

Responsabilité, fraternité et développement durable en droit:

Une conférence en mémoire de l'honorable Charles D. Gonthier

Responsibility, Fraternity, and Sustainability in Law

A Symposium in honour of Charles D. Gonthier

20-21 Mai 2011 à la faculté de droit de l'université McGill

May 20-21, 2011 at the McGill University Faculty of Law

Manuscripts de la conférence Conference Proceedings

Fraternity, Responsibility, Sustainability and Law

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CONFERENCE HONOURING CHARLES DOHERTY GONTHIER
OF THE SUPREME COURT OF CANADA
FRATERNITY IN CONSTITUTIONAL AND INTERNATIONAL LAW
McGill University, Montreal
Saturday, May 21 2011

Fraternity, Sustainability, Responsibility and Law

By
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BACKGROUND

I am honoured to have the opportunity of participating in this Conference to honour the late Charles Doherty Gonthier, Judge of the Supreme Court of Canada. I remember him with profound respect having had the privilege of serving as a member of the Board of Governors of the Centre for International Sustainable Development Law (CISDL), of which he was founder Chair. His deep commitment to global justice and to sustainable development was a source of inspiration for the Centre, which under his wise guidance had continued to grow and gain respect globally. His encouragement of young scholars and others to commit themselves to the work of the Centre was a source of strength.

“Fraternity”, “Sustainability” and “Responsibility” are concepts critically important for the progressive development of law, constitutional and international, in order to secure justice and human rights for all across the globe. The quest for a global order in which people could live, free from want and free from fear in a peaceful and stable world, has continued to be an elusive goal, even though these were recognized in the United Nations Charter and the Universal Declaration of Human Rights as reflecting legitimate expectations of all peoples. A perceptive scholar reviewing the current state of the world observes:

“There is something unique about our sense of the best and worst possibilities for humanity today. Never before have those opposites extended nearly so far toward the unlimited; never have they been so unbounded by our physical weakness, which for earlier generations limited what was possible; never before have human beings had the power at their disposal to act in ways that our ancestors would have regarded, not as human, but as godlike, with all the terrible responsibilities such power inevitably brings.”¹

In the seventy years since adoption of the Universal Declaration of Human Rights the world’s population has more than doubled, the number of states more than trebled and the world real GDP quadrupled. The process of globalization, of the integration of the global economy through liberalization has been accelerating over the last four decades. In addition to the over-all progress of the developed world, it has also contributed to progress in parts of the developing world, thus:

“The average life expectancy at birth has increased worldwide by eight years since 1900. Only in the period since 1990, life expectancy has increased by 3 years and child mortality rates have fallen from 106 deaths per thousand live births to 83. Extreme poverty fell from 28 per cent in 1990 to 21 per cent in 2005 – a reduction in absolute numbers of about 130 million people. Over the same period, the share of the population living in developing countries on less than US\$1 a day has fallen from 29

per cent in 1990 to 18 per cent in 2004. Since 1990 adult literacy rates have risen from 75 per cent to 82 per cent, reducing the number of illiterate people in the world by 100 million. The relative number of people who suffer hunger is actually decreasing.²

But along side of this there are statistics which remind us that:

“ we should not be oblivious to the desperate situations still gripping large parts of the world population. In the midst of an increasingly prosperous global economy, around 10 million children every year do not live to see their fifth birthday, and nearly 1 billion people survive in abject poverty on less than \$1 a day, with 2.6 billion living on less than \$2 a day. The income of the richest one per cent is equal to that of the bottom 57 per cent and income inequality is dramatically increasing in countries that account for more than 80 per cent of the world’s population.”³

Of the increase in world consumption over the 1990s, the majority accrued to those already in the top 10 percent. The following figures indicate the extent of global income inequality: 5 percent of individuals in the world receive about one-third of total world income with the top 10 percent receiving half. The ratio between the average income received by the richest 5 percent and the poorest 5 percent of the world is 165:1. Measured at the extremes, the gap between the world's richest country and the world's poorest increased from 3:1 in 1820 to 70:1 in 2000.⁴

