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Cuba and Good Governance

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I. INTRODUCTION

The idea of “good governance” embraces the concept that economic success is inextricably linked to democratic and just governance. This essay explores how Cuba fares in light of good governance standards. At the outset, an overall observation is appropriate: if one considers the traditional criteria, to talk about Cuba and good governance might simply be an impossible

* Levin, Mabie & Levin Professor of Law, Levin College of Law, University of Florida, Gainesville, Florida. I have to thank my dear friend Enrique Carrasco for inviting me to be part of this groundbreaking, paradigm-shifting event. I also would like to thank the Journal for memorializing this gathering and the Center staffers for taking such good care of the participants during the live conference, particularly in light of the location. In addition, mil gracias to Elizabeth M. Crowder (UF Law 2004) for able assistance and Cindy Zimmerman for word processing and editorial wizardry.
task—indeed an oxymoron—if we use as the starting point of analysis the existing definitions of governance. Therefore, in order to engage this thesis, I will deconstruct the idea of good governance into two parts—processes and outcomes. First, I explore the theoretical origins, meaning, and characteristics of good governance in relation to development. Second, I examine the state of governance in Cuba in light of Cuba’s position as a high human development state. I conclude by interrogating the validity of the presumed linkages between good governance and development in light of Cuba’s development position.

II. GOOD GOVERNANCE

A. The Concept

Governance is “the exercise of economic, political, and administrative authority to manage a country’s affairs at all levels. It comprises the mechanisms, processes, and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences.” Governance includes the state but reaches beyond it by including the private sector and civil society; it has political, economic, and administrative qualities. Each sector plays a different role.

For example, the role of the state is to serve the needs of its people effectively by creating an appropriate political and legal environment. Thus, the state is responsible for finding “a balance between taking advantage of globalisation and providing a secure and stable social and economic domestic environment.” As the quote below shows, the United Nations Development Programme (UNDP) would conclude that a proper balancing of factors would necessarily result in a liberal democracy. The UNDP stated, in pertinent part:

The state’s functions are manifold—among them, being the focus of the social contract that defines citizenship, being the authority that is mandated to control and exert force, having responsibility for public services and creating an enabling environment for sustainable human development. The latter means establishing and maintaining stable, effective and fair legal-regulatory frameworks for public and private activity. It means ensuring stability and equity in the marketplace. It

2 Id. at Executive Summary.
3 Id.
4 Id.
means mediating interests for the public good. And it means providing effective and accountable public services.\textsuperscript{5}

States also have a role in empowering their citizens by “providing equal opportunities and ensuring social, economic, and political inclusion and access to resources.”\textsuperscript{6} But for this empowerment to occur, it is imperative that there exist “properly” working “legislatures, electoral processes and legal and judicial systems.”\textsuperscript{7} To be sure, in the development context, the aim is for a small, efficient government.

The private sector is, at least in the theoretical free-market model, the job-generating, income-producing arm of this trinity. It uses the market to better the economic position of the citizenry.\textsuperscript{8} States, in the current neoliberal global market environment, have taken on the role of facilitating private sector development.\textsuperscript{9}

Civil society—those individuals and groups that interact socially, politically, and economically—mediates the interactions between individuals and the state.\textsuperscript{10} These organizations include places of worship, the family, nongovernmental organizations, affinity groups, business associations, social clubs, community development organizations, environmental groups, academic institutions, professional associations, and the like.\textsuperscript{11} Of course, in order to be able to mediate between individuals and the state, civil society institutions must be recognized as active participants in civil life. Moreover, for purposes of good governance, it is important to ensure that all sectors of the population are represented, not just the elite or powerful in civil society.

Good governance links governance and development, an especially complex interaction considering the roles of the different sectors. As Kofi Annan observed:

\begin{quote}
It is now widely accepted that country’s economic success depends in large measure on the quality of governance it enjoys. Good governance comprises the rule of law, effective State institutions, transparency and accountability in the management of public affairs, respect for human rights, and
\end{quote}

\begin{footnotes}
\textsuperscript{5} Id. at ch. 1.
\textsuperscript{6} UNDP GOVERNANCE, supra note 1, at ch. 1.
\textsuperscript{7} Id.
\textsuperscript{8} Id.
\textsuperscript{9} Id.
\textsuperscript{10} Id.
\textsuperscript{11} UNDP GOVERNANCE, supra note 1, at ch. 1.
\end{footnotes}
the participation of all citizens in the decisions that affect their lives.  

The UNDP has similarly defined good governance as

[a] participatory, transparent and accountable ... effective and equitable ... [process that] promotes the rule of law ... [It] ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources. ... [G]ood governance defines the processes and structures that guide political and socio-economic relationships.

The UNDP lists nine characteristics of good governance: participation,14 rule of law,15 transparency,16 responsiveness,17 consensus orientation,18 equity,19 effectiveness and efficiency,20 accountability,21 and strategic vision.22

For our purposes, we can reduce these expressions of good governance to three factors: (1) rule of law, which includes the notion of effective state institutions, transparency, and accountability; (2) respect for human rights, which includes a mandate that states respect not only civil and political

\[\text{Vol. 14:655}\]
rights, but also social, economic, and cultural rights as well as solidarity or group rights; and (3) existence of democratic processes, which enable and promote pluralistic and nondiscriminatory participation.

Good governance is specifically linked to sustainable development—"[d]evelopment that meets the needs of the present without compromising the ability of future generations to meet their own needs." The UNDP holds that developing capacity for good governance furthers the "four critical elements of sustainable human development: eliminating poverty, creating jobs and sustaining livelihoods, protecting and regenerating the environment, and promoting the advancement of women." Sustainable development, which some have called "an intentional oxymoron, a paradox" because it merges the hidden environmental costs of the development of the North with the need for development in the South, has five aspects, all of which affect the "lives of the poor and vulnerable": empowerment, cooperation, equity, sustainability, and security.

B. Good Governance and International Financial Institutions

Significantly, the idea of good governance has been tied to international financial institutions (IFIs), namely the International Monetary Fund.
(IMF) and the World Bank—\textsuperscript{34} institutions formed at a conference\textsuperscript{35} held in Bretton Woods, New Hampshire, in 1944 after the Second World War. These institutions focus on economic matters in member countries. Their current involvement with governance may be viewed as a digression from their original missions, which did not include development but rather sought to create systems and structures that would avoid the conduct among nations that resulted in a worldwide economic crisis and war.

Specifically, the purpose of the Bretton Woods Conference was to "formulate definite proposals for an International Monetary Fund, and possibly a Bank for Reconstruction and Development."\textsuperscript{36} While development was mentioned, even in the title of one of the institutions to be created, "the focus was on "promoting currency stability, devising a system of international payments, and organizing the economic reconstruction of Europe."\textsuperscript{37}

The IMF was created to finance post-war adjustments of other states and to ensure that countries adopted sound economic policies—the latter including an early form of conditionality whereby countries had to comply with conditions set forth by the entity in exchange for access to the pool of currencies to which all countries would contribute.\textsuperscript{38} The IMF's main purpose is to promote international monetary cooperation and stability in foreign

\textsuperscript{34} While commonly referred to as the "World Bank," the correct name is "The World Bank Group." It consists of the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA), and three other entities that are associated with, but legally and financially independent of, the IBRD and IDA: the International Finance Corporation, the International Center for Settlement of Investment Disputes, and the Multilateral Guarantee Agency. Sandra Blanco & Enrique Carrasco, The Meaning of Development as It Relates to the World Bank and the IMF, 9 TRANSNAT'\textsc{L} L. \& CONTEMP. PROBS. 67, 77-78 (1999). For more information, see WORLD BANK GROUP, at http://www.worldbank.org (last visited Oct. 11, 2004).

