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**Evaluation of the Yearbook
Human Rights in Developing
Countries**

*by Fafo Institute for Applied Social Science
Centre for International Studies*

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Evaluation of the Yearbook Human Rights in Developing Countries

by

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A report submitted to the Royal Norwegian Ministry of Foreign Affairs
by Fafo Institute for Applied Social Science,
Centre for International Studies

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FOREWORD

This evaluation of the human rights monitoring and documentation project *Human Rights in Developing Countries* has been commissioned by the Royal Norwegian Ministry of Foreign Affairs under contract with Fafo Institute of Applied Social Science.

The evaluation has been carried out by an international team consisting of Professor Kjell Havnevik from the Swedish University of Agricultural Science in Uppsala, Professor Nasila Rembe from the Fort Hare University in Eastern Cape, Republic of South Africa, and Bjørne Grimsrud and Kjetil Tronvoll, both researchers at the Fafo Institute of Applied Social Science, Centre for International Studies, whereof the latter was the project leader. The selected bibliography provided in the appendix section of this report has been prepared by Astrid Anderson at the Library of the Ethnographic Museum at the University of Oslo. The various authors are each responsible for their separate contributions to this report.

The evaluation team would like to take this opportunity to express its gratitude to the employees at Chr. Michelsen Institute in Bergen and the Norwegian Institute of Human Rights in Oslo for responding to the many questions and inquiries from the evaluation team and for giving us permission to study their archives relating to the Yearbook project. We would also like to thank the many people in Ethiopia, Tanzania and Botswana who shared their views on human rights monitoring and research in developing countries with the coordinator of the project. This evaluation project could not have been accomplished without the assistance from all of the above; however, the responsibility for the information presented in this report, and any possible misunderstandings or misinterpretations, rests solely with the respective authors.

Oslo, 20 September 1996

ABBREVIATIONS:

CMI	Chr. Michelsen Institute
MDC	Ministry of Development Cooperation
MFA	Ministry of Foreign Affairs
NHRP	Norwegian Human Rights Project (predecessor of NIHR)
NIHR	Norwegian Institute of Human Rights
TOR	Terms of Reference

EXECUTIVE SUMMARY

An Overall Assessment of the Yearbook Project

by
Kjetil Tronvoll, Kjell Havnevik
Bjørne Grimsrud and Nasila Rembe

• INTRODUCTION

The Yearbook contained two original main objectives; (i) to provide policy makers with regular and reliable information on the present human rights situation in developing countries; (ii) analysis of the connection between development assistance and human rights. To build competence in human rights research in Norway followed as a consequence and was a part of the wider agenda of the project.

An overall assessment of the Yearbook Project must emerge from how the objectives of the Yearbook have been achieved, analysed against the background of the additional objectives of the evaluation itself as stated in the TOR. Thus the following five aspects need to be examined: structure and organisation; capacity building; scientific quality; cost effectiveness; and utility of target groups.

The part of the Yearbook Project assessed in this evaluation is limited to Norwegian based contributions primarily for the period 1990-95, i.e. the second half decade of the life of the project. However, to acquire an understanding of the development of the structure and organisation of the project presented in chapters 3 and 4, we have been obliged to go back to the origins of the project in the early 80s.

STRUCTURE AND ORGANISATION (Chapters 3 and 4)

The management structure and budgeting of the Yearbook are a result of the historical development of the project as such. To underpin the project's existence and secure funding, the scholarly content and volume of the project has been given maximum priority by the Institutes, consequently using as many resources as possible on research and a minimum on

administration, marketing and additional spin-off activities like seminars, etc. Both the administrative costs and the real costs behind each article has been continuously under stipulated.

The result has been an impressive Yearbook given the funds provided. This strategy has, on the one hand, created a desired work opportunity for Norwegian researchers on human rights. On the other, however, the project has left in its wake an underdeveloped administration which has resulted in a long production time; limited resources for quality control and evaluation; little resources set aside for marketing; no resources for north/south cooperation within the project; and the use for administrative purposes of resources originally earmarked for research. In addition the Institutes have in reality subsidised the project since they have only charged overhead costs to a limited extent.