The economic boom in the decade described as the “the roaring nineties” was attributed to the success of de-regulation and to unfettered markets. Protagonists relied on these two features of market fundamentalism to remain optimistic, despite a succession of economic crises in different parts of the world. The Nobel laureate, Joseph Stiglitz, writes:

“ a crisis that began in Thailand spread to other countries in East Asia and then to Latin America and Russia. It was a classic example of contagion – a failure in one part of the global economic system spreading to other parts. The full consequences of an economic crisis may take years to manifest themselves. In the case of Argentina, the crisis began in 1995, as part of the fallout from Mexico’s own crisis, and was exacerbated by the East Asian crisis of 1997 and the Brazilian crisis of 1998, but the full collapse didn’t take place until late 2001.”⁵

Then in 2008 the world economy went into what Stiglitz described as *Freefall*, the title of his recent book:

“In the great recession that began in 2008, millions of people in America and all over the world lost their homes and jobs. Many more suffered the anxiety and fear of doing so, and almost anyone who put away money for retirement or a child’s education saw those investments dwindle to a fraction of their value. A crisis that began in America soon turned global, as tens of millions lost their jobs worldwide - 20 million in China alone - and tens of millions fell into poverty.”⁶

“ many who observed the long expansion of the world economy during the era of deregulation concluded that unfettered markets worked – deregulation had enabled this high growth, which would be sustained. The reality was quite different. The growth was based on a mountain of debt; the foundations of this growth were shaky, to say the least.”⁷

FRATERNITY

The challenge of re-building the global economy, and indeed of rescuing national economies from the grave impacts of the 2008 "freefall" called for a qualitative change of attitudes and values and for people to rise above self-centered narrowness ó lack of fraternity ó and instead to aim for solutions for the human race as a whole, bearing in mind the universal problem that existed the world over. It is persuasively argued that -

“The problem is beyond the scope of political, administrative and economic means, which are materialistic approaches. It is a mental one, connected to attitudes and values, and it requires the collective wisdom of religion, philosophy, ethics and the humanities to address. In short, all branches of human knowledge should be applied to addressing this problem, and it will only be solved if humanity can progress to a new level of being.”⁸

The concept of fraternity reflects the imperative of solidarity, which underlies the principles of international law concerning friendly relations and cooperation among states in accordance with the United Nations Charter as embodied in the Declaration, annexed to Resolution 2625 XXV of the UN General Assembly in October 1970. The duty of States to co-operate with one another in accordance with the Charter is elaborated as follows:⁹

“States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences. To this end:

- (a) States shall co-operate with other States in the maintenance of international peace and security;
- (b) States shall co-operate in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance;
- (c) States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention;
- (d) States Members of the United Nations have duty to take joint and separate action in co-operation with the United Nations in accordance with the relevant provisions of the Charter.

States should co-operate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international cultural and educational progress. States should co-operation in the promotion of economic growth throughout the world, especially that of the developing countries.”

SUSTAINABILITY

The second principle that is relevant to a global order for the 21st century is that of Sustainability. The concept of sustainable development was introduced in 1980 in the World Conservation Strategy 1990. The Brundtland Commission in its report: *Our Common Future* (1987) underscored the linkage between development and environment and called for the adoption globally of a strategy of "sustainable development", which was defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". The Report not only reaffirmed the basic premise of the UN Declaration on the Right to Development that the 'human person' is the central subject of development, but gave a new salience to the issues of equity and, in particular, inter-generational equity.

The growing literature over the last four decades maps the multi-dimensional character of the concept of sustainable development. The Stockholm Declaration (1972) itself had recognized the importance of both aspects of environment, "the natural" and the "man-made". The Club of Rome describes a sustainable society not only in terms of physical sustainability but in terms of one based on social justice, thus: ¹⁰

"A sustainable society implicitly connotes one that is based on a long-term vision in that it must foresee the consequences of its diverse activities to ensure that they do not break the cycles of renewal; it has to be a society of conservation and generational concern. It must avoid the adoption of mutually irreconcilable objectives. Equally, it must be a society of social justice because great disparities of wealth or privilege will breed destructive disharmony".