The World Bank is not a "bank" in the common sense. It is one of the United Nations' specialized agencies, and is made up of 184 member countries. These countries are jointly responsible for how the institution is financed and how its money is spent. Along with the rest of the development community, the World Bank centers its efforts on the reaching the Millennium Development Goals, agreed to by UN members in 2000 and aimed at sustainable poverty reduction. See WORLD BANK GROUP, supra note 34.

\textsuperscript{35} See Blanco & Carrasco, supra note 34. Participants in the Bretton Woods Conference were forty-four countries, comprised of the Allied powers and developing countries, such as Brazil and Mexico, invited by the United States to attend the conference. Id. at 70. The participants sought to establish a monetary system that would serve to avoid the interwar period's (1918-1939) problems and serve as a check on the myriad concerns that led to "chaos during [that period], which was marked by high inflation, restrictions on international trade and payments, speculation in the foreign exchange market, sharp movements in central banks' foreign reserves, wildly fluctuating exchange rate movements, gold shortages, and sharp drops in economic activity (deflation)." Id. at 68. The new institutions were to provide both economic order and prosperity, which would have the consequent effect of promoting peace in post-war Europe. Id. at 70.

\textsuperscript{36} Id. (quoting the invitation sent to the forty-four governments by the U.S. Department of State).

\textsuperscript{37} Blanco & Carrasco, supra note 34, at 71.

\textsuperscript{38} Id. at 73.
exchange. It provides members with assistance in balance of payment problems; it does not assist purely economic development. When a country joins the IMF, its main obligation is to cooperate with members as well as with the institution to “assure orderly exchange arrangements,” to promote exchange rate stability, and to avoid exchange rate restrictions that would be harmful to international and national prosperity. A rule of “good conduct” requires that members provide the institution with information about themselves. At present, the IMF also engages in surveillance over the exchange rates of member countries, encourages members to make their currencies convertible, assures compliance with its rules and regulations, and provides states with assistance regarding technical issues.

The World Bank’s original purpose was to provide long-term financing to countries in need of reconstruction after the war. Interestingly, the discussions at Bretton Woods centered on whether “reconstruction” or “development” would be the institution’s priority. The European states wanted reconstruction; developing states wanted development—the European states won. But in a fascinating twist, the Bank’s current main purposes are to provide loans, guarantees, and technical assistance to

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39 INTERNATIONAL LAW 484 (Barry E. Carter et al. eds., 2003).
40 Blanco & Carrasco, supra note 34, at 76.
41 INTERNATIONAL LAW, supra note 39.
42 Blanco & Carrasco, supra note 34, at 76.
43 Id.
44 Id. at 77.
45 Id. (“The IMF began to give countries technical assistance in 1964 when ex-colonies wanted help in setting up their own central banks and ministries of finance.”)
47 Blanco & Carrasco, supra note 34, at 72-73.
48 See WORLD BANK GROUP, supra note 34.

The International Development Association (IDA) is the part of the World Bank that helps the earth’s poorest countries reduce poverty by providing interest-free loans and grants for programs aimed at boosting economic growth and improving living conditions. IDA funds help these countries deal with the complex challenges they face in striving to meet the Millennium Development Goals. They must, for example, respond to the competitive pressures as well as the opportunities of globalization; arrest the spread of HIV/AIDS; and prevent conflict or deal with its aftermath.
promote economic and social progress, reduce poverty, with the desired result of promoting poor states' self-sufficiency. Ultimately, the developing states' vision of development as the Bank's purpose has prevailed.

In the beginning, the Bank's lending focused on developing a country's infrastructure. In the 1960s and 1970s, however, it started to focus on investing in human capital and poverty alleviation to promote equity and economic growth. In response to the 1980s debt crisis, which was considered to be the result of bad economic policies of debtor governments, the Bank started to focus on structural adjustment loans. Consequently, the Bank and the IMF both adopted the policy of conditionality known as the Washington Consensus, which privileged the market as the location of economic decisionmaking. This policy required that in exchange for funding, states would have to agree to pursue economic reform and other structural adjustments such as fiscal restraint, opening trade, trade liberalization, and privatization. With this market approach, the Bank also effectively "[p]romoted programs aimed at privatizing the provision of basic social services such as health, education, and housing." This was a necessary outcome because state resources were redirected to the private sector which, as just noted, was the preference of the Washington Consensus for enabling the growth necessary in developing states for integration into the global economy.

In order to understand the evolution of the role of IFIs, it is useful to trace the evolution of the focus on governance by institutions whose mandates are grounded on economics. Contemporary IFI usage of the term "good governance" is traced to the World Bank President's foreword to the 1989 World Development Report, which provided that "[p]rivate sector initiative and market mechanisms are important, but they must go hand-in-hand with good governance."
hand with good governance." In this report on sub-Saharan Africa, the Bank noted that "underlying the litany of Africa's development problems is a crisis of governance" that reflects "[the exercise of political power to manage a nation's affairs]." The report linked bad governance with a lack of pluralistic structures and the absence of the rule of law.

Two years later, the move was made to require a direct link between governance—considered to be politics—and the Bank's fiscal role. Amidst concerns that the Bank was going beyond its mandate, its legal counsel issued a legal opinion providing that "the Bank should not allow political factors or events, no matter how appealing they seem to be, to influence its decisions unless . . . it is established that they have direct and obvious economic effects relevant to its World Bank." To be sure, matters relating to stability, transparency, and the rule of law were within the Bank's purview.

Later reports showed the difficulty of drawing clear lines between politics and economic management. In 1992, the Bank limited its definition of governance to "the manner in which power is exercised in the management of a country's economic and social resources for development." Two years later, in the 1994 World Bank report entitled Governance: The World Bank's Experience, the Bank identified three aspects of governance—one of which fell outside the Bank's mandate and two of which were within its economic function. Governance as a "form of a political regime" was deemed to be outside the Bank's mandate. The second and third features of governance, both of which fell within the Bank's mission's purview, were, respectively, the


58 WORLD BANK 1989, supra note 57, at 60.

59 Id. See also Hernández Uriz, supra note 57, at 205.

60 WORLD BANK 1989, supra note 57, at 61.


62 Shihata, supra note 61, at 33. See Hernández Uriz, supra note 57, at 205.

63 WORLD BANK, GOVERNANCE AND DEVELOPMENT 1 (1992); see Hernández Uriz, supra note 57, at 205.


65 WORLD BANK 1994, supra note 64, at xiv; see Hernández Uriz, supra note 57, at 205.
exercise of authority to manage a state's economic and social resources for
development and the ability of governments to "[d]esign, formulate, and
implement policies and discharge functions." While ostensibly eschewing
politics by segregating the political from the economic attributes of
governance, this 1994 report also referred to the desirability of a free press to
"encourage[ ] accountab[ility] [of] public officials and to discourag[e]
corruption." A year later, the Bank acknowledged that political reform
efforts are outside of its mission, yet it maintained that it could encourage
freedom of expression and assembly as well as participatory endeavors by the
citizenry so long as they were linked to a specific Bank project.

