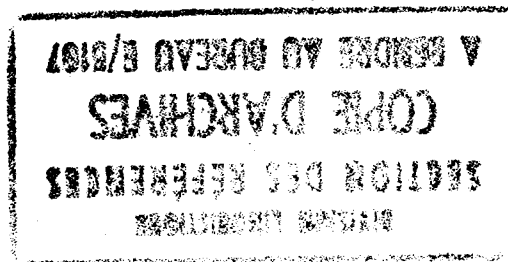


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THE NATIONAL DIMENSIONS OF THE RIGHT TO DEVELOPMENT
(Certain views and experiences of the SFR of Yugoslavia)

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I n t r o d u c t i o n

The results achieved by the United Nations in the field of promotion of human rights can be classed among the important successes of the world Organization. Within the period of only thirty-five years the United Nations has succeeded in effecting a major, almost complete international codification of fundamental human rights and in offering Member States a basis for ensuring the protection of those rights through the national legislation. Of importance has also been the activity of the specialized agencies of the United Nations, in particular of the ILO and UNESCO. The rights guaranteed in the documents adopted by the United Nations and the specialized agencies contain the protection of the human person against the most flagrant violations of his person and his freedom (such as genocide and apartheid), as well as the two major categories of human rights, namely, economic, social and cultural, and civil and political rights. Of great importance is also the recently adopted Convention on the Elimination of all Forms of Discrimination against Women. There is still pending the codification of specific, equally important rights, for example, the rights of minorities, the rights of migrant workers, the rights of indigenous population. In preparation is the international convention on the rights of the child and the international convention against torture.

In the process of codification, and in the work of UN organs concerned with the protection and promotion of human rights, there have evolved certain mechanisms for the implementation of human rights. The problem of implementation has always represented - today perhaps even more than ever before - one of the central problems of the international protection of human rights. The existing international legal mechanisms for implementation have not proved to be sufficiently effective in ensuring all human rights.

It would be erroneous to interpret the implementation process of human rights in a narrow procedural sense, since it is most closely linked to the human rights issue. In international relations a large number of factors essentially affect the fate of the realization of human rights. This complexity was highlighted in the debates in the competent bodies, especially in the Commission on Human Rights, and in the General Assembly of the United Nations and, it seems, that the vital aspects were clearly defined. Guidelines, in this respect, represent General Assembly resolution 32/130/1977 and the pertinent resolutions of the successive sessions, including resolution 34/46/1979. The position was adopted that all human rights and fundamental freedoms are inseparable and interdependent; equal attention and serious consideration should be given to the implementation, promotion and protection of civil and political, as well as of economic, social and cultural rights. The full realization of civil and political rights

is not possible unless the enjoyment of economic, social and cultural rights is ensured. Unacceptable is the approach of an exclusive, isolated examination of one or the other category of the rights, that is, of giving priority to one selection of the rights to the detriment of other. The rights of the human person and of peoples are inalienable, and the question of human rights should be examined globally, taking into account the general context of societies, in which such questions emerge, as well as the need for the respect of the full dignity of the human person, the development and well-being of those societies. The international community should continue to accord priority to exploring measures for an effective elimination of mass and gross violations of human rights which are a consequence of manifestations such as, apartheid, colonialism, racial discrimination, foreign occupation and all forms of denying the right of peoples to self-determination.

The elimination of unjust international economic relations and the establishment of the New International Economic Order, constitute the most pressing and high priority tasks of the contemporary international community. The realization of the New International Economic Order is likewise of vital importance for the effective promotion of human rights and freedoms, consequently it should be given priority. In the elaboration of this idea, General Assembly resolution 34/46/1979, links the establishment of the New International Economic Order, a vital element in the realization of human rights, with specific measures of States, inter alia, with the participation of workers in management.

The development of peaceful and equitable international co-operation constitutes a highly important dimension of the overall realization of human rights. The Charter of the United Nations consistently places respect for and observance of human rights in the context of peaceful international co-operation (Articles 1, 55 and 56). Consequently, it can be concluded that the Charter prohibits the abuse of the human rights issue - more specifically, actions aimed at exercising political pressure against other States and not at improving the position of the human person. States have a great responsibility and duty to promote, in their mutual relations, the objectives of international protection of human rights, and to achieve these objectives through peaceful co-operation. Proceeding from this, the Movement of non-aligned countries, and Yugoslavia, as a member of that Movement, support the action of the General Assembly to elaborate and apply an integral and comprehensive approach to human rights, which is of major importance for ensuring respect for the dignity of man, for peace, security and international co-operation. This support is formulated in the Declaration of the Conference of Ministers of Foreign Affairs of non-aligned countries, held in Belgrade in 1978 (paragraphs 154-157), in the Final Declaration of the Conference of Ministers of Foreign Affairs of non-aligned countries, held in New Delhi in 1981 (paragraph 14a).

Within the global context of material-legal protection of human rights and within the complexity of the implementation process, the right to development should be conceived as a legal concept. Ever more frequently evident - and not only in theory, but in the

positions of States - is the view that the right to development constitutes an integral part of the existing international law and an important element for the full realization of all human rights. The Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries clearly states that the "right to development and to equal opportunity to obtain it, is a prerogative both of nations and individuals who constitute them". (paragraph 249 b).

With the development of international law there evolved a corpus of international norms, which in their substance are concurrent and complementary, having as a common denominator and objective the development of man - as an individual and peoples as a community. The result of the synthesis of those norms, effected in the course of the development of international law, is the right to development as one of the principles of contemporary international law.

