

THE NIEO REVISITED

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INTRODUCTION

The New International Economic Order (NIEO) is intimately linked with the Right to Development.¹ The debate among the jurists of the Developed Countries (Western Capitalist) and the Developing Countries persist as to whether there is a hierarchy between civil and political rights on the one hand, and the economic, social and cultural rights ("third generation rights") on the other. Right to development is the sum total of the "third generation rights". It is contended that driving a wedge between these two sets of rights leads to a forfeiture of all rights. This article proceeds on the basis that right to development is as sacrosanct as the group of civil and political rights: In as much as peace is indivisible, so are the human rights.

In the present inquiry into the principles of the New International Economic Order (NIEO), a convenient starting point would be the Eighteenth Special Session² of the United Nations General Assembly

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¹ George. S., *How the Other Half Dies*, (Penguin, 1986). The author's penetrative study of world's food problem, brings to focus the right of people to development. She says, "People of the Third World is not an undifferentiated mass of outstretched hands and empty bellies. They are people with a formidable will not just to survive but to live with dignity". Mervyn de Silva, *Whither Development* [Published in Logos, Vol.34, no. 3, 1996 by CSR, 281, Deans Rd., Colombo 10, Sri Lanka] typically highlights the Third World perspectives on the Right to Development.

Their approach resemble the perspectives of present article on NIEO which are based on communitarian values of distributive and social justice of sharing and caring for the dispossessed and underprivileged segments of society.

² UN DOC. A/S-18/14/1990: BARSH, "A Special Session of the UN General Assembly Rethinks the Economic Rights and Duties of the States", in 85 *AJIL Current Developments* 192 (1991). The author presents a summary report of the session which discussed different ways of establishing rapport between the North and South hemispheres. Some of the essential features of the NIEO recur in the concept of "sustainable development" (see footnote 4). But the latter term is mainly an adaptation of the NIEO principles to the protection of the environment. Hence in this thesis the term NIEO shall be retained, since this reflects a wider range of developmental objectives than the terms 'Sustainable Development'.