In its 1998 annual report, Development and Human Rights: The Role of
the World Bank, the World Bank reiterated that, while respect for human
rights in the context of its projects was important, its mission centered upon
economic concerns. Thus, one of the issues faced by the Bank at that time
was whether a focus on human rights and democracy is a political concern
and therefore contrary to and outside of its economic mission. However, this
dichotomy is flawed, as it overlooks the reality that economics are key to
human rights, an idea the Bank itself has embraced by accepting the
indivisibility and interdependence of human rights to include not only civil
and political rights, but also social, cultural, and economic rights.
Indeed, the Bank specifically defined its role vis-à-vis the protection of human
rights as "helping the world's poorest people escape poverty (economic/social),
the meeting of the needs of vulnerable populations such as women and children
(civil), and the elimination of corruption (political).

The World Bank has established the following seven principles of
good governance:

66 WORLD BANK 1994, supra note 64, at xiv; see Hernández Uriz, supra note 57, at 205.
67 WORLD BANK 1994, supra note 64, at 30; see Hernández Uriz, supra note 57, at 205.
68 Hernández Uriz, supra note 57, at 205 (referring to Ibrahim F.I. Shihata, Prohibition of
Political Activities in the Bank's Work, Legal Opinion by the Senior Vice President and General
Counsel (July 12, 1995)).
69 Id. at 206.
70 INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, DEVELOPMENT AND HUMAN
71 Id. at 2 (noting that the Bank had not developed a blueprint regarding promotion of human
rights in the states in which it worked). See Hernández Uriz, supra note 57, at 206.
72 IBRD 1998, supra note 70, at 2-4 ("[T]he advancement of an interconnected set of human
rights is impossible without development . . . The Bank's economic and social approach to
development advances a comprehensive, interconnected vision of human rights that is too often
overlooked."). See also Hernández Uriz, supra note 57, at 206.
74 Id. at 20-25.
75 Id. at 3, 12-13.
accountability of government officials through transparent processes,

- legitimacy of the government as established by public process such as elections,

- assured safety and security of citizens,

- prevalence of the rule of law,

- responsiveness of public agencies to public needs,

- equitable promotion of social and economic development for the benefit of all citizens, and

- availability of information through free press, expression, and association.  

These coincide with the UNDP's nine characteristics and can be included in my three-factor formulation of rule of law, human rights, and democracy.

In 1997, the IMF incorporated governance as a criterion for assistance. In this regard, it focused on "improv[ing] the management of public resources through reforms to key public sector fiscal institutions . . . and . . . to support the development and maintenance of a transparent and stable economic and regulatory environment conducive to efficient private sector activities." Similarly, the Bank, through its Economic Development Institute, developed anticorruption programs to support reforms such as those required by the IMF by providing training to government officials in public service delivery, particularly in connection to efficiency (small government) and judicial independence and enforcement.

Significantly, in the end, conditionality was a failed concept because only one in three countries could meet the conditions set by the IFIs. In 1999, after these failures, the Bank proposed a comprehensive development framework (CDF) approach which was supposed to consider the least powerful citizens in formulating development policy. The CDF calls for a "holistic approach to development," which encourages civil society

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77 Botchway, *supra* note 57, at 163.


79 *Id.*

80 Blake, *supra* note 46, at 161.

81 *Id.* at 160.

representing the poor to be at the table and includes "all elements of development—social, structural, human, governance, environmental, economic and financial." However, a study of the implementation of the CDF in various states shows that it is effectively a working tool to improve relations between poor states' governments and international donors and that "the voices of those countries' citizens in poverty, as well as other elements of civil society, are largely being ignored."

In sum, the notion of good governance has been owned by IFIs to make demands of third world states as a condition for economic assistance. Thus, notwithstanding their original purpose, IFIs are increasingly basing their funding decisions on governance considerations. Good governance policy emerged from the concern of IFIs that funds were being inefficiently used in many states. Some of that inefficiency was attributable to import substitution and statist politics that went against the grain of liberal IFI policies, and some was attributable to corruption of the government.

It is significant and noteworthy that good governance policies, as adopted by the IFIs, have not been free from criticism. A key critical evaluation is that such policies "interfere with the right of a sovereign government to determine its own economic regime." It is argued that the IFIs control developing countries' governments, thus making these governments prioritize the interests of the industrialized world over the interests of its citizens.

Good governance assumes that "free markets and democracy are reinforcing." Yet the literature shows that it is sometimes the states that reject democracy and rely on strong government that are able to implement policies that result in economic growth. There is also the criticism that the Bank's Washington Consensus—its conditionality policies—are of the "one-size-fits-all" variety that fail to account for local social and cultural particularities, although the CDF seeks to have each state take the lead in development projects to ensure that the policies and programs developed fit the country's needs.

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83 Id.
84 Blake, supra note 46, at 160.
85 Thomas, supra note 78, at 553. See id. at 552 (noting that IFIs have "[r]edefined good governance as the elimination of corruption through the establishment of the rule of law and through efficiency and accountability of the public sector").
86 Id. at 555.
87 Id.
88 Id. at 557.
89 Thomas, supra note 78, at 557-58 (noting that in poor countries "the majority will often prefer economic policies that are redistributive and therefore constrain the market").
90 Id. at 558-59; Blake, supra note 46, at 168, 173.
91 Blake, supra note 46, at 173.
Indeed, the CDF reflects the recognition that the market and human well-being on the one hand, and economic growth and human rights on the other, are not policies at odds, but rather are synergistic; they are linked parts of a social and economic justice agenda. Significantly, the recognition of the importance of governance and its non-economic underlying factors, such as democracy and human rights, seem to tacitly erode the IFIs’ charters limiting their functions to financial endeavors. In all cases, as will be discussed in the next part of this essay, Cuba presents an interesting location from which to interrogate whether principles foundational to the idea of good governance, such as observance of human rights, existence of democracy, prevalence of the rule of law, small governments, and capitalism, are indeed prerequisites to development.

III. PROCESS V. OUTCOMES: THE CASE OF CUBA

A. Process

With the information on the origins and characteristics of the idea of good governance, it could be viewed as oxymoronic to talk about good governance in Cuba for two reasons: first, Cuba’s governance lacks the trinity required for good governance regardless of definitional source—rule of law, democracy, and human rights; and second, insofar as the definition is based on IFI funding, we are engaging in an exercise in irrelevancy.