Maximising the project within limited resources means that one expects all the recruited authors to deliver. Instead of going to press with material received by the deadline, the editors have kept on prolonging the deadline awaiting the last contributions. Only once in the 10 year history of the project has an article been refused publication. The cost of additional administrative resources for such practices has in some years probably exceeded the cost of several country reports. This means that it would have been more cost efficient to recruit additional authors given that only eight out of ten would meet the deadline or the standard of quality. However, since the administrative costs have been hidden as research costs, or in the form of hidden subsidies from the institutes, it is not easy to make accurate and reliable calculations. In this respect it is important that the total overhead costs are calculated by the Institutes even if the MFA is unable to cover the full costs.

Another problem has occurred at the end of the process. Lack of continuity on the publishing side and lack of close contact between the parties involved has evolved into disagreements and delays. This is particularly noticeable so far as the 1990 edition published by P.E. Engel and the 1992/93 edition which was intended for publication by Norwegian University Press are concerned. A more professional and close relationship with preferably one publisher should be established.

Taking the above issues into consideration, it seems realistic to reduce the time from the last events covered by the Yearbook to publishing from the current standard of more than one year to maybe only half a year. This would also require more long-term financial planning including a more long term commitment from the MFA.

The management structure of the Yearbook Project poses a more overall problem. The decision making process seems to be quite inefficient. As described in Part 2 of this report, the project seems to have developed a structure where one requires a consensus among the participating

institutes for change, in addition to approval from the respective funding agencies and the publisher. The result has been a conservation of the present structure which has not developed inline with the expansion of the project.

Also the relationship between the two Norwegian institutes and the MFA seems to have stagnated, resulting in, among others, more emphasis on standardised country profiles than either of them would like.

SCIENTIFIC QUALITY (Chapters 5, 6 and 7)

In total the qualitative content evaluation covers five thematic articles and 20 country profiles in which 14 countries are represented (for some countries several profiles are evaluated). Whereas the Yearbook Project has had a high degree of goal attainment for objective (i): providing policy makers with regular and reliable human rights information and building up research competence; the fulfilment of objective (ii); analysing the connection between development assistance and human rights has, however, been more limited. As shown in the more detailed evaluation in chapters 6 and 7 most of the 25 articles evaluated, except for three of the thematic and a few of the country profiles, have dealt with the interlinkage between development assistance and the human rights situation. Where this issue is addressed in depth, it is primarily in relation to broader issues, such as the impact of and responses to economic and political reform policies (with the exception of the thematic article focusing on bilateral aid conditionality and relations).

The Yearbook Project has positioned itself well in relation to the wider processes of change and human rights developments. Compared to other existing sources the Yearbook offers a more reliable and less biased monitoring criteria, which, together with the international standing of the countries involved in the project, provide additional strength for its acceptance.

The Yearbook has conducted good competent monitoring and analysis of the political and civil rights situation in developing countries, and it has been a pioneer in the monitoring and analysis of economic, social and cultural rights. An imbalance can quite rightly be detected in the quality of the work on these two types of rights, but that can to a large extent be attributed to the pioneering role of the project in this context. However, here lies a major challenge for the future, as the economic, social and cultural rights issues are likely to grow in importance with time.

The thematic part of the Yearbook addresses the wider process of change and developments in the field of human rights. This part is most relevant

in providing the connecting issues between, on the one hand, the conditions obtaining in the countries subject to case study and monitoring, and on the other hand the wider global context of human rights. The changes which have taken place in the field of human rights over the last two decades have an important bearing on the process of development and therefore international human right norms and practices must be brought to bear on national scenes. The thematic part of the Yearbook should close this gap by being presented in carefully worked out themes that bear relevance to the country studies. In the context of Africa, the international human rights policies and practices of financial institutions and donor agencies, the plight of people affected by such policies, minorities, women, and children, states of emergency and massive and serious violations could be subjects for thematic discourse.

The overall quality of the Yearbook contributions is good. About one third of the contributions were found to be of high quality, i. e. of a good international standard and the remaining of good quality. No contribution was found to be of below average or poor quality. The evaluation of those countries where several profiles appeared, showed increased breadth and depth of the monitoring and analysis, in particular as regards civil and political rights. This shows the growth to maturity of the researchers associated with the project and overall the indications are from our evaluation that the quality is improved over time.

