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TOWARD A DEFINITION OF  
THE TERM THIRD WORLD

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The creation of the Third World Law Journal<sup>1</sup> also creates a need for a working definition of the term "Third World." As is the case with all publications, the name of our Journal will largely define both our focus and our "bias." Unfortunately, the experience of the founders of the Third World Law Journal has been that the term "Third World" evokes biases which do not properly belong to the term.

This definitional article will have the limited purpose of defining the term "Third World" as it will be used by the Third World Law Journal, making reference to the varying ways in which the term has been used over the three decades of its existence by others. The process of the Journal's evolution will provide additional predicates for a fuller and more exact definition.

What is Third World?

Funk and Wagnalls dictionary defines "Third World" as including two dimensions:

*third world.* 1. Any or all of the underdeveloped countries of the world, especially such countries in Asia or Africa that are not aligned with either the Communist or Non-Communist nations.  
2. Those not resident in the countries of the third world but collectively identified with their peoples, as because of ideology, ethnic background, or disadvantaged status. Also, Third World. <sup>2</sup>

Although a good beginning, for our purposes a more detailed statement will be necessary.

#### A. First, Second and Third Worlds

The term "Third World" has come to mean, generally, a conception of the world divided into adverse camps -- "us" versus "them." <sup>3</sup>

This should not be surprising. The term and accompanying conceptions emerged during a period when the two "superpower" blocs (the United States and the Soviet Union, along with their respective allies) were engaged in a "cold war." Large parts of the rest of the world, which had no interest in the essentially esoteric ideological issues of this "war" were manipulated into alignment with one or the other of the blocs. <sup>4</sup> Additionally, largely as a result of the material deprivations left over from colonialism, the "Third World" suffered uniformly from gross material disadvantages relative to the former colonialists. <sup>5</sup>

With the intensification in Africa and Asia of the anti-colonial struggles of the 1950's and 1960's, these former subordinate states sought to define for themselves their own interests, which they saw as requiring independence from

the two superpower blocs.

In tandem with these struggles, the non-aligned movement<sup>6</sup> (whose immediate roots go back to the 1955 conference of Afro-Asian nations in Bandung, Indonesia) developed. While the term "Third World" is not synonymous with the term non-aligned, an important element of the conception "Third World" has always been its distinctness from the major military and economic blocs of the east and the west; on this basis the two concepts tend to converge.

Thus, there has emerged a tri-partite conception of the international political process. The first part comprises the North Atlantic Treaty Organization nations of Western Europe and the United States, plus Japan (the "First World"); the second part comprises the Warsaw Pact nations of the Soviet Union and Eastern Europe (the "Second World"); and the third part comprises those nations who were, for the most part, former colonial subjects of the "First World" (i.e., the "Third World").

This scheme is not without flaws.<sup>7</sup> But, it provides a useful map of the political geography as perceived by those nations which call themselves "Third World." With such a map in hand, we can now investigate how various parties have used the term "Third World" and thereby discern a clearer picture of its contours for purposes of this Journal.

## B. Usage

The term "Third World"<sup>8</sup> is of French origin, as a direct translation of the word *tiers monde*. The terms "Third World," "Third Position,"<sup>9</sup> and "Third Force"<sup>10</sup> have been used rather loosely and interchangeably to refer to the view that the interests of the former colonial nations (and the "oppressed," generally) are best served by a position independent of both the capitalist and communist ideological systems.<sup>11</sup>

In 1952, the modern usage of the term was said to be coined by the French demographer, Alfred Sauvy (who was the director of the Institute National d'Etudes Demographiques, in Paris).<sup>12</sup> By the 1960's, intellectuals and leftists in the west and the former colonial sector were using the term extensively, largely as a result of its popularization by Franz Fanon, in his The Wretched of the Earth.<sup>13</sup> Popular and scholarly journals and books began, later, to recognize the conception in their descriptions and discussions of the former colonial nations.<sup>14</sup>