It is appropriate to analyze three articulated governance factors vis-á-vis Cuba. First, democracy, which is viewed as existing only where there are free elections to select leaders at the local, regional, and national levels so that those elected can be viewed as the legitimate choice of the citizens, is absent in Cuba’s reality. There are no national elections at all. The elections that do exist at the local and regional levels are controlled by the government, including decisions about who may appear on the ballot.92

Second, the rule of law, if narrowly defined as encompassing the idea of separation of powers, an independent judiciary, and a government that is not itself above the law, also is non-existent in Castro’s Cuba, where Castro is the law. Thus, there is no “accountability of government officials through transparent processes,”93 there is no participation by or voice of the citizenry in the administration of the government,94 there is no “availability of information through free press, expression and association,”95 and there is “no assured safety and security of citizens.”96

93 See Fleiner, supra note 76, at 938 & accompanying text.
94 Id. at 934.
95 Id. at 939.
96 Id.
Third, broad consensus exists that not only does Cuba not observe the so-called first generation civil and political human rights, but that it is in continuous violation of them. For years, the United Nations Commission on Human Rights has condemned Cuba for its failure to comply with human rights mandates ranging from lack of due process to lack of civil liberties of its citizens. To be sure, the condemnation of Cuba's human rights record is grounded upon the privileging of the individualistic, western, liberal ideology of civil and political rights over social and economic rights.

The latest evidence that in Cuba there prevails neither the rule of law nor the respect for human rights are the recent events surrounding the mass summary trials of persons who were seeking internal democratic reforms and the summary trials and executions of some who sought to escape the island by hijacking a ferry. These actions violate myriad due process rights recognized by the global community and considered by this community to be a central part of a "rule of law" idea.

Finally, in the context of IFIs, it is incongruous to talk about Cuba and good governance. Since the early 1960s, when Cuba defaulted on its loans and was subsequently unable (or lacked the desire) to service them, the IFIs have been irrelevant to Cuba's existence. So to talk about Cuba and good governance in the context of the structures and processes by which it is defined is to engage in an exercise in incoherence, as the processes, structures, and assumptions good governance entails are nonexistent in Cuba.

B. Outcomes: Cuba and the Human Development Index

On the other hand, if, rather than looking at the processes and structures of good governance, we look at the goals of good governance, such as success in development of the state, we by necessity engage in an entirely different conversation. Indeed, if we look at development outcomes, specifically if we evaluate Cuba's performance using the United Nations' Human Development Index (HDI), Cuba is a sheer development success even without having the

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97 Hernández-Truyol, supra note 92 (noting that while Cuba does not respect civil and political rights, it has advanced the population's access to health, education, welfare, and work, which are social, economic, and cultural rights).

98 See, e.g., id. at 81-82.


The HDI is a summary measure of human development. It measures the average achievements in a country in three basic dimensions of human development:
• A long and healthy life, as measured by life expectancy at birth.
structures and processes theoretically necessary for good governance. In overall HDI indicators, Cuba ranks fifty-second among the fifty-five high human development states, ranking three places ahead of México.100

The UNDP's 2003 Human Development Report, entitled Millennium Development Goals: A Compact Among Nations to End Human Poverty101 recognizes that "[development g]oals, human development and human rights share the same motivation"102 and establishes that the millennium development goals (MDGs) "are benchmarks for progress towards a vision of development, peace and human rights, guided by 'certain fundamental values . . . essential to international relations in the twenty-first century.'"103 The goals are linked to the social, economic, and cultural rights included in the Universal Declaration104 at Articles 22, 24, 25, and 26.105

- Knowledge, as measured by the adult literacy rate (with two-thirds weight) and the combined primary, secondary and tertiary gross enrollment ratio (with one-third weight).
- A decent standard of living, as measured by GDP per capita (PPP US$).


[The HDI] is calculated using international data available at the time the Report is prepared. For a country to be included in the index, data ideally should be available from the relevant international statistical agency for all four components of the index. However, a country will still be included if reasonable estimates can be found from another source. Id. at 144.

100 HDR 2003, supra note 99, at 238. "All countries included in the HDI are classified into three clusters by achievement in human development: high human development (with an HDI of 0.800 or above), medium human development (0.500-0.799) and low human development (less than 0.500)." Id. at 194. For 2001, Cuba's HDI was 0.806, Mexico's was 0.800, and the United States' was 0.937. Id. at 237-38.

101 Id. at i.

102 Id. at 27.


105 "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality." Universal Declaration, supra note 104, art. 22. "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay." Id. art. 24. "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." Id. art. 25(1). "Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection." Id. art. 25. "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher
The MDGs advance human rights because, by incorporating a human rights framework, they are cast as rights with corresponding obligations. The state, private entities, and civil society, as well as international organizations, will be accountable for meeting those obligations.

The MDGs articulate benchmarks for progress toward a vision of development, peace, and human rights:

- freedom from hunger, fear, oppression, and injustice, which is facilitated by democratic governance;
- equality, particularly sex equality;
- solidarity that furthers equality and distributive justice;
- tolerance and respect for differences including culture, belief, and language;
- respect for nature, including living species and natural resources; and
- shared responsibility for social and economic development and for peace.

education shall be equally accessible to all on the basis of merit." Id. art. 26(1). "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace." UNIVERSAL DECLARATION, supra note 104, art. 26(2). “Parents have a prior right to choose the kind of education that shall be given to their children." Id. art. 26(3).


Id.

MILLENIUM DECLARATION, supra note 103, ¶ 6 (“Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Democratic and participatory governance based on the will of the people best assures these rights.”).

Id. (“No individual and no nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured.”).

Id. (“Global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most.”).

Id. (“Human beings must respect one another, in all their diversity of belief, culture and language. Differences within and between societies should be neither feared nor repressed, but cherished as a precious asset of humanity. A culture of peace and dialogue among all civilizations should be actively promoted.”).

Id.

Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our descendants. The current unsustainable patterns of production and consumption must be changed in the interests of our future welfare and that of our descendants. Id.
To establish Cuba's standing in light of the MDGs, this essay will analyze Cuba's position with each of the eight articulated goals.\textsuperscript{114}

1. "Eradicate Extreme Poverty\textsuperscript{115} and Hunger"\textsuperscript{116}

The goal of eradicating extreme poverty and hunger looks at five factors;\textsuperscript{117} data for Cuba is available for only two of them,\textsuperscript{118} but those are positive. In Cuba, only 4\% of children under five are underweight for their age.\textsuperscript{119} From 1990 to 1992, only 5\% of the total population was undernourished,\textsuperscript{120} although that figure rose to 13\% in the period of 1998-2000,\textsuperscript{121} likely due to the difficulties of the "special period,"\textsuperscript{122} but still placing Cuba in a better position than all developing countries and on par with Latin American and Caribbean states.\textsuperscript{123}

\textsuperscript{113} MILLENNIUM DECLARATION, supra note 103, ¶ 6.

Responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally. As the most universal and most representative organization in the world, the United Nations must play the central role. Id.

\textsuperscript{114} HDR 2003, supra note 99, at 1-2.

\textsuperscript{115} The target is to "[h]alve, between 1990 and 2015, the proportion of people whose income is less than $1 a day." Id. at 1, 87.

\textsuperscript{116} The target is to "[h]alve, between 1990 and 2015, the proportion of people who suffer from hunger." Id.

\textsuperscript{117} Of the five, three are related to poverty: first the percentage of the population living below $1 a day; second, the poverty gap ratio; and third, the share of the poorest twenty percent in national income or consumption. Two of the five factors are related to hunger: first, the percentage of children under age five, who are underweight for age, and second, the percentage of the total population who are undernourished. Id. at 198.

