to allow the worsening of economic and social conditions in the LDCs, the United Nations convened the Second United Nations World Conference of the Least Developed Countries in September 1990 in Paris, France.¹⁷ Reviewing the lack of progress by the LDCs during the 1980s, it became clear that an accelerated development plan was needed.¹⁸ The Conference adopted the Programme of Action for the Least Development Countries for the 1990s, emphasizing strengthened partnership in the implementation of strategies to revitalize growth and development, and monitoring mechanisms to review the implementation of the Programme of Action for the 1990s.¹⁹ Annual reviews of the progress of the LDCs were to be conducted by the United Nations Conference on Trade and Development (UNCTAD).²⁰

In December of 1997, the United Nations General Assembly voted in favor of convening the Third United Nations Conference on Least Developed Countries.²¹ The first goal of the Third World Conference was to assess the results of the Programme of Action during the 1990s for each country.²² The second goal of the General Assembly was to review the implementation of international support measures, specifically in the areas of investment, trade, and

¹⁶ See United Nations Conference of Trade and Development, *supra* note 1, at 1.

¹⁷ See United Nations Conference of Trade and Development, *supra* note 1, at 1. The main focus of the Second United Nations World Conference on the Least Developed Countries was to review the socio-economic progress during the 1980s as well as to formulating national and international policies and measures for accelerating the development process in the LDCs for the 1990s. See United Nations Conference of Trade and Development, *supra* note 1, at 1.

¹⁸ See United Nations Conference of Trade and Development, *supra* note 1, at 1.

¹⁹ See United Nations Conference of Trade and Development, *supra* note 1, at 1-2.

²⁰ See United Nations Conference of Trade and Development, *supra* note 1, at 1-2. The Second Conference focused its review on national situations and priorities, emphasizing multi-lateral responsiveness to changing conditions of the LDCs and the sharing of national experiences as a basis for strengthening the development partnership. See United Nations Conference of Trade and Development, *supra* note 1, at 1-2.

²¹ See G.A. Res. 52/187, at 1 (1997).

²² See United Nations Conference of Trade and Development, *supra* note 1, at 2.

debt.²³ The third goal was to formulate new national and international policies that would spur economic and social development in the LDCs and lead to their progressive integration into the world economy.²⁴

II. THE PROGRAMME OF ACTION FOR THE DECADE OF 2001-2010

In May 2001, the Third United Nations Conference on the Least Developed Countries was held in Brussels, Belgium, where 193 participating governments once again committed themselves to the cause of eliminating world poverty and improving the quality of life in the world's poorest nations.²⁵ Ambassador Chowdhury of Bangladesh, commenting on the current state of the LDCs at the Third World Conference stated: "[t]he LDCs have been by-passed in trade, investment, and capital flows; advancement in technology have benefited them little; their competitiveness has further eroded; poverty became widespread; and living standards in many of them declined."²⁶ Members like the Ambassador Chowdhury and experts from all disciplines contributed to the creation and adoption of the Programme of Action for the Decade of 2001-2010 as a medium for rapid social and economic change over the next decade.²⁷

The Programme of Action for the Decade of 2001-2010 outlines several objectives for the first decade of the new millennium.²⁸ The overarching objective of the Programme of Action is to "significantly improve the human conditions of the forty-nine LDCs" during the present decade.²⁹ By halving the proportion of people

²³ See United Nations Conference of Trade and Development, *supra* note 1, at 1-2.

²⁴ See United Nations Conference of Trade and Development, *supra* note 1, at 1-2.

²⁵ See *Brussels Conference Commits To Eradicating Poverty in the World's Poorest Countries; Decade-Long Action Programme Calls for Partnership; "Mutual Commitments," supra* note 2, at 1. More than 6,500 participants attended the Conference from governments, international agencies, and interested citizens. *Supra* note 2.

²⁶ *A Global Agenda: Issues before 56th General Assembly to the United Nations, supra* note 5, at 137.

²⁷ See generally *Programme of Action for the Least Developed Countries, supra* note 3, at 3-10.

²⁸ See generally *Programme of Action for the Least Developed Countries, supra* note 3, at 4-5.