CAPACITY BUILDING (Chapters 8, 9 and 10)

Overall, our assessment is that the Yearbook Project (related to the period and articles mentioned above) has fulfilled the following objectives (i) to provide policy makers with regular and reliable information on the present human rights situation in selected developing countries, and (ii) the wider agenda of capacity building. The Yearbook has been published regularly (except for the non-appearing 1992 edition which was included in the 1993 edition) and has both provided reliable information on the human rights situation in developing countries and managed to reach the major target group with this information (as analysed in the user survey). The discussion in 1992 of introducing a new target groups, governments in the South, has however not materialised. On the other hand, no additional resources were made available for meeting any such new objective.

The Yearbook has had a major and positive impact on capacity creation in human rights and development studies research in Norway. The project was originally launched and kept alive under difficult conditions by enthusiastic and committed Norwegian researchers in the mid-1980s. Through their contribution to this project over the years they have grown

to maturity and today constitute an important group of competent researchers contributing in important ways to human rights- and development research.

The institutes responsible for the project, the Chr. Michelsen Institute in Bergen and the Norwegian Institute of Human Rights in Oslo have gradually emerged to represent important profiles in international human rights research.

In this respect capacity building and institutional development seem to have been restricted to those directly involved in the research, administration and publication of the Yearbook, and who are mainly drawn from the North. The pursuit of this objective needs to be linked to educational programmes and discussions within public and local institutions, NGOs and the media. However, capacity building in the South is equally vital, and this objective needs to be reinstated in the future work of the Yearbook.

The long term continuous concentration of the project on the Yearbook has contributed in important ways to enhance the consciousness in the Norwegian government, parliament and other bodies of the human rights situation in developing countries.

In the second half of the project, from 1990-95, the media coverage and usage of the Yearbook has, on the other hand, been minimal. The main responsibility for this rests with the institutes and publishers due to the lack of, or inadequate promotion of the Yearbook.

COST EFFECTIVENESS (Chapter 4)

To assess the cost efficiency three parameters must be taken into consideration. First the total production costs, then the quality of the product, and lastly the importance of demand for the product. When looking at the production costs one sees that there has been an under-reporting of the real costs from the institutes side. As far as the evaluation team has been able to examine, the funding provided has been used in a correct and efficient manner. Some inefficiency related to lack of proper calculation of overhead costs and an inadequate management structure have, however, occurred. A greater priority placed on the promotion and distribution of the Yearbook would also have been desirable.

UTILITY FOR TARGET GROUPS (Chapters 8 and 9)

A good quality product is of limited value if there is no interest in or market for the product. A commercial market is not necessarily the best way of assessing the need or success of a publication like the Yearbook. The user survey undertaken demonstrates that the Yearbook has reached out to its potential user groups in Norway with the possible exception of the news media . The book was widely known and used in the different sectors of bureaucracy, academic and organisational life as a complementary source to other comparative publications. However, the Yearbook has not managed to reach beyond the core user groups, nor to utilise satisfactorily the potential which lies in the concept of a yearbook. The news media survey indicates that the Yearbook does not play a significant part in the public debate in the media concerning human rights in developing countries.

OVERALL CONCLUSIONS

An overall assessment of the Yearbook Project has to result from how the objectives of the Yearbook have been achieved, as analysed against the additional objectives of the evaluation. Thus the following five aspects need to be commented on.

Structure and organisation: The management structure and budgeting for the Yearbook are a result of the historical development of the Project as such. Since the participating institutes have given priority to the scholarly content and volume of the Project, inadequate resources have been allocated to management and promotion. The result is an impressive Yearbook given the funds provided; however, both the administrative costs and the real costs behind each article have been continuously understated. On the other hand, however, this strategy has created a management structure with an inefficient and inert decision making process.

Capacity building: The Project as such has had a major positive impact on capacity creation in human rights and development studies research in Norway. However, capacity building and institutional development seem to have been restricted to those parties involved in the North, and not to have affected the research environments in the South.

Scientific quality: The Yearbook has achieved the chief objective of providing policy makers in the North with regular and reliable information on the human rights situation in relevant developing countries. The achievement of the second objective of analysing the connection between development aid and human rights, however, has been more limited. From a scientific viewpoint the Yearbook Project has positioned itself well in relation to the wider processes of change and human rights developments. Compared to other sources the Yearbook offers more reliable and less biased monitoring criteria, and the Project has conducted good competent monitoring and analysis of the political and civil rights situation in developing countries. The Yearbook should,

however, present more carefully worked out themes in its thematic part which bear a closer relevance to the country studies.

