

## **MASSIVE FRAUD: THE CORRUPTION OF THE 2013 UPR REVIEW OF CUBA**

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Today Cuba is having its human rights record reviewed by the United Nations Human Rights Council under an automatic procedure that takes place once every four years, known as Universal Periodic Review (UPR). Regrettably, this UN Watch study reveals how Cuba has corrupted and abused the process.

### **Key Findings:**

#### **1. Cuba Hijacked the NGO Process Using Front Groups**

Cuba used hundreds of front groups to hijack the United Nations compilation of NGO submissions and turn it into a propaganda sheet for the Castro Communist regime.

While critiques of genuine NGOs do appear, they are overwhelmed by an unprecedented amount of submissions by fraudulent “NGOs” that, if they do exist, are mere puppets of Cuba and its allies abroad.

UN Watch examined 28 recent UPR country reviews. There were 9 NGO submissions on Turkmenistan, 12 on Romania, 23 on Germany, 32 on Russia, and, the highest, 48 on Canada. For Cuba, however, the number soars to *an incredible 454*. (See chart on page 2.)

This is fraud committed on a massive scale. Cuba is abusing the United Nations human rights system. As a result of its barrage of filings by hundreds of state-controlled organizations, numerous statements of praise taint the UN’s official summary, which will now form a basis for Cuba’s review. See statements below on pages 2-10.

#### **2. UN Agencies Praised Cuba’s Rights Record**

Serious questions arise regarding the credibility of the *Compilation of UN Information* document. The submission by the UN Country Team for Cuba is full of praise, while the UNESCO submission is grossly misleading as to Cuba’s human rights record. Only three paragraphs in these two UN submissions offered any critique of Cuba’s human rights record. See statements below on pages 11-13.

## I. PRAISE OF CUBA IN UN's 2013 UPR NGO COMPILATION

### *Introduction*

The United Nations summarized the 454 NGO submissions on Cuba's human rights record in its *Summary of Stakeholders' Information*.<sup>1</sup> Out of 105 numbered paragraphs, 72 consist of robust praise of Cuba's human rights record. In total, the UN summary provides 93 separate statements of praise of Cuba's record. They are listed below. In addition to compiling its own summary document, the UN also features the 454 individual submissions on its website.<sup>2</sup>

### *Findings*

Cuba used 454 front groups to hijack the United Nations compilation of NGO submissions and turn it into a propaganda sheet for the Castro Communist regime. While critiques of genuine NGOs do appear, they are overwhelmed by an overwhelming and unprecedented amount of submissions by fraudulent "NGOs" that, if they even exist, are puppets of Cuba and its allies abroad. In the chart below, UN Watch examined 28 recent UPR country reviews. There were 9 NGO submissions on Turkmenistan, 12 on Romania, 23 on Germany, 32 on Russia, and, the highest, 48 on Canada. For Cuba, however, the number soars to an incredible 454. As a result, Cuba tainted the NGO process, with fraud on a massive scale. Cuba is abusing the United Nations human rights system.

*Chart showing NGO submissions for recent country reviews*

<b>15<sup>th</sup> UPR Session</b> <i>Jan-Feb 2013</i>		<b>16<sup>th</sup> UPR Session</b> <i>April-May 2013</i>	
<b><u>Country</u></b>	<b><u>Submissions</u></b>	<b><u>Country</u></b>	<b><u>Submissions</u></b>
France	29	Turkmenistan	9
Tonga	3	Burkina Faso	7
Romania	12	Cape Verde	1
Mali	4	Colombia	22
Botswana	5	Uzbekistan	16
Bahamas	3	Tuvalu	3
Burundi	13	Germany	23
Luxembourg	8	Djibouti	5
Barbados	4	Canada	48
Montenegro	7	Bangladesh	27
UAE	9	Russia.	32
Israel	23	Azerbaijan	18
Liechtenstein	3	Cameroon	18
Serbia	9	<b>Cuba</b>	<b>454</b>

<sup>1</sup> See UN summary of NGO submissions, U.N. Doc. A/HRC/WG.6/16/CUB/3, available at [http://www.upr-info.org/IMG/pdf/a\\_hrc\\_wg.6\\_16\\_cub\\_3\\_cuba\\_e.pdf](http://www.upr-info.org/IMG/pdf/a_hrc_wg.6_16_cub_3_cuba_e.pdf).