## C. Content

(1) Many commentators will agree with the assessment that the term "Third World" refers to those nations which are laggard in industrial development, low in per capita income, exporters of only raw materials which are subject to extreme price oscillations, and required to buy more on the world market for their people's needs than they can pay for out of export earn-

<sup>15</sup>ings. "Third World" nations are also characterized as being opposed to the power blocs, having a colonial past and being resentful of the former colonial powers and of imperialism, being underdeveloped economically, and suffering from illiteracy and domination of political life by small western-oriented and educated elites.<sup>16</sup>

While to a significant degree these are oversimplifications,<sup>17</sup> they are sufficiently true to justify citing these factors as attributes of "Third World" nations for present purposes. It is no wonder, therefore, as Henry Kissinger has said, that the "Third World" is increasingly organized around calls for a "totally new economic order founded on ideology and national interests...stimulated by the view that the current system is loaded against the interests of the developing countries."<sup>18</sup> As this last quote suggests, the "Third World" is often perceived as a political organizing force for what has been characterized as a New International Economic Order.

The "Third World," as it has organized itself into various international organizations and institutions, increasingly sees the New International Economic Order as the content of its organizing. At the same time (as a way of transcending the "us" versus "them" conception of "Third World"), this New Order can be the means whereby the First, Second, and Third Worlds are "reconciled" in a process of world-wide economic development and progress which would inure to the

benefit of all. A brief exploration of the phrase, "New International Economic Order," as used by some institutions and individuals, and analogous but much less clearly developed concepts in the United States, will bring us closer to the working definition this Journal seeks.

(2) International: "New International Economic Order"

Third World Forum: In January of 1975, a private organization called the "Third World Forum" was organized at a meeting in Karachi, Pakistan.<sup>19</sup> The "Third World Forum" is composed of leading social scientists and intellectuals of Africa, Asia and Latin America.

The purpose of the Forum is to discuss and organize around studies on the needs of the "Third World" in the context of the New International Economic Order. The focus of the Forum's energies will be various approaches and strategies for "Third World" development proposed by various parties.

The Forum posits certain specific principles, related to economic and social development, as fundamental to their discussions.<sup>20</sup> The participants at the Karachi meeting also discussed a number of proposals for the improvement of the "Third World" within the present world order.<sup>21</sup>

United Nations: In 1976, the Sixth Special Session of the United Nations General Assembly convened at the behest of the developing nations pursuant to Algeria's initial suggestion. The purpose of the session was to consider the related problems of raw materials and development. Although the

Declaration on the Establishment of a New International Economic Order<sup>22</sup> and the Action Program (for the implementation of the Declaration) which emerged out of the session were consistent with previous United Nations declarations,<sup>23</sup> in the emotionally charged economic and political atmosphere of the mid-1970's, the idea of a New International Economic Order acquired exaggerated political implications.

The Declaration stated that the New International Economic Order must be based on the principles of sovereign equality, interdependence, common interest and cooperation, irrespective of social and economic system, to redress inequalities and injustice. The purpose of this new order was said to be the elimination of the widening gap between the developed and the developing countries. The Declaration proclaimed the indivisibility of the prosperity, linking the ultimate material prosperity of the international community as a whole to the material well-being of its constituent parts, especially the "Third World" parts.

The Action Program was intended to insure the speedy application of the Declaration because of the rapidly deteriorating conditions in many parts of the "Third World." The Program suggested a number of areas where aid and programs could be focused by the international community. A special program was also prepared for immediate emergency relief<sup>24</sup> for the least developed nations.<sup>25</sup>



The Non-Aligned Movement: On October 12, 1979, President Fidel Castro of Cuba, the Chairman of the Movement of Non-Aligned Countries,<sup>26</sup> spoke before the United Nations. The Movement had just concluded its summit meeting in Havana, Cuba, and President Castro presented to the United Nations the proposals of that meeting.<sup>27</sup>

President Castro emphasized the detrimental effects on the "Third World" countries of present economic structures and relations. He posed the New International Economic Order as the solution.