Cost effectiveness: When analysing the production costs of the Yearbook, one sees that there has been a under-reporting of the real costs involved from the institutes' side. As far as the evaluation team has been able to examine, the funding provided has been used in a correct and efficient manner. Some inefficiency related to a lack of proper calculation of overhead costs and an inadequate management structure has, however, occurred. A stronger priority in promoting and distributing the Yearbook would also have been desirable.

Utility for target groups: The evaluation effort has demonstrated that the Yearbook has reached its core potential users in Norway, and the book is widely known and used in the different sectors of bureaucracy, academic and organisational life, as a complementary source to other comparative publications. However, the Yearbook has not reached beyond the core user groups by utilising satisfactorily the potential which lies in the concept of a yearbook.

Based on the fulfilment of these five fundamental aspects of the Project, the evaluation team's overall assessment of the Yearbook Project is satisfactory, and we believe that the Project has in general been successful and carried out according to good scholarly standards.

MAIN RECOMMENDATIONS (Chapter 11)

The evaluation team strongly recommends the continuation of the Yearbook Project although in a different form. The major challenge for the project, however, is to upgrade the monitoring and analysis of economic, social and cultural rights in developing countries for which more methodological and theoretical knowledge as well as more facts about the real processes of change on the ground are required, a strategy which may only be accomplished by involving more directly institutions in the South. By establishing a constructive on-going dialogue and a partnership in planning, research, monitoring, and participation in public debates and discussions, the positive effects of this project developed in the North may also be transferred to the South. Given that the end result is to develop policy and monitoring criteria that would assist in the betterment of the living condition in these countries, it is imperative that the South be involved more actively in, for example, the following ways:

- The original objective of the project to provide policy makers with regular and reliable information on the human rights situation in the countries concerned should be widened from including primarily Northern governments to encompass Southern governments on an equal footing.

- As to the content of analysis and monitoring activities emphasis should be moved from civil and political rights to economic, social and cultural rights. This will provide a basis for conducting serious analyses of the connection between structural adjustment, international financial institutions, trade, the activities of multinational corporations and developing assistance and human rights.
- To bring about these changes fundamental alterations are required in the organisation and structure of the Yearbook project. Most importantly it will require the establishment of a genuine cooperation with development and human rights researchers and institutes in the South. It is imperative that such a cooperation is established at an early stage so that the formulation of the new project, within the broad framework presented above, can emerge from mutual cooperation.
- Cooperation with the South is imperative for various reasons, the main ones being that in order to have an impact on Southern governments, investigations and analysis of human rights issues need to have a base in the South; and to enhance the quality and relevance of the monitoring and analysis of economic, social and cultural rights, Southern and Northern researchers must cooperate on a long-term continuous basis.
- The inclusion in the analysis of a wide range of activities and actors primarily with a base in the North, such as trade, aid, structural adjustment etc., will give the North a better picture of the impact of these activities on human rights conditions in the South, for which they have a great deal of responsibility.
- A reliable monitoring presence through local institutions in specific developing countries, and a continuous cooperation between northern and southern institutions to interpret the data collected and analyse the political processes of change will offer an unique opportunity for the funding agencies, i.e. the MFA, to acquire policy relevant data for their long-term planning of development assistance and country strategies.
- To establish a new focus and structure will demand time and effort, and more resources of funding. It cannot run parallel with the edition of regular Yearbooks. We therefore recommend that the annual character of the Yearbook project, at least for an interim period, is substituted by a publication series.
- When the new project form has progressed substantially, discussion on the more permanent form of reporting should be initiated. Should the project return to the Yearbook format, one will have to reconsider the balance between thematic and country profiles, and assess other options

for the publication and distribution of the information emerging from the project.

- The new project that emerges will in addition to providing more relevant and reliable analyses about the human rights situation also contain an element of institution and capacity building in the South together with the further enhancement of knowledge in the North. The new project will be of direct interest both to the Ministry of Foreign Affairs, bilateral aid organisations, trade unions and other concerned institutions and organisations in the North. Consequently it should have a wider funding potential, which should be actively capitalised on by the participating institutes to avoid being dependent on northern state donorship only.