<sup>2</sup> See full submissions at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRCUStakeholdersInfoS16.aspx>.

***93 Statements Praising Cuba in UN's NGO Compilation Document***

1. "Some 17 reports indicated that Cuba has ratified numerous international instruments, thereby demonstrating its commitment to the international system for the protection of human rights."
2. "Some 63 organizations pointed out that Cuba ratified the United Nations Convention against Corruption in 2008 and the International Convention for the Protection of All Persons from Enforced Disappearance in 2009 and that, in 2012, it submitted the International Labour Organization (ILO) HIV and AIDS Recommendation, 2010 (No. 200), to the competent national authorities."
3. "Approximately 77 reports mentioned that Cuba's constitutional and legislative framework recognized and guaranteed basic human rights and freedoms."
4. "The Organización de Solidaridad de los Pueblos de África, Asia y América Latina (Organization for the Solidarity of African, Asian and Latin American Peoples) (OSPAAAL) drew attention to the existence of a legal framework for the protection and promotion of women's rights, including sexual and reproductive rights."
5. "Some 81 organizations drew attention to the fact that in 2011 the National Assembly had adopted economic and social policy guidelines designed to update the country's economic model and improve the population's quality of life."
6. "Other organizations indicated that, as part of that process, the Assembly had adopted new legislative measures relating to land transfers, the expansion of social security coverage; employment; housing; and procedures for amending the Criminal, Family and Labour Codes. Various reports pointed out that a participatory approach had been followed in adopting these measures."
7. "The Federación Estudiantil Universitaria de Cuba (Federation of University Students of Cuba) (FEU), reported that Cuba has an effective inter-institutional system for protecting citizens' rights which allows for the participation of social and grass-roots organizations and which guarantees that complaints will be addressed. FEU added that this system has been systematically fine-tuned to enhance its effectiveness."
8. "The Federation of Cuban Women (FMC) stated that it had facilitated the participation of women in the preparation of a draft of the second national universal periodic review report."
9. "The Centro de Estudios Sobre la Juventud (CESJ), on the other hand, highlighted the efforts made to disseminate information about child and adolescent rights."
10. "The Consejo Comunal Propatria Obrera (Patriotic Workers' Community Council) (CCPO), indicating that FMC is the lead agency in policies concerning

women, stated that this represented a unique partnership between the State and civil society actors.

11. “FMC itself reported that its efforts to achieve full gender equality and equity have been State- driven from the outset.”
12. “OSPAAAL drew attention to the periodic review of the National Action Plan for Follow-up to the Fourth World Conference on Women, held in Beijing, and to the continuation of a university lecture programme for senior citizens.”
13. “Over 240 organizations highlighted the State party’s programmes for international cooperation and solidarity in the fields of education, health, culture and sport, such as the “Yes I Can”, “Operation Miracle” and many other initiatives.”
14. “Some 66 organizations drew attention to the State party’s cooperation with universal human rights mechanisms.”
15. “Around 60 organizations indicated that most of the recommendations made in the first cycle of the universal periodic review (2009), have been implemented.”
16. “Over 66 organizations underscored the State party’s cooperation with treaty bodies through the submission of reports to such bodies as the Committee on the Elimination of Racial Discrimination (2011), the Committee on the Rights of the Child (2011) and the Committee against Torture (2012).”
17. “Approximately 13 organizations indicated that measures were taken to implement the recommendations of the Special Rapporteur on the right to food.”
18. “Approximately 37 contributions noted that Cuba has achieved a considerable degree of inter-cultural harmony and multi-racial integration.”
19. “Around 15 organizations reported on the progress made towards the achievement of gender equality.”
20. “At least six reports drew particular attention to women’s access to family planning services and sex education, their freedom of choice with regard to abortion, freedom to marry and equality within the family. They added that maternity and paternity rights are recognized.”
21. “More than 37 submissions also mentioned measures in place to combat discrimination based on sexual orientation and gender identity.”
22. “The Sociedad Cubana Multidisciplinaria de Estudios sobre la Sexualidad (Cuban Multidisciplinary Sexuality Research Association) (SOCUMES) indicated that implementation of an educational strategy to promote respect for free and responsible choices with respect to sexual orientation and gender identity had given rise to a debate on sexual diversity.”
23. “The Asociación de Profesionales Graduados en la República de Cuba (Professional Graduates Association) (APGRC) referred to the creation of a comprehensive health centre for transgender persons.”