Ben Boer's study entitled "Implementing Sustainability in Developing Countries"¹¹, drew upon a variety of sources to elucidate the multi-dimensional character of the concept. It draws upon a subsequent elaboration of the concept by Mrs. Brundtland herself in the following terms:

"There are many dimensions to sustainability. First, it requires the elimination of poverty and deprivation. Second, it requires the conservation and enhancement of the resources base which alone can ensure that the elimination of poverty is permanent. Third, it requires a broadening of the concept of development so that it covers not only economic growth but also social and cultural development. Fourth, and most important, it requires the unification of economics and ecology in decision-making at all levels".

A Canadian government document cited by Boer suggests that to be sustainable, *development* must meet three fundamental and equal objectives:

- an economic objective: the production of goods and services. The overriding criterion in fulfilling this objective is efficiency;
- an environment objective: the conservation and prudent management of natural resources. The overriding criterion here is the preservation of biodiversity and maintenance of biological integrity;
- a social objective : the maintenance and enhancement of the equality of life. Equity is the main consideration in meeting this objective.

The need for a new framework in which to promote global development and protect the global environment is underlined in these studies and the concept of "sustainable development" is put forward as an overriding global objective to be secured by the universal acceptance of new principles and rules.

Key elements of the concept were spelt out in the Brundtland report, thus:¹²

- (a) The concept of sustainable development does imply limits - not absolute limits but limitations imposed by the present state of technology and social organization and environmental resources and by the ability of the biosphere to absorb the effect of human activities.
- (b) Sustainable development requires meeting the basic needs of all and extending to all the opportunity to fulfill their aspirations for a better life (...) a world in which poverty is endemic will always be prone to ecological and other catastrophes.
- (c) Meeting essential needs requires not only a new era of economic growth for nations in which the majority are poor, but an assurance that those poor get their full share of the resources required to attain that growth.
- (d) Such equity would be aided by political systems that secure effective citizen participation in decision-making and by greater democracy in international decision-making.
- (e) Sustainable development requires that those who are more affluent adopt lifestyles within the planet's ecological means in their use of energy, for example, rapidly growing populations can increase the pressure on resources.

The global goal of bringing about economic and social change with a view to realizing human rights for all were reflected in national constitutions. These incorporated social and economic rights and the right to a clean environment in their bill of rights and in their chapters on directive principles of state policy. Over the last several decades, progress has been made with different national constitutions adopting an integrated approach towards the enforcement of all human rights (political and civil and social, economic and cultural) recognizing them to be universal, inter-dependent and inter-related.

The South African Constitution eliminated the dichotomy which was a feature of some of the earlier constitutions such as that of India. Civil and political rights as well as social and economic rights are given the same status as constitutionally-recognized rights. The state's obligation with regard to the right to health care, food, water and social security is expressed in terms which provide that, "the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of each of these rights." (Article 27)

The South African Constitutional Court has contributed significantly towards judicial enforcement of socio-economic rights, keeping in view that protection of these rights is dependent on the availability of resources. Chief Justice Chaskalson of that Court explained its role, thus:

What the Constitution demands of [the Court] is that a legal order be established that gives substance to its founding values— democracy, dignity, equality and freedom; a legal order consistent with the constitutional goal of improving the equality of life of all citizens, and freeing the potential of each person. The challenge facing us as a

nation is to create such a society; the challenge facing the judiciary is to build a legal framework consistent with this goal.¹³

The role of human rights sensitive judiciary in different jurisdictions is contributing towards the promotion of social and economic change has been significant. In the *Ashok Kumar Gupta* case ((1997) 5 SCC 201, the Indian Supreme Court boldly asserted that:

“It is but the duty of the Court to supply vitality, blood and flesh, to balance the competing rights by interpreting the principles, the language or the words contained in the living and organic Constitution, broadly and liberally. The judicial function of the Court, thereby, is to build up, by judicial statesmanship and judicial review, smooth social change under rule of law with a continuity of the past to meet the dominant needs and aspirations of the present.”