- The new project should, in addition to its publications aimed at informing and influencing government and concerned bodies in the north and the south, think through how the basic thrust of its findings also could be made available to a broader audience. This would possibly require the establishment of other publication outlets aimed at reaching the press, media and the general public. In the end it is only an enlightened general public, striving for a human based development on a global scale, that will enable the focus on these issues to be introduced or to remain on most governments' agenda.

* * *

INTRODUCTION TO THE
EVALUATION OF THE YEARBOOK
HUMAN RIGHTS IN DEVELOPING COUNTRIES

by
Kjetil Tronvoll

1.1 INTRODUCTION

The Yearbook Project *Human Rights in Developing Countries* was initiated in 1985 as a response to a government White Paper (St. medl. nr 36 1984/85) which called for more information about the condition of human rights in Norway's main partner (developing) countries. At that time the Yearbook was a joint Project between the Chr. Michelsen Institute in Bergen (CMI) and the Norwegian Human Rights Project (NHRP), the predecessor of the Norwegian Institute of Human Rights (NIHR). Later, however, the Project expanded to encompass 4-5 other Nordic and European institutes.¹ The Project's first publication appeared in 1985 under the name *Menneskerettighetene i Norges hovedsamarbeidsland*, with the first English version, *Human Rights in Developing Countries*, appearing in 1986.

The first call for an evaluation of the Project was made in 1990, and in 1992 a proposal to undertake such an endeavour was made by the Norwegian Ministry of Foreign Affairs (MFA). In the spring of 1996 Fafo Institute for Applied Social Science was approached by the MFA to organise and conduct the evaluation.

Fafo put together an international team to carry out the assignment, composed of Professor Kjell Havnevik of the Swedish University of Agricultural Science, Uppsala, Professor Nasila Rembe of the University of Fort Hare, South Africa, and Bjørne Grimsrud and Kjetil Tronvoll, both

¹ These institutes are: Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Sweden, Danish Centre for Human Rights, Copenhagen, Netherlands Institute of Human Rights (SIM), Utrecht, and Ludwig Boltzmann Institute of Human Rights (BIM), Vienna. Åbo Akademi Institute for Human Rights, Åbo/Turku and the International Centre for Human Rights and Democratic Development, Montréal have both participated in certain editions, but are presently not engaged in the project.

researchers at Fafo's Centre for International Studies, the latter being the Project leader.

Due to the relatively short time scale for the evaluation Project it was decided to elaborate on Africa as an ideal example of human rights problematics, both related to the assessment of country profiles and in providing information about the future organisation of the Project. Although the evaluation team is aware that human rights research capacity is much better developed in Asia and Latin America than in Africa, we believe that the information presented in this report underlines general aspects and problematics concerning human rights research, and is thus also relevant to the two other regions.

1.2 TERMS OF REFERENCE

The Terms of Reference (TOR) defining the framework of the evaluation explain that: "The position of human rights issues in foreign policy and development assistance has during the last decade been significantly strengthened. Project "clients", interest groups and a number of informants have increased strongly in numbers. The access to information has thus improved considerably. Against this background, the need has emerged for an evaluation of the Project, of its content, scientific quality, and the demands for information it is meant to meet."²

The TOR states that the evaluation of the articles presented in the Yearbook should concentrate on the period from 1990 to 1996. However to acquire an understanding of the growth and structure of the Project, archive studies encompassing the whole time period were carried out. The focus of analysis will be put on the "Norwegian scene", that is only articles by authors with Norwegian connection will be assessed, and only the cooperation between the two Norwegian institutes will be highlighted.

The TOR defines the following five overall objectives of the evaluation:

- assess the scientific quality of the Norwegian contributions to the Project,
- assess the contribution of the Project to Norwegian competence building in the area of human rights,
- assess the cost effectiveness of the Project,
- assess the utility and impact of the Project in relation to its target groups,

² The Terms of Reference are presented in full in Appendix E.

- assess the future role of the Project in regard to institution-, competence-, and capacity building in aid recipient countries.

To fulfil these objectives and the scope of the evaluation outlined in the TOR, Fafo decided to organise the work in five modules, which put together form the overall evaluation report: (i) assessment of the structure and organisation of the Norwegian part of the Project; (ii) qualitative assessment of the Norwegian contributions to the Yearbook; (iii) a user survey among the Norwegian user groups; (iv) a documentation and bibliographical search of human rights publications; and (v) recommendations for the future role and implementation of the Project with regard to national and international capacity and competence building.