\textsuperscript{118} There is no information reported for Cuba on the poverty factors. Id. at 199.

\textsuperscript{119} HDR 2003, supra note 99, at 199.

\textsuperscript{120} Id.

\textsuperscript{121} Id.


\textsuperscript{123} In comparison, the figures were 21\% (1990-92) and 18\% (1998-2000) for all developing countries. HDR 2003, supra note 99, at 202. These countries were further broken down with 37\% and 38\%, respectively, for least-developed countries; 13\% and 13\% for Arab states; 14\% and 12\% for Latin America and the Caribbean; 25\% and 24\% for South Asia; and 35\% and 33\% for Sub-Saharan Africa. Id. Mexico's figures remained stable at 5\%. Id. Significantly, in 1990-92, Cuba's undernourishment figure was less than a third of that for all of Latin America and the Caribbean (4\% versus 14\%), but by 1998-2000, it had dramatically risen and was even marginally higher (13\% versus 12\%). Overall, undernourishment in the developing countries remained relatively stable between 1990 and 2000, while Cuba's undernourished population more than tripled.
2. "Achieve Universal Primary Education"

This goal involves three measures: net primary enrollment ratio, children reaching grade five, and youth literacy rate. In the last reported period, Cuba's net primary enrollment ratio was 97%, the percentage of children reaching grade five was 95%, and the youth literacy rate for the ages of 15 to 24 was 99.8%. These figures are as good as or better than the average for the Latin American and Caribbean countries and they are better than those for high human development states.

3. "Promote Gender Equality and Empower Women"

This category examines gender equality and empowerment, and covers the ratio of girls to boys in primary, secondary, and tertiary education; the ratio of literate females to males; the female share of nonagricultural wage employment; and seats in parliament held by women. Cuba's figures are enviable. In the 2000-01 period, the ratio of girls to boys in primary education was 0.91 (compared to a U.S. figure of 0.95); 1.0 (0.96 in the United States) in secondary education; and 1.11 (1.27 in the United States) in tertiary education. In both 1990 and 2000, the ratio of literate females to males in the 15 to 24 age category was 1.00; the same ratio that appears in high-income OECD states for which data is available in this category. In

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124 The target is to "[e]nsure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling." Id. at 1, 92.

125 HDR 2003, supra note 99, at 198.

126 Id. at 199 (for period 2000-2001; compared to 92% for 1990-1991).

127 Id. (for period 1999-2000; compared to 92% for 1990-1991).

128 Id. at 199 (for period 2001; compared to 99.3% for 1990).

129 Id. at 202 (97% net primary enrollment ratio and 95.2% for youth illiteracy rate, with no data available for children reaching grade five).

130 HDR 2003, supra note 99, at 202 (98% net primary enrollment ratio, with no data available for other categories).

131 The target is to "[e]liminate gender disparity in primary and secondary education, preferably by 2005, and at all levels of education no later than 2015." Id. at 1, 92.

132 Id. at 203.

133 Id. at 204, 206.

134 Id.

135 HDR 2003, supra note 99, at 204, 206.

136 Id. at 204.

137 For purposes of these statistics, there are three major, nonmutually exclusive, world classifications: (1) developing countries; (2) Central and Eastern Europe and the CIS, and (3) Organisation for Economic Co-operation and Development (OECD). Id. at 194. However, replacing the OECD group with the high-income OECD group would produce mutually exclusive groups. Id. Additionally, all countries are grouped by income using World Bank classifications: (1) high income (gross national income per capita of $9,206 or more in 2001); (2) middle income ($746-9,205); and (3) low income ($745 or less). Id.
2001, the female share of nonagricultural wage employment was 38% in 2001 (compared to 48% in the United States). And finally, the seats in parliament held by women was 36% in 2003; a rate exceeded only by the four Scandinavian states, and impressive compared with the U.S. figure of 14%. Also of note are Cuba's achievements in gender-related equality, which is something the good governance initiatives specifically consider. Cuban women have achieved noteworthy advancements in life expectancy, literacy, educational enrollment, and economic activity.

4. "Reduce Child Mortality"

The data in this category is for "[u]nder-five mortality rate, infant mortality rate, and percentage of one-year-olds who have been immunized against measles." Cuba has made significant strides in decreasing both its under-five mortality rate and its infant morality rate. In 2001, the Cuban under-five mortality rate was only 9 per 1,000 live births (down from 13 in

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138 HDR 2003, supra note 99, at 206 (four high-income OECD countries reported figures: Greece, Italy, Portugal, and Spain).

139 Id. at 204, 206.

140 Id. This compares to 15.9% in Mexico, with Cuba ranking fifth out of all fifty-five high human development states. Id. at 314-15.

141 Numerous factors are measured when evaluating achievement of equality for all women and men. Gender-related development is based on life expectancy at birth; adult literacy rate; combined primary, secondary, and tertiary gross enrollment ratio; and estimated earned income. Id. at 310. The gender empowerment measure includes seats in parliament held by women; female legislators, senior officials, and managers; female professional and technical workers; and the ratio of estimated female-to-male earned income. HDR 2003, supra note 99, at 314. Other equality statistics address gender inequalities in education, in economic activity, and in work burden and time allocation, as well as in political participation. Id. at 318, 322, 326.

142 In Cuba, women's life expectancy at birth is 78.5 years, compared to 74.6 years for men. Id. at 311. These figures compare favorably with the life expectancy for Mexican women and men, 76.1 and 70.1 years, respectively (Mexico is the only other Latin American or Caribbean state in the high human development group), and with U.S. figures of 79.7 and 74.0 years, respectively. Id. at 310-11. The gender equality that exists in education factors is hugely impressive for Cuba. In terms of adult and youth literacy, Cuban women's rates are 100% of men's. Id. at 319. In primary enrollment, women's rates are 99% of men's, and in secondary and tertiary enrollment, women's rates are higher than men's—105% and 116%, respectively. This results in women's combined primary, secondary, and tertiary gross enrollment ratio being greater than for men (77% and 75%, respectively). HDR 2003, supra note 99, at 319. There is a larger gap between the adult literacy rate for Mexican women and men, 89.5% and 93.5%, respectively, Id. at 311. And while the combined gross enrollment ratio for Mexican women and men is the same (74%), it is still lower than those for Cuban women and men. Id. Almost as impressive are Cuban women's gender inequality in economic activity figures, which reveals their rate of economic activity is 65% that of men's. Id. at 323. This is significantly higher than Mexico's rate of 48% and 52% for all Latin American and Caribbean states. Id. at 323, 325.

143 The target is to "[r]educe by two-thirds, between 1990 and 2015, the under-five mortality rate." HDR 2003, supra note 99, at 1, 97.

144 Id. at 208.
1990), and the Cuban infant mortality rate was 7 per 1,000 live births (11 in 1990). Indeed, the probability at birth of not surviving to age forty is low (6.0 in Cuba, 7.6 in Mexico), and 99% of Cuban one-year-olds were immunized against both measles and tuberculosis (up from 94% in 1990). These figures are better than the averages for the high human development states and rival those of high-income OECD states, while being better than those of all OECD states and far surpassing the world averages.