This judicial approach is derived from the constitutional mandate to bring about social and economic transformation, viewed as an irrevocable pledge made to the people. This pledge is construed as imposing an obligation on all constitutional organs, and on citizens, to make their utmost efforts in their own sphere to realize that goal. In India since the seventies to the present day, the Supreme Court has been contributing to the realization of political, social and economic rights through its judgments. The Indian Supreme Court has provided redress in cases ranging from those involving: bonded labour (*Bandhua Mukti Morcha v Union of India* (AIR) 1984 SC 802), child labour (*Labourers Working on Salal Hydro Project v. State of Jammu and Kashmir* (1983 Lab IC 542), environmental degradation and pollution (*Vellore Citizens Welfare Forum v. The Union of India* (AIR 1986 SC 180), issues of gender equality, *Air India v Nergesh Meerza* (1981 4 SCC 335), to those involving reservations by way of affirmative action in favour of the less privileged, *Indira Sawhney v. Union of India* (AIR 1993 SC 477). By innovative interpretations of the right to life the Court provided a measure of enforcement for a number of socio-economic rights – the right to housing, the right to education and the right to health. Some of these precedents have been followed in other South Asian jurisdictions. The South African Constitutional Court progressed from a hesitant beginning to the positive enforcement of socio-economic rights.

The Earth Summit in 1992 presented an opportunity for global stock-taking. Deliberations of governmental representatives at the UN Conference on Environment and Development (RIO Conference) were paralleled by serious discussions in a global gathering of ordinary men and women, who participated in the NGO Forum. They expressed their shared concern over the damaging consequences of development models grounded in the pursuit of economic growth and consumption to the exclusion of human and environmental concerns. They judged that the then current thinking which may be characterized as “market fundamentalism” was “a path to collective self-destruction, not to sustainable development.” The provocative Club of Rome’s report, the *Limits to Growth* in the seventies, merits re-visiting. The central themes of that report were that continued exponential growth of population and consumption in a finite world would eventually result in the global crisis of mass starvation. A recent study in its concluding chapter states that -¹⁴

“Thirty years on, the timing of the Club of Rome’s overall prediction looks ominously on track. The world’s population heads towards 9 billion by the middle of the century. Climate change will worsen the food crisis, as rising temperatures destroy the glaciers that feed the world’s great rivers, and suppress photosynthesis in the principal crops (harvests slumped dramatically around the world simply as a result of the heatwave of 2006). Some of the world’s most productive agricultural land is likely to be inundated by rising sea levels, cutting output and creating tens of millions of refugees.

The oil peak will probably worsen both climate change and the food crisis. Dwindling oil supplies will encourage the maximum exploitation of coal and oil sands, generating far more CO₂ than conventional crude, although the additional liquids will fail to fill the supply gaps. As that gap widens, yet more food crops will be diverted into fuel production, putting the gas tanks of the rich in direct competition with the stomachs of the poor. And finally fuel shortage will threaten agricultural output directly, since every calorie of food you consume takes ten calories of fossil fuel to produce.ö

It has become increasingly clear that population growth has meant that the demand made on the earth and its resources are clearly outstripping the planet's ability to sustain human societies in the way in which many in the world have become accustomed. What was thought to be limitless potential has now yielded to the view that if mineral resources, particularly oil and gas resources, continue to be extracted at the rate at which these are consumed it could lead to near total depletion by mid-century. It is pointed out that each of the people alive in 1900 on average consumed only one-sixth of the energy as a person used in the eighties and that they were twice as many people in the latter year.