24. “Over 100 organizations reported that, in 2009, the Council of State decided to commute the death penalty and replace it with 30 years’ or life imprisonment. They added that no one has been sentenced to death and that the penalty has been suspended.”
25. “Around 24 organizations indicated that there had not been any case of disappearance or extrajudicial execution and that torture had been eradicated.”
26. “Dominica Cuba Friendship Association (DCFA) commended Cuba for remaining one of the safest countries in the world due to the government’s investment in security.”
27. “Some six reports indicated that the penal system is designed to educate convicts and reintegrate them into society.”
28. “According to Association France Cuba (AFC), Romanian-Cuban Friendship Association Branch of Dambovita (RCFA) and Sri Lanka National Committee for Solidarity with Cuba (SLNCSC) 2900 prisoners were released in 2011.”
29. “RWB indicated that every journalist arrested during the “Black Spring” of March 2003 had been released between July 2010 and March 2011, though most were required to go into exile.”
30. “The Swedish Peace Council (SPC) noted achievements regarding the elimination of household violence and attention to psychological violence.”
31. “Over 32 reports indicated that there is a separation of powers in Cuba, which ensures that the judiciary can perform its duties without interference from the other branches of Government.”
32. “Approximately 27 reports noted that the judicial system is based on equality before the law and the presumption of innocence and that all trials are public with those accused having a right to a legal defence and the right of appeal.”
33. “Three reports indicated that there was no impunity.”
34. “More than 49 reports drew attention to the State party’s respect for freedom of religion and belief. They added that all religions have their own churches, temples and houses of worship where members can practise their faith without any State interference. The reports also indicated that there is freedom of religious teaching.”
35. “At least eight reports indicated that relations between the State and the religious sector are good.”
36. “More than 26 contributions indicated that human rights defenders are protected and nobody had been persecuted or penalized for peacefully exercising their rights.
37. Approximately 57 organizations added that Cuba has been the victim of a campaign to discredit its performance in human rights.”

38. “Various organizations indicated that foreign funding is being channelled through persons purporting to be human rights defenders to members of the opposition seeking to overthrow the Government.”
39. “Around 10 organizations reported that the blockade hinders the modernization of computer hardware and limits access to various websites.”
40. “SPC noted efforts to make information technology and Internet access available to all, despite the blockade.”
41. “The Unión de Periodistas de Cuba (Cuban Union of Journalists) (UPEC) reported that it has participated in preparatory research for a media or communications law that will update the legal framework pertaining to access to information and the exercise of journalism.”
42. “House of Latin America (HOLA) and la Sociedad Cultural Jose Martí (SCJM) noted the active role of civil society in the decision-making process regarding all matters of the political, economic, social and cultural life.”
43. “At least nine reports indicated that the Cuban political system had been freely chosen by the population.”
44. “A further 49 submissions stated that the population participates in decision-making, both directly and through elected representatives.”
45. “More than 20 reports emphasized the participation of women in political, economic, academic, social and cultural life and drew attention to the percentage of women representatives in public office. OSPAAAL cited, as an example, the fact that, as of 2011, women represented: 63 per cent of professional and technical staff; 62.8 per cent of higher education graduates; 35.6 per cent of technical and professional teaching staff; 36.7 per cent of managers; 46.7 per cent of the public-sector workforce; 28 per cent of ministerial-level staff; and 40 per cent of executives.”
46. “Some 51 submissions indicated that, in accordance with the ILO conventions it has ratified and its own Labour Code, Cuba guarantees the right to work and to just conditions of work, including the right to social security and an adequate standard of living for workers and their families.”
47. “Six organizations stated that Cuba guarantees work for the majority of the population.
48. The Club de Amigos de Cuba de Leogane (Leogane Club of Friends of Cuba) (CACL) reported that Cuba has prioritized job creation in areas where the greatest work shortages exist.”
49. “Four organizations expressed the view that low unemployment rates in Cuba reflect the broad scope of State policy in this area.”
50. “All-China Women’s Federation (ACWF) added that the employment rate of women had increased significantly and that the female unemployment rate was only 2.0 per cent.”