5. "Improve Maternal Health"

This category looks at maternal mortality ratio for 1995 and the percentage of births attended by skilled health personnel in the 1995-2001 period. The maternal mortality ratio in Cuba is 24 per 100,000 live births, and 100% of the births were attended by skilled medical personnel. These figures are impressive and compare very favorably to the figures for the world (411 and 60%, respectively), the high human development states (25 and 96%), the Latin American and Caribbean states (188 and 82%), and Mexico (65 and 86%), and strongly to the high-income OECD states' averages (12 and 99%) as well as to the United States (12 and 99%).

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145 *Id.* at 209. The figure is significantly lower than in 1970: 43 per 1,000 live births. *Id.* at 263. The percentage of decrease is higher than that of the United States: from 26 in 1970 to 8 in 2001. *Id.* at 262.

146 HDR 2003, *supra* note 99, at 209. The figure is significantly lower than in 1970: 34 per 1,000 live births. *Id.* at 263. The percentage of decrease is higher than that of the United States: 20 in 1970 to 7 in 2001. *Id.* at 262.

147 *Id.* at 245.

148 *Id.* at 209.


150 The goal's target is to "[Ie]duce by three-quarters, between 1990 and 2015, the maternal mortality ratio." *Id.* at 2, 97.

151 *Id.* at 208.

152 *Id.* at 209.

153 *Id.*

6. "Combat HIV/AIDS,\textsuperscript{155} Malaria and Other Diseases"\textsuperscript{156}

Unfortunately, figures for Cuba's fight against HIV/AIDS were not available.\textsuperscript{157} Cuba's malaria-related mortality rate in 2000 was zero for all ages and for children aged zero to four.\textsuperscript{158} Cuba's tuberculosis-related mortality rate in 2001 was 1 per 100,000 persons,\textsuperscript{159} compared to 5 for Mexico, 9 for Latin American and Caribbean states, and 2 for high-income OECD states.\textsuperscript{160} That same year, in Cuba, there were 6 tuberculosis cases per 100,000 persons,\textsuperscript{161} compared to 19 for Mexico, 41 for Latin American and Caribbean states, 9 for high-income OECD states, and 12 for high human development states.\textsuperscript{162} Again, Cuba's figures are impressive.

7. "Ensure Environmental Sustainability"\textsuperscript{163}

a. "Land and Air"\textsuperscript{164}

In Cuba, the percentage of land area covered by forests was 21.4% in 2000, an increase from 18.9% in 1990.\textsuperscript{165} These figures compare favorably

\textsuperscript{155} The target is to "[h]ave halved by 2015 and begun to reverse the spread of HIV/AIDS." \textit{Id.} at 2, 9, 213. The data used were the percentage of HIV prevalence among pregnant women aged fifteen to twenty-four, the percentage of condom use during the last high-risk sexual encounter for ages fifteen to twenty-four, and orphans' school attendance rate, as a percentage of non-orphans. \textit{Id.} at 213.

\textsuperscript{156} The target is to "[h]ave halved by 2015 and begun to reverse the incidence of malaria and other major diseases." \textit{Id.} at 2, 97. The data used included the malaria-related mortality rate per 100,000 for all ages and for children aged zero to four; the number of malaria cases per 100,000 persons; the percentage of children under five with insecticide-treated bed nets; the percentage of children under five with fever treated by anti-malarial drugs; the number of tuberculosis cases per 100,000 persons; the percentage of tuberculosis cases detected under DOTS; and the percentage of tuberculosis cases cured under DOTS. \textit{Id.} at 213. DOTS refers to the directly observed treatment short course. \textit{Id.} at 217 n. g. For a discussion of DOTS see WORLD HEALTH ORGANIZATION, FACT SHEET No. 104, available at http://www.who.int/mediacentre/factsheets/fs104/en/ (last visited Dec. 14, 2004). See also WORLD HEALTH ORGANIZATION, DOTS, available at http://www.who.int/tb/dots/whatisdots/en/ (last visited Dec. 14, 2004).

\textsuperscript{157} HDR 2003, \textit{supra} note 99, at 214.

\textsuperscript{158} \textit{Id.} Figures were not available for the other malaria-related categories. \textit{Id.}

\textsuperscript{159} \textit{Id.}

\textsuperscript{160} \textit{Id.} at 214, 217.

\textsuperscript{157} HDR 2003, \textit{supra} note 99, at 214.

\textsuperscript{161} \textit{Id.} at 214, 217. Cuba's figure for tuberculosis cases cured under DOTS, 93%, compared very favorably with that of Mexico, 76%. \textit{Id.} at 214.

\textsuperscript{162} This goal has two parts: first, land and air, and second, water and sanitation. \textit{Id.} at 2, 103, 219, 223.

\textsuperscript{163} The target is to "[i]ntegrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources." \textit{Id.} at 2, 219. This section is measured by the percentage of land area covered by forests; the ratio of protected area to surface area; the GDP per unit of energy use, measured as PPP US$ per kg of oil equivalent); the carbon dioxide emissions per capita (measured in metric tons); and the consumption of ozone-depleting chlorofluorocarbons (measured in ODP metric tons). HDR 2003, \textit{supra} note 99, at 2, 219.
with those of Mexico, where the percentage decreased to 28.9% from 32.2%, and of the United States, where there was a very slight increase to 24.7% from 24.3%. For Cuba, the 2003 figure for the ratio of protected area to surface area was 0.15, compared to 0.10 for Mexico and 0.17 for the United States.

Cuba's carbon dioxide emissions per capita decreased from 3.0 metric tons in 1990 to 2.3 in 1999. This compares favorably to increases for Mexico (3.7 to 3.9, respectively), the United States (19.3 to 19.7), Latin American and Caribbean states (2.2 to 2.5), and high-income OECD states (11.9 to 12.3). In Cuba, the consumption of ozone-depleting chlorofluorocarbons also decreased, from 778 metric tons in 1990 to 504 in 2001, although the decrease was not as significant as that experienced by both Mexico (12,037 to 2224) and the United States (198,308 to 2805). These figures are not good, although they have improved. Still, they reflect Cuba's reality: available transportation is antiquated and inefficient; but where Cuba is able, it is conserving its natural resources.

b. "Water and Sanitation"

In 2002, 77% of Cuba's rural population and 95% of its urban population—i.e., 91% of the total population—had sustainable access to an improved water source, data that compares favorably with Mexico (69% and 95%, respectively), Latin American and Caribbean states (65% and 94%), and the world (71% and 95%).