Legal principles and other norms do not emerge in a vacuum, nor can these bypass the most important social needs of the time. There is no doubt that the need for development constitutes the most significant requirement of mankind and it presents itself with the force of historical inevitability. For this reason essential is a detailed elaboration of the principle of the right to development, which could render a major contribution to the realization of optimal conditions for development - both of the individual, as well as of peoples and States.

I. GENERAL OBSERVATIONS ON DEVELOPMENT AND HUMAN RIGHTS

In the present-day interdependent and, at the same time, divided world there is not a single important social task that is not of a global dimension. This is especially so in the field of development.

Although today the growing gap between the developed and the underdeveloped countries constitutes one of the most pressing problems of development and the greatest contradiction of the international community in general, this does not mean that development is the problem only of underdeveloped countries. Development equally constitutes a problem even for those that have reached a high level of industrial and technological development and which must seek a perspective in the increasingly interdependent world. On the other hand, there is no State which could not enhance the future of mankind.

Development, as a global task, cannot but be comprehensive in its dimension. This is confirmed by the debates in the organs of the United Nations. For a long time there prevailed the conviction that the concepts of development and of economic growth are identical, as well as the conviction that the technological development and the growth of social product are the only relevant indicators of development. The experiences gained during the first and the third Development Decades contributed to a change in the approach to the development concept. Development should ensure a continuous advancement of the well being of the individual as well as the elimination of privileges and social injustice. Among the

component elements of the development concept more frequently voiced have been the demands for social justice, the improvement of health conditions, the protection of the human environment, the advancement of the cultural level and education of man, which would ensure the desired cultural level and encourage the material and other progress of society, as well as the demands for the improvement of the general position of man in society. The ensuring of human rights constitutes an essential element of development. In view of the fact that the demand to have the human person regarded as the subject and not as the object of the development process was adopted, there is a growing awareness that man should participate in full measure both in conceiving and promoting development.

In the search for answers to the problem of underdevelopment there has emerged a thesis on the necessity to define the basic human needs which should be satisfied, this, in turn, would imply the satisfying of an economic and social minimum in a given society. Even though the elaboration of this concept reflects efforts and sincere wishes for improving the position of the great masses of people in developing countries, it does not provide satisfactory answers to the world challenge of development. The policy of satisfying minimal human needs could yield temporary results and create an impression of improved social situation. However, most economists, and even developing countries, recognize that not a single system of social aid, nor the strategy of meeting basic human needs can ensure a more rapid economic or other development - something that developing countries

need and demand. Therefore, the satisfying of the basic human needs has become a realistic possibility only as a consequence, but not as a surrogate of development.

Development is a dynamic category that cannot be defined statically. True, it is possible to identify the essential elements of a specific development programme, but they will have limited meaning both in terms of time and space. This is not only the consequence of the diversity of conditions in different parts of the world, but, at the same time, the consequence of the very essence of development, because in a dynamic process of development the importance of individual elements of the whole constantly changes. The creation of a material basis for development is a vital prerequisite in the initial phase of any development programme, and the concern for the material basis of development remains to be one of the most important elements throughout the entire development process. However, the strengthening of the material basis is not the ultimate and the only objective of development. Development should expand the boundaries of freedom of man, moreover, only the expanding of the boundaries of freedom is the perspective of mankind. Such an understanding and interpretation of the concept of development and of the growing importance of human rights, within the framework of the development concept, rejects all those concepts of development which perceive its meaning exclusively in the growth of production capacities and in satisfying material needs.

The experience demonstrates that neither the imitating of development models nor the imposing of different foreign models can produce tangible results.

On the contrary, in certain situations the imposed development models have produced tragic social results - in spite of given economic and technological achievements. The reason for this does not lie in the technology as such, but, among other things, in the failure to understand the importance of the human dimension of development. Today, more than ever before, the development theory should concentrate on the fate of man in development and his role in the decision-making process on development. The imperative of autochthonous development is equally applicable to the entire complex of the implementation of human rights within the overall process of development. Human rights are a legal guarantee, which constitutes the minimum basis for the realization of the potentials of the human person. Every human being is entitled to create his future and happiness on such grounds. The level and method of realizing the right of man as well as his human potential depends in the greatest measure on concrete conditions of a given society. Therefore the most decisive role in realizing human rights is played by the political system of that society which should create - depending upon the conditions of a given society and the demands of men and women comprising that society - mechanisms for the realization of such a function of human rights. On the other hand, a political system cannot be given in advance, nor can it remain valid for all times - above all it cannot be "supplied" from outside - the choice of the system is an integral part of self-determination. A political system founded on such basis continues likewise to develop constantly.

The right to development has inherent the guarantee of the fundamental human values in society, including the economic, social, cultural, civil and political rights; it also opens up possibilities for the people and for the human beings, comprising nations, to realize their potentialities. The consequence of the comprehensive nature of the right to development is evidenced in the fact that the norms of the right to development are of a programmatic character, while a detailed elaboration and application of those norms will be a subject of a process. The right to development cannot be gained through a petition, nor can it be demanded or acquired from a State. It can only be realized in a process in which the vision of development and the concrete programmes (economic, political, social and others) are of equal importance as the legal norms of traditional human rights. This programmatic dimension is perhaps the most prominent feature of the legal nature of the right to development.

II BASIC PRECONDITIONS FOR THE SUCCESSFUL IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT ON THE NATIONAL LEVEL

Under the concept of development can be understood only that which emerges out of the autochthonous needs and interests of the people of a specific country and of that country itself. In the world, which is interdependent, the potential force of development can be impeded by specific unfavourable international circumstances. On the other hand, a successful implementation of the right to development requires the fulfilment of specific prerequisites.