51. “The Cuban Association of the United Nations (ACNU) stated that the principle of equal pay for work of equal value applies, without distinction, to both men and women. It added that, upon completing their studies, young people are placed in jobs corresponding to their qualifications.”
52. “At least six organizations referred to a new special social security regime for self- employed workers which helps to increase the supply of goods and services and, in turn, creates employment opportunities.”
53. “HOLA noted that the right to join unions is guaranteed and all unions organize their activities with independence.”
54. “Around 19 Cuban trade unions in different sectors of the economy submitted information concerning, inter alia, freedom of association, the functional independence of unions and their participation in decision-making, social security benefits, exchanges with other countries, and access to new technologies in their respective fields of work.”
55. “Around eight reports noted that Cuba is committed to the achievement of the Millennium Development Goals by 2015 and has already done so in numerous fields.”
56. “A further 15 reports added that the country has a high ranking on the Human Development Index.”
57. “At least 19 organizations noted that all people in Cuba have equal access to quality basic services like social assistance and security.”
58. “SLNCSC highlighted that in 2012, Cuba spent 52 per cent of its budget for education, health and other social needs such as subsidizing low-income persons and protecting persons with disabilities.”
59. “Around four organizations noted that efforts had been made to guarantee the right to housing.”
60. “Some organizations reported that an amendment to the General Housing Act had helped to meet the demand for housing through the transfer, purchase, sale and lease of property.”
61. “At least seven organizations said that there had been an increase in the number of hectares of land handed over for public use. ACNU and the Asociación de Solidaridad y Cooperación para el Desarrollo (Association for Solidarity and Cooperation for Development) (ASCD) spoke of the positive impact that this measure has had on food production and, according to ASCD, on job creation.”
62. “Around 55 organizations stated that Cuba guarantees everyone the right to food and food security. The latter is treated as an issue of national security.
63. “Some 42 organizations mentioned the negative impact of the economic blockade in this regard.”
64. “More than 195 organizations reported that the blockade undermines the country’s economic and social development and constitutes a barrier to the

enjoyment of human rights, fundamental freedoms and the right to self-determination.”

65. “Approximately 39 organizations noted that, despite the blockade, Cuba has continued to place a priority on achieving the highest standards of life for its people. Humanistic Solidarity Association (HSA) added that Cuba has continued to progress in activities such as arts and sports, care for the elderly and persons with disabilities, and other social interaction necessary for the development of a fair society.”
66. “More than 121 organizations noted that Cuba continues to ensure universal access, free of charge, to public health care.”
67. “At least 30 organizations stated that life expectancy is around 78 years.”
68. “Around 11 organizations referred to the negative impact of the blockade on the public health system. The Consejo Nacional de Sociedades Científicas de la Salud (National Council of Health Science Associations) (CNSCS) said that the blockade hampers the entry of a range of medicines and medical equipment.”
69. “More than 19 reports stated, however, that the health sector has technology, equipment and scientific expertise at its disposal and benefits from the professionalism of its doctors.”
70. “At least five reports added that the right to health is guaranteed, without discrimination, and that progress has been made with regard to vaccinations.”
71. “SPC noted achievements in fighting and preventing HIV and AIDS.”
72. “Some eight submissions drew attention to the promotion of sexual and reproductive health and family planning services.”
73. “More than 61 reports stated that the maternal mortality rate was around 40 per 100,000 live births in 2011.”
74. “Around 127 organizations pointed out that Cuba had an infant mortality rate of 4.9 per 1,000 live births in 2011.”
75. “At least nine organizations reported that infant malnutrition has been eradicated.”
76. “More than 57 organizations noted that the education system has a high quality and is universal and free at all levels.”
77. “According to the Colegio de Profesores de Chile (Teachers Association Chile) (CPC), Cuba invests around 13 per cent of its gross domestic product in education.”
78. “Around 99 organizations drew attention to the country’s strong education indicators. Some reported, for example, that 100 per cent of girls and boys are enrolled in school; that the average level of education attained is ninth grade; that over 60 per cent of Cubans between the ages of 18 and 24 pursue higher education; and that the illiteracy rate is 0 per cent.”