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165 Id. at 219.
166 Id. at 219, 221. Figures were unavailable to compare Cuba's percentages with those of any regional, world, or income classifications. Id. at 222.
167 Id. at 219.
168 Id. at 219, 221.
170 Id. at 214, 221-22.
171 Id. at 214.
172 Id. at 214, 221. Figures were not available for other regional, world, and income classifications. Id. at 222.
173 The target is to "[h]alve, by 2015, the proportion of people without sustainable access to safe drinking water." HDR 2003, supra note 99, at 224. The data include 1990 and 2000 percentages of rural and urban populations with sustainable access to an improved water source. Id.
174 The target is to "[h]ave achieved, by 2020, a significant improvement in the lives of at least 100 million slum dwellers." Id. at 2, 224. The data include figures from 1990 and 2000 for the percentage of the urban population with access to improved sanitation. Id. at 224.
175 Id. at 224. Figures were unavailable for 1990. HDR 2003, supra note 99, at 224.
176 Id. at 224, 227.
In 2000, 99% of Cuba's urban population had access to improved sanitation, compared to 88% in Mexico, 86% in Latin American and Caribbean states, and 85% in the world. Unlike the air data, these figures are impressive, as they are indicative of attainment of development goals.

8. “Develop a Global Partnership for Development”

This category covers the special needs of landlocked countries and small, developing island states; the debt sustainability of developing countries as measured with national and international indicators; and work opportunities, access to drugs, and access to new technologies. Although data for Cuba is not available for the categories of official development assistance for small, developing island states and debt sustainability, nor for work opportunities, it is available for access to drugs and access to new technologies. The percentage of the Cuban population with sustainable access to affordable, essential drugs was between 95% and 100%, as of 1999. This compares to only between 80% and 94% for Mexico, and matches the figure for the United States.

Regarding access to new technology, the data for Cuba are less positive. There were only 5.2 mainline and cellular telephone accounts per 100 people.

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177 Id. at 224. Figures were unavailable for 1990. Id.
178 Id. at 224, 227.
179 HDR 2003, supra note 99, at 2, 229. The goal is to develop a global partnership for development and market access. Id. at 229.
180 Id. at 229, 230, 232.
181 Id. at 229. The target is to “[a]ddress the special needs of landlocked countries and small island developing states,” id. at 3, as measured by the 1990 and 2001 figures for official development assistance received as a percentage of the GNI. HDR 2003, supra note 99, at 229.
182 HDR 2003, supra note 99, at 230. The target is to “[d]eal comprehensively with the debt problems of developing countries through national and international measures.” Id. at 3. The data incorporates the 1990 and 2001 total debt service as a percentage of exports of goods and services and the debt relief committed under the HIPC initiative. Id. at 230.
183 Id. at 233. The target is to “develop and implement strategies for decent and productive work for youth.” Id. at 3. The data cover the 1990 and 2001 youth unemployment figures for female, male, and total percent of the labor force aged 15-24. HDR 2003, supra note 99, at 233.
184 Id. The target is to “provide access to affordable essential drugs in developing countries,” id. at 3, and the data reflects the 1999 figure for the percentage of the population with such access. Id. at 233.
185 Id. The target is to “make available the benefits of new technologies, especially information and communications.” HDR 2003, supra note 99, at 3, 233. The data incorporates the 1990 and 2001 figures for the number of telephone mainlines and cellular subscribers per 100 people, the number of internet users per 100 people, and the number of personal computers in use per 100 people. Id. at 233.
186 Id.
187 Id. at 233, 235. Figures were unavailable for regional, world, and income classifications. Id. at 236.
in 2001, though that is an improvement over the 3.1 figure of 1990.\footnote{188} However, Cuba is significantly behind Mexico (35.4, up from 6.6, respectively), Latin American and Caribbean states (32.3, up from 6.2), and the world (32.2, up from 10.0).\footnote{189} Similarly, in 2001, Cuba only had 1.1 internet users per 100 people\footnote{190} and only 2.0 personal computers were in use per 100 people.\footnote{191} Cuba's figures are below those for Mexico (3.6 and 6.9, respectively), Latin American and Caribbean states (4.9 and 5.9), and all developing countries (2.6 and 2.5), and they hugely lag behind the high-income OECD states (11.5 and 43.7).\footnote{192} Interestingly, before the revolution, Cuba's level of technological development was above that of its Latin American and Caribbean neighbors.\footnote{193}

Let me provide some other figures that are both impressive and highly relevant to development. For the period covering 1990 to 2002, there were 590 physicians per 100,000 persons in Cuba,\footnote{194} contrasted to 130 in Mexico and 276 in the United States.\footnote{195} Cuba's public health expenditures for 2000 show its commitment to health and physical well-being: such spending commanded 6.1% of GDP,\footnote{196} contrasted with 2.5% for Mexico and 5.8% for the United States.\footnote{197} In terms of public expenditures on education, Cuba also fares well. For the period covering 1998 to 2000, Cuba spent 8.5% of GDP on education,\footnote{198} compared to 4.4% for Mexico and 4.8% for the United States.\footnote{199}

The only economic performance data available for Cuba is a 3.7% GDP per capita growth rate in the 1990-2001 period,\footnote{200} compared to only 1.5% for

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\begin{itemize}
\item \footnote{188} HDR 2003, supra note 99, at 233. Further broken down, in 1990, there were thirty-one telephone mainlines per 1,000 people, compared to fifty-one in 2001. Id. at 275. There were zero cellular subscribers in 1990, compared to one per 1,000 people in 2001. Id.
\item \footnote{189} Id. at 233, 236.
\item \footnote{190} Id. at 233.
\item \footnote{191} HDR 2003, supra note 99, at 233.
\item \footnote{192} Id. at 233, 236.
\item \footnote{193} See Hernández-Truyol, supra note 92.
\item \footnote{194} HDR 2003, supra note 99, at 255.
\item \footnote{195} Id. at 254-55.
\item \footnote{196} Id. at 255.
\item \footnote{197} Id. at 254-55. However, Cuba does not have the same level of private health expenditure: 1.0% of GDP, contrasted to 2.8% for Mexico and 7.3% for the United States. Id. And the per capita health expenditures of the three countries are also greatly different: for Cuba, 193 PPP US$, compared to 477 for Mexico and 4499 for the United States. HDR 2003, supra note 99, at 254-55. Figures were not available for regional, world, and income classifications. Id. at 257.
\item \footnote{198} Id. at 267.
\item \footnote{199} Id. at 266-67.
\item \footnote{200} Id. at 279.
\end{itemize}
both Mexico and Latin American and Caribbean states overall, 1.8% for high-income OECD states, and 2.1% for the United States.\textsuperscript{201}

Unfortunately, data are not available for Cuba on measures of inequality in income or consumption.\textsuperscript{202} The only trade data available for Cuba are 2001 figures. These data reveal that in Cuba trade constitutes 18% of GDP for imports of goods and services and 16% for exports,\textsuperscript{203} which is significantly lower than Mexico's 30% and 28%, respectively, but are comparable to Latin American and the Caribbean states' figures of 19% and 18%.\textsuperscript{204} The only data available on the flow of aid to Cuba is the figure of $50.7 million in official development assistance received, which translates to $4.50 per capita,\textsuperscript{205} compared with $0.70 per capita for Mexico and $11.40 for Latin American and Caribbean states.\textsuperscript{206}

Given the importance of "sustainable" development, it is noteworthy that Cuba has ratified the four major environmental treaties:\textsuperscript{207} the Framework Convention on Climate Change (FCCC),\textsuperscript{208} the Kyoto Protocol to the FCCC,\textsuperscript{209} the Convention on Biological Diversity (CBD),\textsuperscript{210} and Cartagena Protocol on Biosafety to the CBD.\textsuperscript{211} These ratifications show a commitment to environmental integrity. It is worth noting that, of these four agreements, the United States has ratified only the FCCC.\textsuperscript{212}

Perhaps unsurprisingly, Cuba has a substantial variation in its number of refugees: 1000 refugees to, and 19,000 from, Cuba in 2001.\textsuperscript{213} This compares to 15,000 refugees to Mexico and 516,000 to the United States.