Central to President Castro's conception of the New International Economic Order was the necessity of creating new institutions to generate developmental financing<sup>28</sup> in conjunction with present international financial institutions. These financial arrangements, Castro said, should be tripartite institutions, including the industrialized west, the socialist east, and the "Third World," especially the oil exporting nations. One of the most important elements of his plan was the provision for orderly debt cancellation of the public debts of the most severely affected nations.<sup>29</sup>

President Castro summarized his conception of the process of creating the new order by saying:

In the short-term view, development can be a task entailing apparent sacrifices and even donations which may seem irrecoverable, but with development, the vast world now submerged in backwardness with no purchasing power and with extremely limited consumer capacity will incorporate a flood of hundreds of consumers and producers in the international economy -- which is the only way it and the

economies of the developed countries which are even now engendering and suffering from the economic crisis, may be put back on their feet.

The history of international trade has shown that development is the most dynamic factor in world trade. Most of the trade in today's world takes place between fully industrialized countries. We can assure you that, as industrialization and progress spread throughout the world, trade will also spread, to the benefit of all.<sup>30</sup>

### (3) United States

In the United States there are similar concerns with the economic situation facing "Third World" people; there are also similar demands for change.

In his 1979 State of the Union address, President Carter focused on the economy and stated that a major priority of the United States must be the elimination of the barriers that restrict the opportunities available to "Third World" people. He said:

In our economy, it is a myth that we must choose endlessly between inflation and recession. Together we build the foundation for a strong economy with lower inflation, without contriving with either a recession with its high unemployment or unworkable mandatory government controls.

We must never accept a permanent group of unemployed Americans, with no hope and no stake in building our society. For those left out of the economy because of discrimination, a lack of skills or poverty, we must maintain high levels of training and we must continue to provide jobs.<sup>31</sup>

But an August 8, 1979, report of the National Urban League

found that the economic gap between black and white families was widening. The report concluded that much of the resistance among whites towards efforts to bring about racial equality was based on the popular misconception that economic progress of blacks has been so great that equality of opportunity has already been achieved.

Vernon Jordan, the director of the Urban League, at a later conference of black leaders at the White House, said he was greatly distressed by the then newly proposed federal budget. Mr. Jordan said, unless black people and other minorities gain relief, "it will be impossible to contain their despair or for them to sublimate their anger to the political process."<sup>33</sup>

(4) The Third World Law Journal's Usage: The above international and domestic concerns suggest an anguished plea by the "Third World," both internationally and domestically, for practical and effective measures to improve the conditions under which it lives. This plea also poses a multitude of legal issues. It demands that new legal approaches be discussed, tested, and either used or discarded. The Third World Law Journal was founded with the knowledge of the importance of the concerns of the "Third World." It will serve as a forum through which the legal community and Boston College Law School students can address these concerns.

In discussions with faculty, students and the administration of Boston College Law School, the founding members of the Journal used the term both to identify a general "problem

area" and to give encouragement to students of the three minority organizations on campus to work on this "problem area."

We proposed that, where appropriate, the Journal would integrate legal analysis with historical, sociological and other disciplines.<sup>34</sup> Facts from these other disciplines would be used in support of legal principles and proposals of importance to the "Third World" in much the same way that such facts were mobilized in support of appellants' argument in Brown v. Board of Education.<sup>35</sup>

#### Conclusion: A Working Definition

The concept "Third World" includes a geo-political dimension: those nations of the world, especially in Africa and Asia and Latin America, who share, in many cases, a common history as colonial dependants of the major European powers.

It also includes a psychological dimension: oppressed people generally, who have come to identify with the struggles of the former colonized nations and see the anti-colonial struggles as organically linked with their own attempts to obtain improvements in their conditions.

Finally, the concept "Third World" includes a "programmatic" dimension: those people in the above two groups who identify with the general concepts of economic and social progress, that this Journal has characterized here as the New International Economic Order and related concepts.

But the above elements of a definition of "Third World" should not be construed as suggesting that "Third World" concerns are exclusively the concerns of "Third World" people or that non-"Third World" people do not have a responsibility to contribute to the solution of the problems. To the contrary, given the material interdependence of the world, the process of change must necessarily involve as much energy, in the form of brain power and resources, as is possible from the people of the First and Second Worlds; but, with the caveat that it be on the basis of equality and mutual respect.