²⁹ See generally *Programme of Action for the Least Developed Countries, supra* note 3, at 4.

suffering from extreme poverty by 2015, the Programme of Action is a calculated effort to create better human conditions, a crucial part of development in the LDCs.³⁰ The Programme of Action also includes measures for rigorous transformation of economic institutions and resources.³¹

The Programme of Action establishes a unique partnership framework between the LDCs and the international community.³² Entered in accordance with the Charter of the United Nations recognizing the LDCs as sovereign nations, the Programme of Action allows the LDCs to design and formulate their own national policies and retain all preferences in implementing that policy.³³ The full implementation of the Programme of Action for each LDC, however, remains the "shared responsibility" of the LDCs and their international partners.³⁴ The Programme of Action for the Decade of 2001-2010 consists of seven specific policy commitments based on the general needs of the LDCs in critical areas.³⁵

The First Commitment of the Programme of Action is for the LDCs and their international development partners to develop a people-oriented policy framework.³⁶ At the most basic level, it requires a strategic assessment and formulation of measures aimed at strengthening physical, social, and human capacities, while improving access to health care, education, and other basic social ser-

³⁰ See generally *Programme of Action for the Least Developed Countries*, *supra* note 3, at 4.

³¹ See generally *Programme of Action for the Least Developed Countries*, *supra* note 3, at 4. The plan aims at making steady increases in Gross Domestic Product (GDP) growth rates in the LDCs. The Programme of Action calls for the development partners to strive to obtain a GDP growth rate of at least 7% per year and to increase of the ratio of investment to GDP of 25% per year. See generally *Programme of Action for the Least Developed Countries*, *supra* note 3, at 4.

³² See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 5-6.

³³ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 6.

³⁴ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 6. The partnership framework was designed to provide adequate external support for the development of the LDCs through collaboration of international partners in international forums such as the International Monetary Fund (IMF). See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 6.

³⁵ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 9, 11, 14, 23, 36, 45, 49.

³⁶ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 9.

vices.³⁷ It calls for “. . .extending substantial and more effective support for the LDCs efforts. . . providing financial resources and by designing better human and institutional capacities.”³⁸ Obviously, improving social conditions is the most critical component of social and economic recovery in the LDCs.

Good governance at the national and international levels is the policy rationale of the Second Commitment.³⁹ The establishment of a fair and stable institutional, legal, and regulatory framework to strengthen the rule of law is essential to the recovery of the LDCs.⁴⁰ Essential to this commitment is the international recognition of basic human rights such as gender equality, government participation, and non-discrimination.⁴¹ The Programme of Action recognizes the international development partners as an essential component of this process. The international community will assist the LDCs in developing an independent judicial system, conflict prevention, peaceful settlement solutions and better domestic resource mobilization.⁴²

The Third Commitment calls for the creation of better human and institutional capacities.⁴³ Men, women, and children are the greatest assets to any nation, poor or rich. The development of human capacities yields skilled labor and technological advance. Changing human conditions requires teaching, training, and encouraging human development.⁴⁴ To accomplish this objective the

³⁷ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 9.

³⁸ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 9.

³⁹ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 11.

⁴⁰ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 11-13.

⁴¹ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 11-13.

⁴² See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 13. The success of the international partners depends largely on the “. . .meaningful support for full effective participation of the LDCs in international dialogue and action of development, peace and security, as well as in decision and rule-making and standard setting is all areas affecting their (LDCs) development.” See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 13.

⁴³ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 14.

⁴⁴ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 14. In the past efforts at development of human capacities in LDCs have been affected by low school enrollment and low health, nutrition and sanitation status

third commitment requires the partner governments to allocate more resources and better delivery of basic social services to create a more suitable environment for change.⁴⁵ The Programme of Action lists specific goals and targets for 2015 under the Third Commitment in areas such as population control, health and nutrition, and education and training. These goals include making health care more accessible, providing family planning, providing free compulsory education to all children and reducing the infant mortality rate and HIV infection rates.⁴⁶

Commitment Four focuses on building productive capacities that will enable the LDCs to gain access to the global economy.⁴⁷ Development in many of the LDCs is obstructed by insufficient financial resources, lack of skilled human resources, weak institutional capacities in trade and low technological capacity.⁴⁸ The development of transportation, energy, telecommunications and information and communications technologies are essential to developing the physical infrastructure.⁴⁹ Through financial, technical or other support, the international development partners can increase enterprise development, creating both the opportunity for employment and access to finance for new business ventures.⁵⁰

The Fifth Commitment recognizes the importance of increasing the role of trade in the development process.⁵¹ The creation of ef-

and by the prevalence of AIDS/HI, malaria, tuberculosis, and other communicable diseases as well as by natural and man made disasters. *See Programme of Action for the Least Developed Countries, supra* note 3, at 14.

⁴⁵ *See Programme of Action for the Least Developed Countries, supra* note 3, at 14.

⁴⁶ *See Programme of Action for the Least Developed Countries, supra* note 3, at 15-16.