The division of work between the team members was organised such that the two international members conducted the qualitative assessment of the articles, and the Fafo researchers concentrated on the evaluation of the structure and organisation of the Project, whilst the planning and organisation of the user survey was seconded by Fafo to Opinion a/s. The documentation survey and compilation of the bibliography were conducted by Astrid Anderson, an independent consultant connected to the University Library in Oslo on behalf of Fafo.

Information and views from southern research environments on human rights monitoring and research as inputs for making recommendations about the future organisation of the Project, were acquired during a consultancy trip to Ethiopia, Tanzania and Botswana, undertaken by the Project coordinator.

The various authors are responsible for their separate contributions to this report. However, they all stand behind the overall assessment of the Yearbook Project presented in the Executive Summary and the recommendations for change (chapter 11), which are emerge from the overall analysis of all the sub-sections.

1.3 CRITERIA FOR EVALUATION

The criteria for evaluation have a two-fold basis. First, it is necessary to evaluate the Yearbook Project on its own terms, that is to use the initial objectives of the Project as a point of departure and on that BASIS assess whether the Project has achieved its own aims. The Project contained two main objectives: (i) to provide policy makers with regular and reliable information about the conditions of human rights in development aid partner countries; and (ii) analyse the connection between development aid and the advancement of human rights. As an intrinsic part of achieving these objectives, the Project aimed at building research

competence on human rights in the participating countries, i.e. Norway. Accordingly, these objectives will form the principle criteria of the evaluation

Secondly, it is important to place the Yearbook Project within the a wider context, both political and research wise. Therefore it is necessary to assess whether the Project has maintained an adequate international standard related to its scientific merits, and whether it has managed to incorporate and reflect in its content the processes of political development which have taken place during the last decade. Accordingly, these principles will form the secondary criteria of the evaluation.

To facilitate a backdrop of comparison in this concern for the reader of this evaluation report, chapter 2 is presenting an outline of the development and processes of change during 1980-1995 with relevance to political, civil, economic, social and cultural rights.

1.4 THE REPORT OUTLINE

This evaluation report is composed of four parts. Part I covers the Yearbook Project's history (chapter 2) and the evaluation of the structure and organisation of the Project (chapter 3). In the assessment of the administrative framework of the Project, issues such as defining objectives, Project expansion, line of decision, publishing and distribution, the relationship between the Project and the ministries, and spin-off effects of the Project are addressed.

In Part II the qualitative assessment of the Norwegian based articles for the Yearbook is presented. First some perspectives on the Yearbook profile are presented, including a comment on the guidelines for country profiles and a discussion of other comparable human rights publications (chapter 5). In chapters 6 and 7 respectively the evaluation of the thematic articles and the country profiles are presented. The evaluation of the country profiles is outlined in three regional contexts (Africa, Asia and Latin America) whereas the evaluation of each article is to be found in the appendix section of the report.

Part III covers the use and knowledge of the Yearbook among its Norwegian audience and the southern view on human rights monitoring and research. In chapter 8 the findings of the user study are discussed, focusing on the general use of human rights resources, the specific use of the Yearbook, the user's assessment of the Yearbook, and the users' recommendation for change. Alternative channels of information for the Yearbook are also discussed. In chapter 9 the results of the media survey are presented. Five major newspapers in Norway and their coverage of

human rights issues and their use of sources are surveyed and debated. Chapter 10 relays the voices from the South, that is the views and opinions of the research environments in Ethiopia, Tanzania and Botswana concerning human rights monitoring and research. Their statements and recommendations are reported directly. Their views are not substantiated by the evaluation team.

Part IV concludes the report with a chapter containing the evaluation team's understanding of human rights monitoring in the developing countries of today following a number of concrete recommendations for change of the Project.

In the Appendix section of the report the evaluation of the respective country profiles and a selected bibliography are included. The second part of this section contains a list of the articles evaluated and their evaluators together with a list of countries covered by the Yearbook in the period 1985-95, the TOR and the guidelines for country profiles.