The Third World Law Journal will address those individuals and organizations who must be brought into cooperative and positive (legal and other) relationships in order for the above tasks to be successfully realized. Thus, our "internalized audience" includes:

1. "Third World" business organizations.
2. "Third World" community organizations.
3. "Third World" attorneys.
4. Non-"Third World" attorneys involved with "Third World" issues and/or clients.
5. International organizations involved with "Third World" issues.
6. Transnational business organizations, involved with "Third World" nations and communities and

seeking a positive role for themselves in those nations and their domestic communities.

7. "Third World" and other governments and quasi-governmental bodies.

We will bring to the attention of this audience an analysis of the problems faced by the "Third World," nationally and internationally, and will sensitize, especially the legal community,<sup>36</sup> to these problems. With this purpose, the Third World Law Journal can serve to fuel and support the continuous process of legal struggle that "Third World" people must engage in.

Through the dialogue that we create, issues and positions can be identified and clarified; the intellectual process of working through necessary changes can be furthered within the legal community; and the frontiers of legal thinking can be expanded to include the actors and issues of the "Third World," which have heretofore been neglected.

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1. The Third World Law Journal was established at Boston College Law School, primarily by an alliance of members from three minority student organizations. These organizations were the Asian-American Law Students Association; the Black American Law Students Association; and the Latino Law Students Association. One of the common denominators of these three groups is an underlying commitment to furthering the interests of minority law students and contributing to the interests of the wider communities of which they are a part.

Journal membership is open to the entire student body of Boston College Law School, and the Journal seeks and obtains support and guidance from the legal profession as a whole. However, the Journal will retain its commitment toward encouraging scholarly legal discussion which will lead to social and political improvement of the "Third World" community. This commitment is both national and international in scope.

2. Funk and Wagnalls, New Comprehensive International Dictionary of the English Language (1978). Compare, Walter Laqueur, in A Dictionary of Politics:

Third World. As opposed to the power "blocs" of the Western and Communist worlds -- a generic term for the countries of Latin America and the more recently independent states of Africa and Asia. Three traits are shared by most of the countries of the "Third World":

- (1) A colonial past and resentment of the former colonial powers and of imperialism (in South America these resentments are now directed against the United States. In Afro-Asian countries, long dominated by Europe, a growing nationalism was stimulated by a sense of racial grievance).
- (2) "Underdeveloped" economies -- compared to the advanced industrial economies of Europe, the U.S.A. and Japan. In Asia and Latin America, the population explosion continually threatens living standards and the gap between the "rich" countries and the Third World has widened.
- (3) As a consequence of (1) and (2), mass illiteracy is common and political life tends to be dominated by a small (often Western) educated elite.

Many Third World countries have favored a neutralist foreign policy. This has not prevented different interpretations of such a policy, internal dissensions or political realignments. Since the emergence of the Afro-Asian bloc...unity has been more often proclaimed than achieved. The Third World accounts for about one-third of the United Nation's membership.

Walter Laqueur (ed.). A Dictionary of Politics 497 (1971).

3. For example, "We are witnessing the emergence of a world order dominated arithmetically by the countries of the third world. This order is already much too developed for the United States or any other nation to think of opting out...Going into opposition requires that we recognize that there is a distinctive ideology at work in the third world." Daniel Moynihan, The U.S. in Opposition, Commentary, March 1975, at 31.
4. New York Times, September 9, 1979, at §IV3, where Flora Lewis cites John Foster Dulles as having said, during the Cold War, that "neutrality in the Cold War is immoral."
5. Laqueur, supra note 2, at 497.
6. The non-aligned movement was formally established in 1961, in Belgrade, Yugoslavia, at a conference sponsored by President Josif Broz Tito of Yugoslavia, Prime Minister Jawaharla Nehru of India and President Gamal Abdel Nasser of Egypt. The purpose of the conference was generally to enhance the international influence of the participating countries, especially against the influence of the North Atlantic Treaty Organization and Warsaw Pact nations. To some extent, it was an answer, in the negative, to Dulles' view that neutralism is immoral. Supra note 4.