The first precondition for the successful implementation of the right to development is the realization of the right to self-determination, the right belonging to all peoples. Under the definition of the right to self-determination, as formulated in Article 1 of each of the International Covenants on Human Rights, peoples freely determine, in conformity with that right, their political status and freely pursue their economic, social and cultural development. All forms of the denial of the right to self-determination, regrettably, still practised in international relations, constitute a gross violation of international law in general and an impediment to the realization of the right to development. The realization of the right to development is inconceivable in a situation of the gross violation of the right to self-determination and the denial of human rights, i.e. in a situation of colonialism and its vestiges of apartheid and foreign occupation. These manifestations have been most resolutely condemned, while their eradication constitutes one of the preconditions for the realization of the right to development.

The self-determination of peoples has its external as well as internal dimension. It is necessary to stress that the realization of self-determination of the people as a whole, including its internal dimension, is a precondition for the implementation of the right to development. Therefore, peoples must be in a position to independently, without pressure and outside interference, freely choose their political and economic system and thereby political and institutional basis of their development. From the standpoint of international relations, it is most important that peoples are not impeded by pressure, interference or in any other way in the realization of their internal self-determination.

Since international preconditions for the realization of development in individual societies (States) are vital, the United Nations is naturally preoccupied with this requirement, however, we should not forget the importance of the internal preconditions, which could also adversely affect the development. There can be no development without the participation of all the members of a society in conceiving that development. Likewise, the already achieved level of the realization of human rights must, in all cases, be preserved: under no circumstances should it be sacrificed in the illusion that a more rapid development could thus be accomplished. Such false dilemmas impoverish the very concept of development.

Highly pertinent for the implementation of the right to development is the economic sovereignty of peoples and States, including the right to possess, use and dispose of national wealth, natural resources and to engage in economic activity. The world colonial system, which has only recently been politically defeated, developed its production and entire subsystems serving the interests of the markets of colonial Powers. A large segment of colonial economic structures, which does not satisfy the interests of colonial peoples and which cannot be listed under the term of "national economies" remains a reality even today.

It is obvious that the right to development cannot be realized in the conditions of war destruction and foreign occupation. Consequently, peace should be considered as a vital precondition for the exercise of the

right to development. However, peace conceived as the absence of war does not represent a sufficient condition for the realization of the right to development. All forms of aggression, the threat or use of force, all forms of foreign intervention as well as other aspects of the policy of force hamper the peoples in their efforts to promote development. The right to development can be promoted only in conditions of peaceful and equitable international co-operation, respect for the sovereign equality of all States, big and small alike, and respect for all the principles of active peaceful coexistence, as defined in the Charter of the United Nations, in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV) and other pertinent documents.

Viewed from the standpoint of international political relations, the realization of the right to development and the opening of perspectives for the international community in general, will be fully made possible only through the promotion of universal, equitable and sound international co-operation. This means that the overall democratization of international relations represents a vital element in promotion and realization of the right to development.

III. ACTIVE PARTICIPATION OF THE INDIVIDUAL IN THE
PROCESS OF THE IMPLEMENTATION OF THE RIGHT TO
DEVELOPMENT CONSTITUTES AN ESSENTIAL ELEMENT
IN THE REALIZATION OF DEVELOPMENT AND HUMAN
RIGHTS

The importance of active participation of the individual in the development process is increasingly gaining prominence in the development programmes. Thus, for example, the Strategy for the Third United Nations Development Decade underlines (paragraph 42) that the final aim of development must be the continuing increase in the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom. The individual must therefore assume a position of an active subject of development, while his active participation in development constitutes both the means and the objective of development.

For almost three decades, the SFR of Yugoslavia has been developing and applying the system of socialist self-management whose aim and essence are to ensure for the individual, in the greatest possible measure, the position of an active subject, who participates in the adoption of all important decisions in society, including the decisions relating to the conceptualization and realization of the development of society. The objective of this system is to enable the surmounting of a situation of the alienation of man, to reduce the scope and importance of those spheres in society which

are inaccessible and remote to the individual, also to offer a possibility for the individual to master and control the process of decision-making within the framework of the State and thereby to prevent anyone's political monopoly.

Elaborated further in the text are certain fundamental elements of the concept and system of socialist self-management, and certain experiences gained in the process of the development of self-management. It should be noted that this presentation of the Yugoslav practice is exclusively meant as the experience of a given society at a specific historical moment, fully recognizing the fact that each nation and each society is best qualified to choose its own course of development. In this context, it only corroborates the awareness that imitated or imposed models of development cannot meet the actual needs of peoples, or of the individual.

The individual, human rights and self-management

Human rights are a guarantee of the legal status of the individual and groups of people in society. The realization of that guarantee depends, in great measure, on the general national, social and economic context of society and in particular on its political system. Many human rights, especially economic, social and cultural, contain programme norms, while the degree of their realization is directly dependent on the economic position and the development of society. In view of the fact that the realization of human rights is a component part of the developmental decision-making (in broad terms), it at the same time influences considerably the degree and

manner of realizing human rights. The participation of the individual in decision-making concerning development is therefore important also from the standpoint of the implementation of human rights. Proceeding from this awareness and in a desire to ensure for the human person a more active position of subject of development, a new and special human right has been introduced in Yugoslavia - the right to self-management. The right to self-management has the character of both individual and collective right, it is legally guaranteed by the Constitution and falls into the corpus of the inalienable human rights.