For the first time in human history dangers of irresponsible exploitation of the earth's resources has begun to present threats to human life and indeed to human survival. Paul Collier's 2003 study: *Breaking the Conflict Trap*, is cited by Soros to urge: 'the position of natural resources seems to militate against peaceful development. It seems appropriate to speak of a resource curse' Collier and his colleagues made a special study of armed conflicts, but civil wars are only one element in a series of interconnected factors: corruption, excessive dependence on natural resources, repression, bad economic policies, ethnic divisions, financial crises, interference from foreign governments, and so on.¹⁵

RESPONSIBILITY AND THE ROLE OF LAW

Stiglitz's assessment of the first decade of the 21st century is that it is already being written down as 'a lost decade'. He urges, however, that there is still a window of opportunity which, may be rapidly closing for an alternative course to be charted. This would include not only effective regulatory reforms but the creation of a new vision, 'one based on global social justice and a balanced role for the government and the market'¹⁶

This view receives support from Soros, thus: 'We need to take a radical different approach. We must lead a cooperative effort to improve the world order, because we are the only ones in a position to do so.'¹⁷ Their views underline the need for a reorientation of the approach from market fundamentalism to a global framework regulated by law both at the international level and through constitutional orders at the national level aiming to secure human security and human development.

For the creation of a new vision we may revisit the People's Earth Charter which was adopted by consensus in the NGO Forum in Rio. From the following provisions of the Charter, we are able to identify the elements of a global order responsive to the needs of the 21st century:¹⁸

- * the fundamental purpose of economic organization is to meet the community's basic needs, such as for food, shelter, clothing, education, health, and the enjoyment of culture; this purpose must take priority over all other forms of consumption, particularly wasteful and destructive forms of consumption such as consumerism and military spending;

- * the quality of human life depends more on the development of social relationships, creativity, cultural and artistic expression, spirituality and opportunity to be a productive member of the community than on the ever increasing consumption of material goods;
- * organizing economic life around decentralized, relatively self-reliant, local economies that control and manage their own productive resources, provide all people an equitable share in the control and benefits of productive resources, and have the right to safeguard their own environmental and social standards is essential to sustainability; trade between such local economies, as between nations, should be just and balanced; where the rights and interests of corporations conflict with the rights and interests of the community, the latter must prevail;
- * all elements of society, irrespective of gender, class, or ethnic identity, have a right and obligation to participate fully in the life and decisions of the community; the presently poor and disenfranchised, in particular, must become full participants; women's roles, needs, values and wisdom are especially central to decision making on the fate of the Earth; there is an urgent need to involve women at all levels of policy making, planning and implementation on an equal basis with men;
- * knowledge is humanity's one infinitely expandable resource; beneficial knowledge in whatever form, including technology, is a part of the collective human heritage and should be freely shared with all who might benefit from it;
- * transparency must be the fundamental premise underlying decision making in all-public institutions, including at international levels.

It is noteworthy that in the address of the World Bank President at the Joint Bank-IMF Meeting of 1998 there were powerful echoes of the views expressed by the people assembled in Rio. President Wolfensohn drew attention to the need for a new holistic approach to development as follows:

[I]n a global economy, it is the *totality* of change in a country that matters. . . .

Development is about getting the macroeconomics right—yes; but it is also about building the roads, empowering the people, writing the laws, recognizing the women, eliminating the corruption, educating the girls, building the banking systems, protecting the environment, inoculating the children.

Development is about putting *all* the component parts in place—
together and in harmony.

í í í .
We need a new development framework. What might countries look
for in such a development framework?

First, the framework would outline the essentials of good governance—transparency, voice, the free flow of information, a commitment to fight corruption, and a well trained, properly remunerated civil service.

Second, it would specify the regulatory and institutional fundamentals essential to a workable market economy— a legal and tax system that guards against caprice, secures property rights, and that ensures that contracts are enforced, that there is effective competition and orderly and efficient processes for resolving judicial disputes and with supervision free of favor, and with international recognized accountancy and auditing standards for the private sectors.

Third, our framework would call for policies that foster inclusion— education for all, especially women and girls. Health care. Social protection for the unemployed, elderly, and people with disabilities. Early childhood development. Mother and child clinics that will each health care and nurture.