⁴⁷ *See Programme of Action for the Least Developed Countries, supra* note 3, at 23.

⁴⁸ *See Programme of Action for the Least Developed Countries, supra* note 3, at 23. Geographical handicaps faced by landlocked and island LDCs are said to further aggravate the impact of these impediments. *See Programme of Action for the Least Developed Countries, supra* note 3, at 23.

⁴⁹ *See Programme of Action for the Least Developed Countries, supra* note 3, at 24.

⁵⁰ *Programme of Action for the Least Developed Countries, supra* note 3, at 24. A dialogue between the government and the private sector, as well as policy consistent within trade, investment and enterprise development, is needed to facilitate economic development. *See Programme of Action for the Least Developed Countries, supra* note 3, at 24.

⁵¹ *See Programme of Action for the Least Developed Countries, supra* note 3, at 36.

fective trade policy in the areas of tariffs, customs, international competition and investment are all essential components of trade development.⁵² In fact, during the Third World Conference on the Least Developed Countries nine LDCs committed themselves to the creation of bilateral investments treaties (BITs) in order to promote and protect foreign investments as well as foster better economic cooperation.⁵³ The fifth commitment also recognizes that another important component of trade development is market access for the LDCs.⁵⁴ The international development partners must take measures to protect the LDCs by creating duty-free and quota-free market access for all LDC exports.⁵⁵

Protection of the global environment and assisting those LDCs that are vulnerable to natural disasters are the objectives of the Sixth Commitment.⁵⁶ The protection of natural environmental resources and better land and forest management are serious concerns addressed by the international community that should be considered by the LDCs in the formulation of their domestic policy.⁵⁷ The international community must also provide better responses to environmental and economic constraints and better assistance to the LDCs in their individual concerns.

The Seventh Commitment addresses the domestic mobilization of financial resources.⁵⁸ Mobilization of such funds is crucial to carrying out the objectives of the Programme of Action in general and

⁵² See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 36.

⁵³ See *Twenty-Nine Bilateral Investment Treaties Signed By Least Developed Countries in Brussels*, United Nations Conference on Trade and Development at 1, U.N. Doc. LDCIII/PRESS/08/Rev.1 (2001). In 1999, 1,885 BITs were made, 498 of involved developing countries. The United Nations Conference on Trade and Development (UNCTAD) has been a vital part in providing expert advice, conference facilities, and travel funds for nations willing to negotiate BITs, however, UNCTAD does not participate in the negotiations. By signing such treaties the LDCs are demonstrating their commitment to the international community of providing a more predictable and stable investment framework. *Id.*

⁵⁴ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 36.

⁵⁵ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 38.

⁵⁶ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 45.

⁵⁷ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 45.

⁵⁸ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 45.

to achieving specific targeted goals by 2015.⁵⁹ Stimulating domestic savings by applying a savings rate, developing appropriate financial systems, regulating financial institutions and promoting investment are essential to growth at the domestic level.⁶⁰ At the international level, the development partners must provide adequate financial aid without stringent conditions.⁶¹ In the area of trade debt, the international community must assist the LDCs in pursuing debt relief through organizations such as the World Trade Organization, as well as other debt relief programs.⁶² Removing the burden of severe national debt will increase the potential for the eradication of poverty.

Because of a strong commitment by the participating nations of the Third World Conference on the Least Developed Nations the world has moved closer in the direction of bridging the gap between the richest and poorest of nations. The policy rationale underlying the Programme of Action for the Least Developed Countries for 2001-2010 marks an international consensus on the appropriate areas of needed reform. It is recognized, of course, that the initial responsibility of making important social and economic policies lies with the LDCs themselves.⁶³ But the LDCs will not carry the heavy burden of change nor undergo such a massive transformation without the assistance and support from the membership of the United Nations. It is beneficial for all nations to foster more cooperative

⁵⁹ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 49. There is an "immediate need to mobilize resources" to achieve "sustainable development of the LDCs." Because of economic stagnation in the LDCs there are limited resources to meet the development requirements of the Programme of Action. New and additional resources are needed to carry out national plans of action. *Supra* note 3, at 49.

⁶⁰ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 49.

⁶¹ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 51-2.

⁶² See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 51-2. The external debt that hangs over the LDCs is a major problem that poses a severe obstacle to development and economic growth of the LDCs. Since the Second U.N. Conference on LDCs, the total amount of the LDCs debt has increased. See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 51-2.

⁶³ See *Programme of Action for the Least Developed Countries*, *supra* note 3, at 2.

foreign policies and better multilateral trade relations so as to meet the important challenges facing the world over the coming decades.

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