The right to self-management as an individual right, i.e. the right of the working man as an individual, comprises his right to decide on his personal, and on common and general interests of society; this right is realized within the framework of various institutional forms of the system of self-management. The purpose of this right is to offer the individual a real possibility to decide on the development of his own personal status and on that of society as a whole. The decision-making process is not always identical in substance, since it occurs in different situations: the same individual participates in the decision-making process both in the sphere of production and in the sphere of political decisions; decisions are adopted at various levels, and the right to self-management relates to decision-making at all levels.

The right to self-management presupposes activity and work, and the right to work with socially owned means of production constitutes that inalienable human right which enables the exercise of the

right to self-management. The right to work, within the system of self-management, constitutes therefore not only a guarantee of economic and social security of the individual and a source of human rights on account of labour (the right to limited working hours, health care and the right to benefits in the case of a diminution or loss of working capacity), but also a guarantee of the status of a subject in the decision-making process and a guarantee of the implementation of the right to self-management.

The right to self-management, and the specific rights resulting from the system of socialist self-management, have substantively expanded the corpus of those rights of the individual which define the scope of his freedom in society. In addition, the rights emanating from self-management place the individual in a position from which he can actively participate in decision-making of relevance to development. Thus, the individual is no longer just a protected human being to whom certain fundamental rights are guaranteed, but has become a subject provided with a real possibility of actively participating in determining his own status in society and the future of that society, thus influencing also the extent to which the economic, social, cultural, civil and political rights are actually implemented.

It is not the purpose of the Yugoslav system of self-management to replace the civil, political, economic, social and cultural rights by something else, but rather to secure these rights and provide possibilities for their realization to the greatest possible extent in the context of the development of society. Yugoslavia has ratified both covenants on human rights and a number of other international legal instruments on human rights, having

incorporated the norms contained therein into its own legal system. The Yugoslav constitutional system contains no general restrictions with respect to human rights and fundamental freedoms, except for the principle that all human rights shall be realized in such a way so as not to restrict the equal rights of others.

All human rights should be realized without discrimination. The principle of non-discrimination is implemented in Yugoslavia not only in the sense of legal equality, i.e. granting every individual equal status before the law, but (in addition to guaranteed formal non-discrimination) also in the sense of substantive equality. This means that those individuals or certain groups of individuals who are in a less favourable position than others are entitled to special measures, on the basis of the principle of non-discrimination and socialist solidarity, so that substantive equality could be ensured.

This orientation can be illustrated by the experience gained in Yugoslavia with respect to efforts to ensure substantive equality of men and women. Formal legal equality is not a sufficient guarantee for the attainment of this goal; special measures and special efforts are required. The basic orientation in these efforts is the integration of women into the social production and the guaranteeing of - in addition to the traditional human rights - also the rights emanating from self-management. However, in spite of significant changes in the status of women in society resulting from the integration of women into associated labour, specific action is also needed in order to ensure a substantive equality

of women in society: education, health care, promotion of the cultural level, elimination of prejudices and primitivism, etc. The upbringing and education of children are of particular importance and are increasingly becoming a social task rather than the responsibility of women. Within the framework of efforts aimed at ensuring substantive equality of women comes also the question of family planning and the human right (which in Yugoslavia is guaranteed by the Constitution) to decide freely on child birth. This right constitutes a contribution to the protection of the human person, thus consolidating the status of women in society and representing, on the other hand, the realization of the tendency that every new born child be at the same time a wanted child. Being a fundamental human right this right cannot be restricted except for health reasons.

The status of women in society can also serve as an illustration of the complexity of the right to development, which includes traditional human rights of an individual, and also the right to self-management, as well as special social measures for the attainment of substantive equality of people in society. The totality of rights emanating therefrom opens possibilities of active participation of the human person in the development process, and thus to realize his human potentials.

Some basic institutions of the system of socialist self-management

Active participation of an individual in the development process is only possible if there exist adequate institutional forms. Finding out these forms

constitutes a complex task, particularly in the dynamic development of society. In searching for institutional framework it is indispensable that first and foremost, specific historical, economic and political conditions of the given society be taken into account. Foreign models will not be instrumental in this respect either, except to the extent to which they inspire the search for solutions suited to domestic conditions. This is confirmed by the Yugoslav experience. Some basic facts related to certain main institutions of the system of self-management are given further in the text exclusively for the purpose of illustrating the system which constitutes the framework for the implementation of the right to development in Yugoslavia.

The basic cell of the system of socialist self-management is the basic organization of associated labour. It is a basic organizational form of pooling of labour and means of production both in the sphere of material production and in the sphere of public services (education, health, scientific research, etc.). Within the organization of associated labour workers associate their labour with the means of production, acquiring thereby the rights and obligations of self-managers. The basic organization of associated labour is so organized as to represent a technological whole, in the economic sense (marketing of products and other forms of commodity exchange). Workers in such an organization manage - directly or through their workers' council - the work of the organization, decide on the total income and the allocation

of income for investment, various funds and personal incomes. Basic organizations of associated labour are mutually integrated into organizations of associated labour and composite organizations of associated labour. In this manner, systems of organizations of associated labour are established in the fields of the economy and of public services, corresponding to the technological and economic interests of social development, concurrently providing for the realization of the right to self-management at all levels. The above mentioned linking of organizations of associated labour (from basic to composite ones) is carried out within the process of self-management agreement.*

Organizations of associated labour in the sphere of economy exchange their products primarily on the market, and within the framework of integration for the purpose of earning income on the basis of joint ventures and risk and income sharing. Besides, the system of socialist self-management has developed a specific organizational structure enabling exchange in those spheres in which market relationship is not possible to establish or is unacceptable as a basis for exchange. In the spheres such as education, health, social protection, culture, science, etc., the so-called free