Fourth, our framework would describe the public services and infrastructure necessary for communications and transport. Rural and trunk roads. Policies for livable cities and growing urban areas so that problems can be addressed with urgency— or in 25 years when they become overwhelming. And alongside an urban strategy, a program for rural development which provides not only agricultural services, but capacity for marketing and for financing and for the transfer of knowledge and experience.

Fifth, our framework would set forth objectives to ensure environmental and human sustainability— so essential to the long-term success of development and the future of our shared planet— water, energy, food security, issues which must also be dealt with at the global level. And we must ensure that the culture of each country is nurtured and enriched so that development is firmly based and historically grounded. All of these five, of course, within a supportive and effective macroeconomic plan and open trade relations.

This may not be a comprehensive list. It will of course vary from country to country depending on the views of government, parliamentary assemblies and civil society. But I submit it gets at the essentials.¹⁹

The people's consensus expressed in the Earth Charter when it is reflected in a policy statement of the President of the World Bank shows a widening and deepening of consensus on the essential components of a "human-rights" friendly strategy for achieving sustainable development. An integrated approach to implement political and socio-economic rights provides a universally-acknowledged basis around which to build a normative framework for sustainable human development.

Responsibility of individuals and states is derived from the duty to be sensitive to human rights and to ecological and environmental concerns. This calls for a normative framework for sustainable development which would regulate economic, social and political processes. The principles for the building of such a framework were enunciated in a Declaration by the International Law Association, the preamble of which states:²⁰

“the objective of sustainable development involves a comprehensive and integrated approach to economic, social and political processes, which aims at the sustainable use of natural resources of the Earth and the protection of the environment on which nature and human life as well as social and economic development depend and which seeks to realize the right of all human beings to an adequate living standard on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom, with due regard to the needs and interests of future generations.”

The ILA Declaration on Principles of International Law relating to sustainable development adopted in 2002 enunciated the following seven principles. This Declaration was circulated in the Johannesburg World Summit in 2002.²¹

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 precautionary principle and environmental impact assessment.
5. Public participation.
6. The principle of good governance.
7. The principle of integration and interrelationship.

The role of law, both international and constitutional, is thus undergoing progressive development in response to the growing realization both within and among states. Many of the objectives which are seen to be significant if the goal of sustainable development is to be effectively pursued call for a multi-pronged role for law. International law has made important contributions, as also have the legal principles enunciated in the ILA Declaration. This is an ongoing process at the international level which includes the framework conventions to promote sustainable development such as: The United Nations Framework on Climate Change (UNFCCC), the Convention of Biological Diversity (CBD), to address the threat of planet wide species extinction; and the United Nations Convention to Combat Desertification (UNCCD) to deal with the threats to dry lands.

To implement the framework conventions - “the new legal scaffolding” there is a need for detailed arrangements to be agreed between of parties or groups of parties just as the conventions on protection from Ozone depletion in 1995 had been followed by the Montreal Protocol in 1987, there is now a need for new global agreements on climate change as the Kyoto Protocol expires in 2012.

At the national level, among the initiatives needed are:

“to develop legal frameworks which provide for greater transparency and accountability and indeed effective law-enforcing machinery, backed by such institutions as a free press and civic organizations which could mobilize public opinion to combat corruption. The strengthening of institutions of civil society are thus an important element in developing good governance which is necessary in order to promote sustainable development.”²²

Thus, the principles of fraternity, sustainability and responsibility are to be invoked in support of the concept of the sustainable development so as to strengthen the legal framework.

In conclusion, a moving appeal from a voice of conscience in Asia, Aung San Suu Kyi, may be shared:²³

"The quintessential revolution is that of the spirit, born of an intellectual conviction of the need for change in those mental attitudes and values which shape the course of a nation's development. A revolution which aims merely at changing official policies and institutions with a view to an improvement in material conditions has little chance of genuine success. Without a revolution of the spirit, the forces which produced the iniquities of the old order would continue to be operative, posing a constant threat to the process of reform and regeneration. It is not enough merely to call for freedom, democracy and human rights. There has to be a united determination to persevere in the struggle, to make sacrifices in the name of enduring truths, to resist the corrupting influences of desire, ill will, ignorance and fear.