79. “At least seven organizations indicated that a ratio of 1 teacher to 20 children or fewer has been attained in primary-level education, allowing for individual, specialized and comprehensive attention.”
80. “They said that all schools are equipped with technological media, such as televisions, video players and computers, along with educational software. Others also stated that the large-scale art education system illustrated the comprehensive nature of the educational process.”
81. “As indicated by more than 62 contributions, Cuba also continues to train several foreign students, free of charge, notably in medicine.”
82. “More than 33 contributions noted that culture is being promoted in the country as a grass roots phenomenon, promoting equality and opportunities for the development of the potential of every citizen, with no distinctions.”
83. “Jose Martí Cultural Association Swedish Branch (JMCA-SB) pointed out that total freedom of artistic expression is guaranteed.”
84. “Some seven organizations said that the country’s cultural policy has been designed to provide everyone with the opportunity to participate in cultural processes and to actively engage authors and artists in the preparation and implementation of this policy.”
85. “The Organización de Pioneros Jose Martí (José Martí Pioneers Organization) (OPJM) indicated that there was a special education subsystem in place to meet the educational needs of children and adolescents with physical or mental disabilities or behavioural problems.”
86. “CACL reported that children with limited motor functions are home-taught by teachers who go from house to house. It added that there are special classrooms in hospitals.”
87. “ACNU drew attention to a programme designed to guarantee access to employment, upon request, for all persons with disabilities who are able and willing to work.”
88. “The Asociación Nacional de Sordos de Cuba (National Association of Deaf Persons of Cuba) (ANSOC) stressed that persons who are hard of hearing, or who have any other disability, benefit from supportive policies in the areas of health, employment, education, culture and sport.”
89. “ACNU drew attention to the efforts made to uphold the right to a healthy environment by working towards the goal of energy efficiency and making progress in introducing renewable energy sources. It noted that these efforts which have laid the groundwork for achieving sustainable and climate-friendly development.”
90. “The Sociedad Económica de Amigos del País (Economic Association of Friends of Cuba) (SEAP) indicated that the right to a healthy environment has also been one of the Government’s priorities over this three-year period. It added that preparations for the national environment strategy 2010–2015, which is currently being implemented, began in 2009.”

91. “The Greek Committee for International Democratic Solidarity (EEDDA) stated that, according to an academic study on the right to a clean environment, Cuba ranked ninth in the world in 2010.”
92. “Around nine organizations noted that Cuba sets an example for the management of natural disasters.”
93. “More than 48 submissions referred to the international cooperation efforts of the Henry Reeve Contingent which specializes in responding to disasters and serious epidemics.”

## **II. COMPILATION OF UN INFORMATION: PRAISE BY THE UN OFFICE IN CUBA AND UNESCO**

### *Introduction*

In addition to the corruption of the NGO submissions, there are serious questions about the credibility of the *Compilation of UN Information* document.<sup>3</sup> This is meant to be a compilation of information from treaty bodies, special procedures, the Office of the High Commissioner for Human Rights and other relevant official UN documents. Yet the submissions by the UN Country Team for Cuba are full of praise, and the UNESCO submission is also grossly misleading as to Cuba's human rights record. In the entire submissions of UNCT and UNESCO, only three were found to offer any critique of Cuba's human rights record. The statements of praise follow below.

### *Statements of UNCT & UNESCO Praising Cuba's Rights Record*

1. "The United Nations Country Team (UNCT) indicated that an economic and institutional reorganization process had been carried out focusing on national priorities such as food security, import substitution policy as well as on the efficiency and productivity of the economy. It highlighted the adoption in 2011, after a popular debate, of the Economic and Social Policy Guidelines for the Party and the Revolution where national challenges and development topics were addressed, such as the buying and selling of motor vehicles among private individuals, the buying and selling of houses, and the enabling of Cubans living in the country to travel abroad as tourists. To implement these guidelines, the Permanent Commission of the Government for Implementation and Development was established."
2. "The United Nations Educational, Scientific and Cultural Organization (UNESCO) acknowledged Cuba's cooperation for literacy through its programme "Yo si puedo" implemented by Cuban teachers."
3. "The UNCT indicated that the updating of the migration policy had been approved in 2012, forgoing the required Travel Permit as well as the need for a letter of invitation. It added that as of 14 January 2013, Cubans would only need to submit their duly updated ordinary passport, and the visa issued by the country of destination when required, in order to travel. The ordinary passport would be issued to the Cuban citizens who meet the requirements of the Migration Law."