* Self-management agreements are self-management enactments adopted on terms of equality by workers in work organizations and working people in local communities, self-managing communities of interest and other self-managing organizations in order to regulate and adjust their interests (a more rational division of labour, pooling of resources for the pursuance of common aims, regulation of mutual relations in this cooperation, etc.) In this way, the regulative and intermediary role of the State concerning relations among working people is diminished. A self-management agreement is only binding on those who have signed it or acceded to it.

exchange of labour is established. Work in these social fields constitutes an integral part of socially productive work and these fields of activity substantively contribute to the general development of the production infrastructure and of society as a whole. The product resulting from material production is partially a result of labour invested in public services, therefore, a part of the income of social production should be invested in public services. A specific organizational structure has been established so as to provide for such exchange. Workers in organizations of associated labour decide on the part of the income which will be invested in public services while workers employed in public services propose development plans in their respective fields. These two interests meet in the organizational structures called self-managing communities of interest (for health, education, culture, etc). Assemblies of self-managing communities of interest harmonize the interests of both of these groups, adopt programmes of work and conclude self-management agreements and compacts.

Appropriate relevance of specific fields for development has been recognized by this organizational structure, and they constitute an important element in the realization of the right to development in Yugoslavia.

The system of socialist self-management also encompasses that aspect of social relations emanating from the place where people live (village, parts of towns and other settlements, etc.). The basic organization of citizens with respect to their residence is

the local community. This is where working people and citizens satisfy their common needs arising from the fact of living together in a certain locality. This is primarily related to the questions of public utilities, education, nursery schools and kindergartens, protection of the human environment, culture, physical education, total people's defence, settlement of disputes among citizens on the basis of self-management, etc. Since the local community is an organization of people who live together and resolve, by mutual efforts and directly, the problems related to their locality, with the development of society, local community increasingly assumes the character of a community of direct personal contacts among people and a form of a humane integration of people, as opposed to the trends of alienation and loneliness, brought about by modern civilization and urbanization.

Self-managing social relations developing in the basic organizations of associated labour, self-managing communities of interest and local communities - and in all forms of their integration require specific solutions in the field of the political system of society. The 1974 Constitution introduced the delegate system in Yugoslavia which today constitutes an essential feature of self-managing political democracy. The delegate system is based upon the work of specific organs of the basic organizations of associated labour and local communities, referred to as delegations.

In the realization of the decision-making process in the socio-political communities and self-management organs, the delegate system of elections ensures,

through the delegations, a permanent link with, and influence of, the electoral bases upon the work of their elected representatives in the process of self-management decision-making at all levels. Therefore, the principle relating to the work of delegations and delegates - the delegate principle - is of over-all significance, since it links all institutional forms of self-management into a comprehensive system.

Development of self-management as a long-term process

The above stated basic facts relating to the system of socialist self-management in Yugoslavia illustrate the present stage in the development of self-management. Self-management is a long-term, historical process within the framework of which very important social changes have been introduced. Under the specific historical conditions of the Yugoslav society the development of self-management has been made possible through the introduction of social ownership over the means of production: in the first stage of development, State monopoly was introduced in the whole field of the economy; however, only a few years later there started a gradual elimination of State monopoly, first with respect to the means of production, while a system of self-management was introduced as a system of rights and obligations of working people, who, by themselves, without State mediation, began to manage the economy and gradually other fields of development as well. De-etatisation of the ownership over the means of production and the development of the system of self-management constitute a vital condition for the expansion of freedom of working people in Yugoslavia. The Constitution of 1974, represented a major breakthrough in the development of conceptions and the system of socialist self-management, providing for a comprehensive

institutional reform of society. It elaborated the system of social ownership over the means of production and defined the above mentioned institutional mechanisms of socialist self-management, through which the rights and duties based on the system of social ownership are implemented.

Parallel with the development of the system of self-management a strategy of economic, social and other development of society as a whole also evolved. The system of self-management played a very important role in defining and carrying out the development strategy, since it succeeded in channeling vast human potentials in the direction of development. On the other hand, the system of self-management itself is developing and undergoing changes in conformity with the development needs. In this process, the susceptibility of the system to changes and its openness towards other countries are of great importance. Yugoslavia has consistently pursued the policy of open borders, its national economy has accepted competition resulting from the integration into the international division of labour, and the system as a whole is ready to study the experience of others and to apply whatever corresponds to the autochthonous development of the country.

Self-management is also being developed in the field of political and other social relations. The classical party system, which essentially constitutes political monopoly, has been abandoned and a new political system has been established enabling the individual to participate in adopting political positions and decisions. Pluralism of objectively existing social interests is not expressed in the sense of political

pluralism of different party monopolies, but rather as pluralism of self-managing interests, identified, confronted and accommodated within the framework of the system of self-management. This process is certainly not an ideal harmony but marked by conflicts and situations subject to direct scientific and political criticism.

Like any other political and economic system, the system of socialist self-management constitutes a possibility, however, the degree and mode of its actual application hinges on a number of specific circumstances. Yugoslavia, as a developing country, has exerted considerable efforts aimed at surmounting the problems of economic underdevelopment, uneven regional development, cultural backwardness and problems originating in the existing unjust international economic relations. Therefore, the system of socialist self-management is being implemented in the conditions fraught by all attendant development problems. However, it is precisely in such a dynamic situation that institutional forms had to be continuously adjusted to the development requirements, for, as underlined in the Programme of the League of Communists of Yugoslavia - "nothing is so good that it could not be replaced by something better".