Saints, it has been said, are the sinners who go on trying. So free men are the oppressed who go on trying and who in the process make themselves fit to bear the responsibilities and to uphold the disciplines which will maintain a free society.ö

I feel this is an appeal which Charles Doherty Gonthier would wholeheartedly endorse.

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¹ Lynn H. Miller, *Global Order Values and Power in International Politics*, Boulder and London, Westview Press, 1985, pp.3-4

² These statistics are taken from UNDP, *Human Development Report 2005*, pp. 19-21, *Human Development Report 2006*, pp. 265-267, and *Human Development Report 2007/2008*, pp. 24-26, New York, United Nations, 2005-2007.

³ The statistical data are taken from World Bank, *World Development Report* from years 1992, 2003, 2006, 2007 (Washington, World Bank); id., *World Bank Atlas* from years 2002 and 2004 (Washington, World Bank); UNDP, *Human Development Report* from years 2003, 2005, 2006, 2007/2008 (New York, United Nations); UNCTAD, *The Least Developed Countries Report* from years 2002 and 2004 (New York/Geneva, United Nations).

⁴ Margot E. Salomon, *Global Economic Policy and Human Rights: Three Sites of Disconnection*, http://www.carnegiecouncil.org/resources/ethics_online/0043.html

⁵ Joseph E. Stiglitz, *Freefall, Free Markets and the Sinking of the Global Economy*, Penguin Books, 2009, 2010, p.xiv, also see, *The Roaring Nineties*, New York/London, Norton, 2003.

⁶ Ibid, p.xi.

⁷ Ibid., p.xx

⁸ *Liberty, Equality, and Fraternity*: <http://www.buddhanet.net/cmdsg/solns3.htm>

⁹ *Basic Documents in International Law*, Ed. Ian Brownlie, Oxford, Oxford University Press, 2002, p.31.

¹⁰ *The First Global Revolution*, (Report of the Council of the Club of Rome), New York, 1991, p.49

¹¹ Ben Boer, *Implementing Sustainability in Developing Countries*, paper presented at the Lawasia Conference on Environmental Law, Bangkok, 1991.

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- ¹² Gro Harlem Brundtland, *Our Common Future*. (The Report of the World Commission on Environment and Development - "The Brundtland Report"), London, pp.8-9
- ¹³ Eric C. Christiansen, *Adjudicating Non-justiciable Rights: Socio-Economic Rights and the South African Constitutional Court*, 38 Col. Hum. Rts. L. Rev. 321 (2007).
- ¹⁴ David Strahan, *The Last Oil Shock: A Survival Guide to the Imminent Extinction of Petroleum Man*, London, John Murray, 2007, p.251-252
- ¹⁵ George Soros, *The Bubble of American Supremacy: The Costs of Bush's War in Iraq*, New York, Public Affairs, 2001, p.149
- ¹⁶ Joseph E. Stiglitz, op.cit. (Freefall), p.343; (*Roaring Nineties*), p.319
- ¹⁷ Soros, op.cit.p.82.
- ¹⁸ Kamal Hossain, "Globalization and Human Rights" in Burns H Weston and Stephen P. Marks (Ed.), *The Future of of International Human Rights*, New York, Transnational Publishers, Inc., 1999, pp.195-196
- ¹⁹ *ibid.*, p.198
- ²⁰ Nico Schrijver, *The Evolution of Sustainable Development in International Law: Inception, Meaning and Status*, Leiden/Boston, Martinus Nijhoff, 2008, p172
- ²¹ *ibid.*, pp. 173-207
- ²² Kamal Hossain, "Evolving Principles of Sustainable Development and Good Governance", in K. Ginther et al. (eds.), *Sustainable Development and Good Governance*, The Hague, Nijhoff, 1995, 23-52, at p.22.
- ²³ Aung San Suu Kyi, *Freedom from Fear*, London, Penguin, 1991, p.183.