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\textsuperscript{201} HDR 2003, supra note 99, at 278, 279, 281.
\textsuperscript{202} Id. at 287.
\textsuperscript{203} Id.
\textsuperscript{204} Id. at 287, 289.
\textsuperscript{205} Id. at 291.
\textsuperscript{206} HDR 2003, supra note 99, at 291, 294.
\textsuperscript{207} Id. at 301.
\textsuperscript{212} HDR 2003, supra note 99, at 300.
\textsuperscript{213} Id. at 305.
Data on the number of refugees from these latter countries was unavailable.214

Two additional matters are noteworthy, both of which demonstrate Cuba's contested human rights compliance record. Cuba has ratified four of the six major human rights conventions:215 the International Convention on the Elimination of All Forms of Racial Discrimination,216 the Convention on the Elimination of All Forms of Discrimination Against Women,217 the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,218 and the Convention on the Rights of the Child.219 Its ratification of these agreements should induce further interrogation of its location in the human rights universe. Moreover, Cuba has ratified seven of the eight major fundamental labor rights conventions,220 including those relating to the freedom of association and collective bargaining,221 the elimination of forced and compulsory labor,222 the elimination of discrimination in respect of employment and occupation,223 and

214 Id. at 304-05.

215 Id. at 332. The United States has ratified only the CERD, see infra note 216, and the Torture Convention, see infra note 218, but not the CEDAW, see infra note 217, nor the CRC, see infra note 219. HDR 2003, supra note 99, at 331. The United States has ratified the ICCPR, while Cuba has not. Id. at 331-32 (referring to International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (1996)).


220 HDR 2003, supra note 99, at 336. It is interesting to note that the United States had only ratified two of the eight: one on eliminating forced and compulsory labour, see infra note 222 (Convention No. 105), and one on the abolition of child labor, International Labour Organization Convention Concerning the Prohibiting and Immediate Action for the Elimination of the Worst Forms of Child Labour, June 17, 1999, 38 I.L.M. 1207 (1999). HDR 2003, supra note 99, at 335.


the abolition of child labor.\textsuperscript{224} These ratifications, together with the figures discussed above concerning health, education, and welfare, place Cuba in a location far from that of a human rights abuser. That designation is possible only if civil and political rights are considered to the exclusion of social, economic, and cultural rights, a perspective not supported by the indivisibility human rights paradigm.

Considering good governance desires, it is plain that Cuba has provided the “equitable promotion of social and economic development for the benefit of all citizens.”\textsuperscript{225} Yet, its failure to adopt democracy with elections, transparency, and accountability as a form of governance, to adhere to the hegemonic view of the rule of law, to allow a free press, and to privilege civil and political rights over social and economic rights render it an outlaw in the good governance discourses, notwithstanding its laudable development status.

IV. PROCESS V. OUTCOMES: CONCLUSION

Given the goals and underlying processes of development, as articulated in Part II, and the outcomes or actual conditions in Cuba, as presented in Part III, there emerges a sense of tension or a disconnect between the processes and the outcomes of good governance. Cuba shows good performance based on UNDP characteristics, MDGs, and sustainable development indicators. Yet, its government is not transparent, fully participatory from a democratic governance perspective, or accountable to its citizens.

The law and development or modernization movement took on the challenge of development and presumed that structures and processes developed in the industrialized states could be adapted to promote economic growth in less-developed countries by engendering social, political, and economic development.\textsuperscript{226} The movement started in the 1960s and was largely based in the United States.\textsuperscript{227} It was a way of embracing capitalism and rejecting communism.\textsuperscript{228}

However, looking at Cuba suggests that assumptions based on “one-size-fits-all” policies are ill advised. While it cannot be disputed that Cuba’s government is not democratic, transparent, or accountable, it also cannot be disputed that Cuba’s development attainments in health, education, welfare, and sanitation are enviable. Perhaps this is one reason why good governance


\textsuperscript{225} See Fleiner, supra note 76 & accompanying text (this is the sixth in the list of the World Bank’s seven principles of good governance).

\textsuperscript{226} Botchway, supra note 57, at 173.


\textsuperscript{228} Botchway, supra note 57, at 177.
policies, as adopted by the IFIs, have not been free from criticism. There are serious challenges to the good governance policies. One challenge is the critique that such policies interfere with the sovereign's right to determine its own economic system. With good governance, the IFIs make a state prioritize the market interests of the industrialized world over the interests, and possibly the well being, of its citizens. Another challenge to good governance policies is that they fail to account for local social and cultural particularities. To be sure, Cuba challenges the assumption that free markets and democracy are dovetailing concepts that are necessary—indeed, that are the only way—to achieve progress in development. The case of Cuba strongly suggests that sometimes the states that reject democracy and rely on strong government may be more able to implement policies that promote human development.

It is significant that the UN Commission on Human Rights has itself adopted texts on good governance. Yet it is also noteworthy that the international, "universal" human rights regime is subject to much the same imperialist critique to which the IFI policies have been subjected: it is grounded on the liberal, individualistic tradition promoted by the Western, developed states and imposed on developing nations. In this context, good governance in human rights ideals will simply coincide with good governance in economic ideals: promotion and establishment of institutions that will promote free trade, the benefits of which are presumed to, but rarely do, trickle down to the poor. Thus, it is not surprising that Cuba has abstained from adopting such texts, requiring transparency, accountability, and participation in a government that is responsive to the needs of the people as foundations of good governance and as necessary for promoting human rights. Cuba instead claims that the definition of good governance is contested and that a "common understanding" of the meaning of good governance does not exist.

Moreover, as Cuba's case shows, the good governance model's requirement of an efficient government can be utilized to overshadow social needs such as food and security, and relegate them to inefficient

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governmental intrusions into a free market.\textsuperscript{233} Cuba's HDI challenges the assumption that any governmental intrusion, such as administrative and political control of the economy and markets, is the equivalent of bad governance.\textsuperscript{234} While IFI policy is based on the belief that deregulating markets will suffice to improve the economy,\textsuperscript{235} Cuba challenges this view with the alternative vision that the key to economic success lies in "strategic state involvement with the private sector, rather than a deregulated and liberalized economy where market forces predominated."\textsuperscript{236} Indeed, one may ask whether the liberal notion of the right to be free from government interference is really a better model for poor countries than having a government that is actively involved with its people—one that funds, assists, or creates projects with the aim of sparking human flourishing.\textsuperscript{237} Cuba's success suggests that requiring smaller government may harm some states, and may translate into the curtailment of much-needed health, education, labor, and welfare benefits from and protections by the states.


\textsuperscript{234} Id. at 1012.

\textsuperscript{235} Id. at 1017.

\textsuperscript{236} Id.

\textsuperscript{237} Id. at 1027.