It should be noted that the achievements of self-management are indisputable, despite the difficulties - arising in the process of development. These achievements are reflected in a relatively rapid growth of the social product* and in the over-all social

* In the medium-term plan period 1976-1980, i.e. in the course of the constitutional and institutional reform of society - the Yugoslav gross social product registered an average annual growth rate of 5.7 per cent, industrial output increased by 6.9 per cent, standard of living by 5.3 per cent and employment by 4.0 per cent.

development and improvement of the status of the human person in society.

With the development of self-management, constantly improved are being conditions for the realization of human rights, both civil and political and economic, social and cultural. In other words, in relations based on self-management, the individual is in a position to manage, to an ever greater extent and ever more freely his own and common social relations. He thus finds himself more and more in a position to participate in the decision-making process on development and to enjoy ever greater possibilities of creating his own happiness: happiness that cannot be ensured by the State, or the system or the political party.

IV. SPECIFIC FORMS OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT IN A MULTI-NATIONAL COMMUNITY

A large number of States comprising the present-day international community are multi-national States; an ethnically homogenous State is today an exception and not a rule. Self-determination of peoples is expressed in more diverse forms than previously and the principle "one nation - one State" is a thing of the past. The processes of the formation of States and nations are intermingled, while State boundaries do not always coincide with ethnic boundaries. Experience shows that problems emerging out of such a process cannot be solved by shifting boundaries since this could endanger peace and international security. The principle of the inviolability of frontiers assumes an increasing importance in such circumstances; a principle which States of some regions (Africa, America and Europe) have explicitly and solemnly confirmed. This has, in turn, accentuated the importance of relations among ethnic groups and/or among nations within State boundaries.

Belonging to a specific ethnic, or national group is an important element of an individual's identity and it is obvious that one cannot fully develop one's potentials if prevented from expressing one's ethnic or national characteristics. Peoples, as entities, are unable to realize their right to development in a situation of national oppression or exploitation. All this affirms the relevance of the ethnic or national dimension of the right to development.

Yugoslavia, as a State inhabited by six nations (Croats, Macedonians, Montenegrins, Muslims, Serbs and Slovenes and more than twenty nationalities* (national minorities) has gained considerable experience in establishing inter-nationality relations as an essential element in the realization of the right to development. In the Balkans, for centuries divided between the great powers, where for a very long time were present the interests of all large States, the nations of Yugoslavia lived through great hardships in their history in which, at long last, certain fundamental values emerged. Having achieved self-determination within a multinational community - Federal Yugoslavia - the nations of Yugoslavia decided, at the crucial juncture in their history, during the People's Liberation War of 1941-1945, to establish their mutual relations on the principles of brotherhood and unity and full equality, and their relations with other States to be based on the principles of independence, full autonomy and equitable co-operation.

The principle of equality of nations and nationalities is the achievement of the historical development in Yugoslavia. It is of fundamental importance both for the functioning of the political system of Yugoslavia and for the state of relations among the nations

* The purpose of the introduction in the Yugoslav political system of the term "nationality" instead of "national minority" is to emphasize the equality of nationalities also from a formal point of view. The Constitution lays down the principle of equality of nations and nationalities in Yugoslavia, while various laws and other legal acts specify the rights of the nationalities and of their members. The entire complex of these rights determines the status of the nationalities and of their members in society and in the system of socialist self-management.

and nationalities in general, as well as for the overall material and spiritual development of each Yugoslav nation and nationality and of Yugoslavia as a whole. The principle of equality of the nations and nationalities is confirmed by the Constitution (Article 245 of the Constitution of the SFRY and by relevant provisions of the Constitutions of the republics), moreover, it is reflected in many different forms in the social system of Yugoslavia.

Freedom of the nations and nationalities ranks among the fundamental human rights in Yugoslavia. Every citizen of Yugoslavia enjoys full freedom to exercise his national identity, while, on the other hand, under no circumstances is he obliged to opt for any one nation or nationality in Yugoslavia. Everyone has the right to use their own language before the bodies and agencies of the State. The languages and alphabets of the nations and nationalities of Yugoslavia are equal. All the nations and nationalities of Yugoslavia have the right to instruction in their own language, while in the ethnically mixed territories bi-lingual instruction is organized. Propagating or practicing national inequality and any incitement of racial, national or religious hatred or intolerance is unconstitutional and punishable.

The above general norms are an important facet of the principle of national equality; they have been further elaborated in numerous legal and other enactments of the Federation, the republics, provinces and communes. The purpose of these norms is to provide every individual with the possibility to express his national identity as an important dimension of his human identity.

In Yugoslavia elaborated in great detail are the rights and programmes defining the development of the nations and nationalities in the field of education, culture, science and public information, etc. The point of departure has been the recognition that in all these fields the national identity is realized within collectivities, that is, that each national and/or ethnic community should have the possibility to develop its own activity in each of the mentioned fields. Concrete solutions will no doubt depend on the material and other possibilities; however, it is highly important that there do not exist any legal or political obstacles within a multinational community impeding the development of the nations and nationalities.

Equality of the nations and nationalities is consistently spelled out in the political system. Yugoslavia is a federal State made up of six socialist republics, and in the case of the socialist republic of Serbia, also of two socialist autonomous provinces: Vojvodina and Kosovo. The republics are an expression of the principle of self-determination of the Yugoslav nations and, as States, the republics constitute Yugoslavia as a federal State. Therefore, the element of statehood and of the capacity to establish a state is inherent in the nations: this has been confirmed by the constitutions of the republics and of the Federation. The principle of equality of the nations and nationalities is also reflected in other forms, for example, in the composition of the delegates assemblies reflecting the ethnic composition of a given commune, province, republic and the Federation.