Two precursors to the non-aligned movement are also important in the development of the Third World concept. First, the Bandung Conference of Afro-Asian nations in 1955 and second, a series of Pan-African conferences that were held during the first half of this century.

Bandung Conference: This was held in Bandung, Indonesia in April of 1955, largely on the initiative of a group of Asian states called the "Columbo Powers," and was the first large scale gathering of Asian and African states. Originally, the Conference was to use "The Five Principles of Peaceful Coexistence" (from a conference the previous year at Columbo, Ceylon) as a guideline for Afro-Asian political organizing. The five principles which were written as a result of the settlement of the Sino-Indian conflict over Tibet, in 1954, were (1) mutual respect for territorial integrity and sovereignty; (2) non-aggression; (3) non-interference in each other's internal affairs; (4) equality and mutual benefit; (5) peaceful coexistence and economic cooperation. The final conference document included ten principles, incorporating five additional principles proposed by the anti-communist states. These additional principles include references to what they considered a new type of imperialism of the Soviet Union through "force, infiltration and subversion" and the right to collective self-defense. The Columbo powers were a group of Asian states which met in Columbo, Ceylon in 1954 and, inter alia, agreed upon closer cooperation between themselves and other newly independent states in the third world.



Pan-African Conferences: These were a series of conferences convened on the initiative of the American civil rights leader and educator William Edward Burghardt DuBois, beginning in 1919, in Paris, France. The general purpose of the conferences was to seek to include African interests in the agreements which were to come out of the Versailles Peace Conference. Additionally, DuBois conceived of Pan-Africanism as "organized protection of the Negro world led by American Negroes".

In a 1957 letter to Prime Minister (later President) Dr. Kwame Nkrumah of Ghana, DuBois advised on what he felt Pan-Africanism should be, which closely parallels what non-aligned, and the concept of "Third World" has come to mean:

"It should stress peace and join no military alliances and refuse to fight for settling European quarrels. It should avoid subjection to and ownership by foreign capitalists who seek to get rich on African labor and raw materials." W.E.B. DuBois, Autobiography 400 (1969).

7. Since the days of the Cold War, the division of the world into blocs is less accurate because of the fissures within the blocs. For example: the independent military and political attitudes of France; the neutrality of the Scandinavian countries; the conflicts within the socialist bloc between the Soviet Union and China, Romania, Yugoslavia, etc. Similar developments have been underway in the "Third World." But cf.:

"There is enough in the assumptions and emotions of Afro-Asian states to warrant our treating them as a unit for purposes of study, so long as we do not mistake slogans for facts or aspirations for achievements. Many Third World leaders want the Third World to be a unit for certain purposes; the question is whether it ever is...The answer...is that it hardly ever is, but that the process of trying to make it one has had important effects on the style and content of the diplomacy of Third World countries." J.B.D. Miller, The Politics of the Third World at X (1967).

8. Third World versus underdeveloped and similar terminology -- often the words "underdeveloped," "less developed" and "developing" countries are used by scholars where Third World would be appropriate. The author has noticed a pained grimace on the face of African and Asian intellectuals when their countries were referred to in these terms by westerners. To label one group of nations as developed

and another as something less than that, can evoke notions of superior versus inferior. See, e.g.:

"People have spoken, at various times, of barbarians, infidels, savages, natives, colored men, etc., and less perjoratively of countries with different cultures. There was also the 'yellow peril.' In many ways the expression 'underdeveloped' is even more cruel than its predecessors, with its scientific pretensions and its implications of superiority."

Alfred Sauvy, Fertility and Survival (Preface) (1961).

But, compare:

"'Underdeveloped' is a term of convenience, not a judgment about the quality of all aspects of life in the Third World countries. It is a synonym for 'third world' and one which is commonly used even among people from those countries."

Robert A. Packenham, Liberal America and the Third World at 3 (1973).