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<sup>3</sup> See *Compilation of UN Information*, U.N. Doc. A/HRC/WG.6/16/CUB/2, at [http://www.upr-info.org/IMG/pdf/a\\_hrc\\_wg.6\\_16\\_cub\\_2\\_cuba\\_e.pdf](http://www.upr-info.org/IMG/pdf/a_hrc_wg.6_16_cub_2_cuba_e.pdf). The full submissions by the UNCT for Cuba and UNESCO can be seen here: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRCUUNContributionsS16.aspx>.

4. “UNESCO recorded no killing of journalists and media workers between 2008 and 2011. However, it indicated that intimidation, arrest, and imprisonment of journalists continued to be reported.”
5. “UNESCO encouraged Cuba to introduce a freedom of information law; decriminalize defamation; allow journalists and media workers to practice the profession in a safe, free, independent and pluralistic media environment and allow for self-regulation of the media.”
6. “According to the United Nations Country Team (UNCT), in fostering non-State forms of management as an employment alternative, in a context of restructuring the State’s labour force, specific measures were established and regulations relaxed. It added that Cuba also decided to further expand categories of private jobs.”
7. “UNCT indicated that Cuba had maintained a high human development rate. Cuba was a developing country which had achieved several MDGs long before these goals were agreed to in an international forum. The main challenges were in terms of quality and sustainability in what had already been achieved. UNCT stated that the three goals where Cuba considered progress insufficient to reach the target were the reduction of maternal mortality; improvement at the lives of slum-dwellers by 2020; and access to information and communications technologies.”
8. “UNCT indicated that the Cuban population was aging rapidly. In 2011 18.1 per cent of the total population were persons of 65 years or older and this figure was expected to reach 30.8 per cent in 2030, of which 54 per cent would be women. Additionally the fertility rate dropped to less than the replacement level fertility since 1978. The low birth rates and rising life expectancy were leading to a rapid aging and a decline in working age population. Consequently an important concern was the rising dependency ratio, and its implications for public policies and services in particular care policies for the elderly.”
9. “UNESCO noted that primary education was compulsory and universal between 6 and 11 years of age. It added that the political will to develop an education of quality for all without exclusion was demonstrated by the fact that the budget for education had been multiplied by more than one third since 2000 and was still increasing.”
10. “UNESCO also noted that there are schools in the most remote areas, even for just one isolated or hospitalized student. It added that when students cannot go to school by themselves, there are some mobile teachers. For those who drop out of school before completing nine years of basic education, options exist to encourage them to continue their studies.”

11. “UNESCO indicated that Cuba was often shown as a good example in education. It noted that detailed analyses of the Latin American Laboratory for the Evaluation of Educational Quality (LLECE) study data revealed several factors in Cuba’s success, including universal day care, more prevalence of home educational activities, smaller class sizes, higher levels of school and classroom material resources, better-trained teachers, greater parental involvement in school, a strong classroom disciplinary climate and relatively few multigrade or ability-grouped classes.”
12. “UNESCO further stated that the State maintained a broad scholarship system for students and provided the workers with multiple opportunities to study to attain the highest possible amount of knowledge and skills.”
13. “UNESCO noted that civil society was recognized as a key player in Cuba’s cultural life and played an active role at local level through its work with the Houses of Culture and the People’s Councils.”
14. “UNESCO indicated that Cuba should further strengthen capacities to develop the cultural sector at the local level, in conformity with the economic model. It added that initiatives by the youth should also be supported. Special attention should also be paid to local needs and to the cultural approach to prevent conflict, in particular violence against women.”
15. “UNCT indicated that Cuba’s first United Nations Development Assistance Framework- UNDAF (2008–2012) addressed five key areas: Local Human Development, Natural Disaster and Risk Mitigation, Environment and Energy, Health and Food security. It added that Cuba agreed to extend the current UNDAF to fully align the new programming cycle with the Economic and Social Policy Guidelines. The second UNDAF (2014–2018) would be critical to substantively contribute to national development.”