In preceiving the federal system it is essential to bear in mind that all solutions are based on self-management. The assemblies of communes, republics and provinces including the Federation, are therefore self-management bodies with specific functions of authority and duties. Within the assemblies the interests of all people and their self-managing organizations, established through self-management, are harmonized as well as the interests of the nations and nationalities. The Yugoslav federation represents a form of democratic harmonization of positions and self-management interests which have evolved in the republics and provinces in a comprehensive process of self-management democracy. This feature of linking self-management democracy with internationality relations which are based on the principle of equality of the nations and nationalities, introduces a new quality into the overall internationality relations in Yugoslavia.

Thus the unity of the Yugoslav multi-national society is based on the ethnic and historical closeness of the Yugoslav nations and nationalities and on their shared interests and efforts to promote the objectives of development in the broadest sense of the word, more specifically to create a society in which both the individuals and national collectivities would enjoy maximum personal and collective freedoms. The development of self-management expands the area of the freedom of the nations and nationalities, strengthens conditions for their development in the economic, educational, cultural, scientific and other fields, and in turn their general development within a multi-national community.

V. OBSTACLES TO THE REALIZATION OF THE RIGHT TO DEVELOPMENT

The foregoing preconditions for the realization of the right to development in no way present an exhaustive list of political and economic difficulties encountered in the process of development. From the standpoint of developing countries, which are most keenly interested in the realization of the right to development, all obstacles can be divided into two groups endogenous and exogenous - depending upon the source of the obstacle: internal political economic and other situation or whether it stems from international relations. Within the first group fall numerous problems which are the consequence of a difficult historical and colonial legacy of countries (inadequate economic structure, unsettled political conflicts, cultural backwardness, backwardness of social relations in general, etc.), as well as problems arising out of the contradictions inherent in the very process of development. Development, as a complex social process reveals new, unknown problems, including political conflicts, in situations when the political system fails to offer possibilities for the resolution of such conflicting situations.

Yugoslavia, as a developing country, has gained its own experience in this area as well. In the course of the Second World War - being one of the European least developed countries - Yugoslavia suffered great devastation and lost about 10 per cent of its population. The reconstruction of the basic economic potentials immediately following the liberation of the country called for exceptional efforts, especially since, for a certain period of time, the country was subjected to economic blockade on the part of a number of countries.

Having solved the most elementary problems ensuring its own economic survival, Yugoslavia had to find a way of resolving another difficult and highly important problem - the problem of great disparities in the level of development of individual parts of the country.

Areas which are considered to be underdeveloped account for about 40 per cent of the total area and about the same percentage of the total population of Yugoslavia. Therefore, it was necessary to formulate a comprehensive concept of development, so as to ensure a relatively harmonious development of the whole country and of all its parts. Self-management and the constitutional system of the country represent the foundations of this concept.

The system of socialist self-management offers to the less developed republics, provinces, and regions the possibility of defining their own priorities and development programmes and, within the limits of their possibilities, to do everything possible to accelerate the process of development. This is the first condition. It is obvious that the provision of formal conditions alone does not offer real possibilities of accelerated development. Therefore, several institutions have been established in Yugoslavia for the purpose of stimulating a more rapid development of the less developed regions in the country. The Social Plan of Yugoslavia for 1981-1985, among other common interests and objectives of development, emphasizes the need for a balanced development of the republics and provinces stressing also the task that economically less developed republics (Macedonia, Bosnia and Herzegovina and Montenegro) and, in particular, the Autonomous Province of Kosovo, should develop at a more accelerated rate than the country's average rate of development. The more rapid development of these

areas is of special importance for ensuring the material basis of the equality of the nations and nationalities in Yugoslavia, for equalizing the material conditions of social life and work of people, and for a more balanced development of Yugoslavia's economy as a whole.

The most important means of the implementation of the targets is the Federal Fund for Credit- ing More Rapid Development of Economically Less Developed Republics and Autonomous Provinces. The Fund is replenished from the financial resources contributed by all the republics and provinces, for a five-year period. During the medium-term plan for 1981-1985, the Fund resources will amount to 1.83 per cent of Yugoslavia's gross national product while in the preceding period 1976-1980, it amounted to 1.70 per cent of the gross national product. The Fund resources are used to finance less developed regions in Yugoslavia, while the portion contributed by the developed republics and the Autonomous Province of Vojvodina is extended as a loan repayable over a period of 15 to 17 years, with a three-year grace period and low interest rate. This illustrates the magnitude of the efforts exerted to ensure a more even development of all the regions of the country. In the past period the Fund served as a budget agency of the Federation. In the coming medium-term period the mode of the Fund's operation will be substantially changed: 50 per cent of its resources will be committed to direct pooling of resources (investments) of the organizations of associated labour, and 50 per cent in the form of obligatory loan to be secured by the organizations of associated labour. The purpose of this change is to enhance better economic performance and to strengthen the national economy as a whole through increased direct pooling of economic potentials.

In addition to the Fund, the development of the less developed republics and provinces is encouraged by additional resources allocated from the Federal Budget for financing social and other activities, by giving them priority in the use of international loans, including the loans of the International Bank for Reconstruction and Development through customs facilities for the import of equipment required for the construction of economic projects in these regions.

Finally, mention should also be made of the fact that in all the republics, even in the developed ones, there are regions which are less developed. Consequently, each republic and, for that matter, each commune adopts special measures establishing also institutional arrangements for a more balanced development within its region. In this manner the principle of socialist solidarity of working people is applied in practice as a general principle of socialist self-management.