9. In the 1940's, Juan Peron of Argentina used this concept, saying that the best interests of countries like Argentina is to take an independent position between capitalism and communism. See, Carleton Beals, Latin America: World in Revolution at 195 (1963).
10. "The 'third position,' the 'third force,' is a real entity; so, too, is the military division of the world between the first two forces, between the United States and the Soviet Union. The 'third force' is a protest against the thermo-nuclear diplomacy of the big powers."
 

Irving Louis Horowitz, Revolution in Brazil at 403 (1964).

Cf.: In the French political struggles of 1947-49, the groups between DeGaulle's Rassemblement du Peuple Francais and the Partie Communiste Francais were called the "third force." Later, when DeGaulle came to power and launched the Fifth Republic, he applied the term "third force" to what he saw as France's role, reflecting his conception of France's grandeur and place in the world, leading an independent Europe between the United States and the Soviet Union.
11. The idea of independence has two sides: on the one hand, it connotes a desire to end the dependency relationships which continue from colonialism, but on the other hand, it represents an attempt at disengagement from the First and Second Worlds and implicitly from the world market. See, Ali A. Mazrui, "The New Interdependence," in Beyond Dependency at 38 (1976) (disengagement characterized as "fantastical").

12. See, Odette Guitard, Organisation Politique du Tiers Monde, 15 Revue Tiers Monde 87, quoted in H. Purvis, The Third World and International Symbolism at 9 (1979) (Lyndon B. Johnson School of Public Affairs, working paper no. 5) (hereinafter "LBJ").
13. Frantz Fanon, The Wretched of the Earth (1968)
14. See, generally, "LBJ" supra note 12.
15. Henry Pachter, Is the Third World Coming of Age, Dissent, Winter 1975, at 45.
16. Walter Laqueur (ed.), A Dictionary of Politics at 497 (1971).
17. The Third World nations in the Organization of Petroleum Exporting Countries (OPEC) are clear exceptions. George Ball, in Diplomacy for a Crowded World, said:

"With the OPEC price action, the so-called Third World ceased to be a homogeneous group. The members of OPEC assumed a special position as the true Third World countries. A second group that had already achieved a considerable growth momentum, such as Taiwan, South Korea, Brazil, Israel and Singapore, could properly be called the Fourth World countries, while at the bottom of the list was a fifth world, consisting of nations such as Bangladesh, whose prospects for ever holding their own are exceedingly dim."

George Ball, Diplomacy for a Crowded World at 283 (1976).
18. Speech by Henry Kissinger in Kansas City, Missouri, on May 13, 1975 (Department of State Newsletter, June 1975, at 7).
19. G. Erd and V. Kallab (ed.), Beyond Dependency at 178 (1976).
20. These principles are:

"(a) the real focus should be on the satisfaction of basic human needs and on a meaningful participation of the masses in shaping of economic and social change;

(b) the policies of self-reliance should be encouraged, with emphasis on a self-confident and creative use of local resources, manpower, technology and knowledge, and with growing stress on collective self-reliance between the societies of the Third World;

(c) the concepts of development should embrace the political needs and cultural patterns of their societies, so that life styles in the Third World do not become a pale imitation of somebody else's experience but a proud extension of their own value systems."

Id. at 179.

21. These proposals included:

"(a) the establishment of a Commodity Bank to strengthen commodities in a weak bargaining position;

(b) the promotion of producers' associations for suitable commodities for ensuring better supply management and for creating countervailing power against the existing concentration of control at the buying end;

(c) more control over the creation and distribution of international credit by the Third World;

(d) bold policy and institutional measures to promote trade among the countries of the Third World including the establishment of payment unions within the Third World;

(e) a new alliance of interdependence including the flow of investments towards agriculture production to various Third World countries;

(f) a conference of principal creditors and debtors to reach an agreement on the basic principles of a long term settlement of the past debt that the developing countries have accumulated;

(g) the termination of all unfavorable contracts, leases and concessions given to the multinational corporations by the developing countries for the exploitation of their natural resources and their renegotiation;

(h) establishment of a Third World Development Bank financed by OPEC and other Third World countries;

(i) a new and more automatic basis for international transfer of resources to the poor nations from traditional sources which could be financed from a development cess on non-renewable resources exported from the Third World to the industrialized countries, royalties from ocean bed mining and link between SDRs and aid;

(j) democratization of control over international financial institutions by obtaining at least 50 per cent of the voting power for the Third World;

(k) setting up of institutions of intellectual self-reliance within the Third World financed by a trust fund of the order of \$1 billion."