The question of the uneven level of regional development is a central question of development in Yugoslavia, however, it does not exhaust the issue of endogenous contradictions arising in the development process.

It would be erroneous to deny them. The system of socialist self-management offers possibilities to express the diverse interests generated in the development process in self-managing organizations and communities. It is up to democratic institutions to facilitate the harmonization of these interests, to formulate general priorities, thus enabling effective realization of development.

C O N C L U S I O N S

1) Over the past three decades, developments have confirmed more than ever before the interdependence of the international community and the most important tasks facing it. It has become clear that the ensurance of universal respect for human rights and fundamental freedoms is only possible within the context of overall development. This is further confirmed by the concept adopted in the UN on the indivisibility and interdependence of all human rights and their close relationship with the establishment of the New International Economic Order. In that context, the right to development emerges as a synthesized legal concept encompassing all human rights (including individual and collective) and the basic norms of the new International Economic Order. The right to development constitutes by its nature a principle of international law which still requires further elaboration.

2) The perception of the notion of development and its substance is still in the process of evolution. Today it is becoming increasingly evident that development is a global process encompassing all the parts of the world: developed and developing alike. Furthermore, by its substance development is all-embracing, since it contains economic as well as social, cultural, political and other components. Obviously, within the global development process in the world, priority should be given to those tasks which will resolve the major problem of development in the world, more specifically, those that will accelerate development and open prospects for the future to developing countries. However, this task should

be viewed within the context of overall development and the establishment of the New International Economic Order and not merely as a question of providing assistance to those countries to meet "basic needs". For it will reasonably be possible to satisfy basic needs only as a result, and not as a surrogate of development. Within a global process of development of vital importance is respect for the individuality of the human person and of the nation. Consequently, development should be responsive to the genuine needs of the individuals and nations. Imported or imposed "models" of development are not likely to produce the desired results. Therefore, each nation should be given a possibility to determine autochthonously the concept and goals of its development and each individual to participate actively and on a footing of equality in the shaping of the development policy in the realization of development and in enjoying the benefits of development.

3) The realization of the right to development is only possible if some main preconditions are fulfilled, first and foremost, the realization of the right to self-determination to which all peoples are entitled. In this respect, of relevance is both the external and the internal dimension of self-determination. Particularly relevant precondition for the realization of the right to development is the economic sovereignty of peoples and countries, including the possession, use and disposal of their wealth, natural resources and economic activities. Only in this manner will be possible adequate self-reliance of peoples and countries and pursuance of

the chosen course of development. Peace is also a vital precondition for the realization of the right to development. The absence of war alone, is not enough. The implementation of the right to development calls for the elimination of all manifestations of the policy of force from international relations and consistent respect for the principles of active peaceful co-existence and international solidarity.

4) The realization of the right to development at the national level is undoubtedly the concern of each nation and each State and the latter's concept of development based on self-reliance. There is an increasing recognition of the importance, in this context, of active and equal participation of the individual in the entire process of the realization of the right to development. In this respect, Yugoslavia has been developing and applying over the past three decades the system of socialist self-management whose purpose and meaning are reflected precisely in that the human person is, in an ever greater measure, enjoying the status of an active subject who takes part in reaching all important decisions in society. The system of self-management in Yugoslav conditions represents the main lever and motive force of development and is a major element in expanding the area of the freedom of the human person in society. In order to realize this function of the system of socialist self-management, a new inalienable right of the human person has been introduced in Yugoslavia - the right to self-management, which enables the individual to participate in taking all decisions of relevance for the development and for his own status in society. Socialist self-management is

implemented through various institutionalized forms. The system of self-management, within the framework of the development of Yugoslavia, has an essential role, channeling considerable human potentials towards the realization of development. On the other hand, the system itself is being further developed and is changing in conformity with the requirements of development.

5) Yugoslavia's experience as a multinational society is illustrative of the significance of the ethnic and/or national dimension of the right to development. Having realized the right to self-determination within the federal State, the Yugoslav nations have established their mutual relations on the basis of the principle of equality of the nations and nationalities. This principle has been implemented through a number of legal enactments and other norms, and in social practice in general. The objective of the system is to provide possibilities to all the nations and nationalities of Yugoslavia and to all their members to freely express their national identity - as an important dimension of their human identity. It is along these lines that the nations and nationalities are developing their national culture, education, mass media, etc., all of which greatly enhances the entire country's development.

6) Each country encounters in its process of development, many obstacles both exogenous and endogenous. In this respect, Yugoslavia has also gained some experience. Immediately after the liberation, it was faced with the task of reconstructing the vital economic potentials destroyed during the Second World

War. Having solved the most elementary problems of economic survival it is now faced, being a developing country, with numerous problems typical of developing countries. The most difficult among those problems is the difference in the level of development in various regions of the country. Regions which come under the category of less developed account for about 40 per cent of the territory and for about the same percentage of the population of the country. In the search for a solution of this serious problem, considerable material, political and other efforts have been invested. Furthermore, different institutional forms have also been devised to ensure a more balanced development of the country as a whole. In this context, of special importance is the Federal Fund for Crediting Less Developed Republics and Provinces.

Finally, it should be noted that the imperatives of development in the present-day world are manifest in the form of a global task to establish the New International Economic Order and promote equitable international co-operation on the basis of the principles of active peaceful co-existence and international solidarity, which, in turn, will facilitate a comprehensive realization of the right to development.

Belgrade, October 1981