Id. at 180.

22. United Nations General Assembly Resolution 3201 (S-VI).

23. United Nations General Assembly Resolution 2626 (XXV) (Proposal for the Second Development Decade).

24. Suggested measures included:

"(a) Special arrangements on particularly favourable terms and conditions including possible subsidies for and assured supplies of essential commodities and goods;

(b) Deferred payments for all or part of imports of essential commodities and goods;

(c) Commodity assistance, including food aid, on a grant basis or deferred payments in local currencies, bearing in mind that this should not adversely affect the exports of developing countries;

(d) Long-term suppliers' credits on easy terms;

(e) Long-term financial assistance on concessionary terms;

(f) Drawings from special international Monetary Fund facilities on concessional terms;

(g) Establishment of a link between the creation of special drawing rights and development assistance, taking into account the additional financial requirements of the most seriously affected countries;

(h) Subsidies, provided bilaterally or multilaterally, for interest on funds available on commercial terms borrowed by the most seriously affected countries;

(i) Debt renegotiation on a case-by-case basis with a view to concluding agreements on debt cancellation, moratorium or rescheduling;

(j) Provision on more favourable terms of capital goods and technical assistance to accelerate the industrialization of the affected countries;

(k) Investment in industrial and development projects on favourable terms;

(l) Subsidizing the additional transit and transport costs, especially of the land-locked countries."

See, Erd and Kallab, supra note 22, at 200.

25. The least developed nations were defined as having:

"(i) Low per capita income as a reflection of relative poverty, low productivity, low level of technology and development;

(ii) Sharp increase in their import cost of essentials relative to export earnings;

(iii) High ratio of debt servicing to export earnings;

(iv) Insufficiency in export earnings, comparative inelasticity of export income and unavailability of exportable surplus;

(v) Low level of foreign exchange reserves or their inadequacy for requirements;

(vi) Adverse impact of higher transportation and transit costs;

(vii) Relative importance of foreign trade in the development process."

Id. at 198.

26. See supra note 6.

27. New York Times, October 14, 1979, at 66 (text published as "advertisement" by Cuban Mission to the United Nations).

28. President Castro said:

"In addition to the resources that have already been mobilized by various banking channels, private loan organizations, international bodies and private finance agencies, we must discuss and determine how, from the onset of the next development decade, the additional contribution of no less than \$300 billion (1977 real values) be included in its strategy to be invested in the underdeveloped countries and to be made in yearly installments of at least \$25 billion, right from the beginning. This should be in the form of donations and long-term, low-interest soft credit rates."

Turning to arms expenditures as a possible source of funds, President Castro said:

"...world military expenditures amount to more than \$300 billion a year. This sum could build 600,000 schools, with a capacity for 400 million children; or 60 million comfortable homes, for 300 million people; or 30,000 hospitals, with 18 million beds; or 20,000 factories, with jobs for more than 20 million workers; or an irrigation system for 150 million hectares of land -- that, with the application of technology, could feed a billion people. Mankind wastes this much every year on military spending."

Id.

29. President Castro said:

"The underdeveloped countries now have a foreign debt of \$335 billion. It is estimated that around \$40 billion a year goes to servicing this foreign debt -- more than 20% of their exports...

"The developing countries need a new financial system to be established through which they can receive the necessary financial resources for the continuous and independent development of their economies... The debts of the least developed countries and those in a disadvantageous position are impossible to bear

and have no solution. They should be cancelled... indebtedness oppresses the rest of the developing countries economically and it should be relieved."

Id.

(Cf.: Public Debt -- At a March 11, 1978 meeting of the United Nations Conference on Trade and Development, agreement was reached between some developed nations and the Third World on relieving the debt burdens of the least developed nations. New York Times, March 12, 1978. Subsequent to this meeting a number of nations did cancel the debt of these countries (including Japan, The Netherlands, Sweden, Britain, Switzerland, West Germany).

(Cf.: Private Debt -- As late as 1979, United States banks were not concerned with the amount of private debt outstanding to Third World nations, which stood at \$220 billion at the end of 1978. Members of Congress were concerned, though, with the amount of funds that were going to Third World countries, instead of to United States industries which were also in need of cash. See, New York Times, June 10, 1979, SIV 1. By 1980, United States banks also began to express concern, rejecting Third World countries' loan requests (often used to refinance old debt). The banks fear that some countries are getting so deep into debt that they will not be able to meet their payments as scheduled.

The worry centers around the debt of the non-oil producing Third World nations. In financing rising inflation and oil prices, these nations have amassed a total external debt of \$315 billion (in 1978), up from \$142 billion in 1974. Sixty-one per cent of this was from private banks.

American banks are now owed \$57 billion by these countries (an amount equal to 130% of their total equity capital and loan loss reserves). See, New York Times, April 14, 1980 at 1.)

30. Supra note 27.

31. New York Times, January 24, 1979, at A13 (text). But cf.: President Carter's 1980 State of the Union address limited concern for Third World people and the disadvantaged to minor references to the general needs to provide jobs and training for young people, especially minority youth. The major concerns of the administration were foreign affairs and inflation. Everything, except military related spending, was subordinated to the need to cut government spending which was said to be the way to fight inflation. New York Times, January 24, 1980, at A12 (text).

32. Robert B. Hill, The Illusion of Black Progress (1978) (National Urban League Research Department, Washington, D.C.).
33. New York Times, December 5, 1979.  
But cf.: Speaking before a January 1980 American Bar Association Conference, Jordan called on the legal profession to play a leading role in solving the problems of Third World peoples. Jordan observed that blacks who have made gains in recent years "are vastly outnumbered by the masses of black people whose lives became harder, whose prospects became dimmer, whose unmet needs became greater...Half of all black Americans are 'boat people' without boats, cast adrift in a hostile ocean of discrimination, unemployment and poverty." 66 A.B.A. Journal 273.
34. Articles, Comments, Notes and other materials in the Third World Law Journal will have a three-fold purpose: first, to present rigorous, scholarly and objective analyses of important legal issues; second, to present discussion on alternative approaches and proposals to the solution of the problems facing Third World people; and third, to bring this discussion to the attention of the legal community.
35. 347 U.S. 483 (1954). But cf.: Stella v. Savannah-Chapman County Board of Education, 220 F. Supp. 667 (S.D. Ga. 1963), reversed on appeal 333 F.2d 55 (5th Cir. 1964) (District Court judge attempting to overrule Brown on the basis of different social science data); see also, Edmond Cahn Jurisprudence, 30 N.Y.U. Law Review 150 (1955) (a critique of reliance on social science facts to support important constitutional rights of blacks).
36. The legal community has not always been willing to accept the importance of such involvement. Genna Rae McNeil, in a recent law review article, relates that "one of the ironies born of racial and class antagonisms in the United States is that during the same month that the United States Supreme Court decided Brown v. Board of Education 347 U.S. 483 (1954) and Bolling v. Sharpe 347 U.S. 497 (1954) , the ABA saw fit to 'constitute a special committee to explore the need for Howard University Law School,'" which played one of the crucial behind the scenes law roles in the evisceration of the separate but equal doctrine of Plessey v. Ferguson 163 U.S. 537 (1896) . Comment, Justiciable Cause: Howard University Law School and the Struggle for Civil Rights, 22 Howard U. Law J. 283 (1979).





## AN INVITATION

The Editors of the Boston College THIRD WORLD LAW JOURNAL wish, hereby, to invite the participation of the second and third-year students at Boston College Law School in the work of the Journal.

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