2

DEVELOPMENT AND PROCESSES OF CHANGE 1980-1995 WITH RELEVANCE TO POLITICAL, CIVIL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS

by

Kjell Havnevik and Nasila Rembe

Abstract

The TOR explains that "the position of human rights - issues in foreign policy and development assistance has during the last decade been significantly strengthened".

Against this background this chapter has been included to place the Yearbook project in relation to these processes of change, in order to acquaint the reader with an understanding of the context under which human rights research and monitoring has been undertaken.

Both political aspects as well as economic development and structural adjustment programmes aid conditionality and types of good governance; the development of a judicial human rights awareness in international politics is also addressed.

2.1 GLOBAL DEVELOPMENT TRENDS AND ECONOMIC AND POLITICAL REFORM PROCESSES

Shifts in power relations; the emergence of a single super-power scenario

During the last two decades important processes of change have taken place which have affected relations between industrialised countries in the north and between the north and the south. In the north, the decline of the Soviet bloc led to the dominance of the global arena by one super-power, the United States, which had important implications for global regional political, military and economic strategies development. This development also had considerable impact on thinking and attitudes towards human rights, their content, and ways of pursuing them in practical terms.

The single super-power situation led to a scaling down of the cold war with important repercussions for Asia, Africa and Latin America. Many countries in these regions lost their role in the military strategies of the

two super-powers. Military support and economic assistance from these powers were often of primary importance for the governments of such countries. The withdrawal or reduction of such support implied a new pattern of integration of these countries into the global system; from one based on strategic and military considerations to one founded on economic and financial preoccupations.

Shifts in north-south power relations; the collapse of the New International Economic Order

Parallel with this process, the economic role of countries in the south for development in the north was declining. This feature is maybe most accentuated in the fate of the negotiations over the New International Economic Order (NIEO), conducted under UN auspices and initiated in the mid-1970s. The impact of OPEC, a strong non-aligned movement, and the demise of Portuguese colonialism in Africa gave the Third World leverage to force the north to the negotiating table in discussing the introduction of mechanism and changes that could create a more just world order.

During the 1970s northern countries had bought into the "success" of the Third World through loans and aid, often premised on weak economic rationales, but also in the interest of protecting foreign investments and militarily strategic considerations. This decade could be seen as the heigpoint of the state-dominated development model in the south. Increasingly authoritarian regimes practised gross violations of most human rights, at the same time being handsomely supported by major northern powers. The 1970s had, however, also seen the rise of economic assistance based more on humanitarian reasons to poor countries in the south from smaller northern democracies. South East Asia was the only region that managed to accelerate into any kind of economic growth process during this period. Latin-America, and particularly Africa, fell into further economic decline.

By the end of the 1970s the debt problem of the Third World was exposed and was manifested in 1982 when Mexico defaulted on her foreign loans. The "temporary rise" of the Third World had ended and negotiations about a New International Economic Order were undermined. The quest for a more just international regime in which stable and fair prices for developing countries' export commodities and control over multinational corporation whose investments and role threatened the autonomy of southern governments was gradually substituted by structural adjustment policies.

The introduction of structural adjustment policies

The demise of the south coincided with the emergence in the north of neo-liberal economic policies emphasising the supremacy of "free market forces" and private initiative as vehicles for renewed growth and development. These policies were extended to the south, not on the

initiative of governments in the region, but through increased coordination of OECD policies towards developing countries initiated in the early 1980s. The IMF and the World Bank were entrusted with the design and implementation of the new market oriented policies which were seen by western powers and international financial institutions as leading to renewal of growth in developing countries enabling them as well to service and repay their debts to the north.

By the end of the 1980s structural adjustment policies had spread to most developing countries in spite of their challenge to incumbent regimes which fed on state domination and regulation. However, OECD coordination and the weakening of the Eastern bloc, effectively closed all doors for alternative external assistance to developing countries, except for embracing adjustment policies.

Structural adjustment policies of the first generation aimed at substituting excessive state domination and regulation with the free market as an engine for growth. They comprised external and internal liberalisation, drastic devaluations, privatisation, balancing the state budget, implying reduction in social service outlays and deliveries. These policies thus had a direct bearing on the social profile of each country's development model. In fact, from the late 1980s, there existed basically only one global development model, regardless of the economic, political, social and ethnic diversity in the developing countries.

The authoritarian policies of most Third World single political party or military regimes in the 1970s and into the economic crisis of the 1980s brought in its wake gross violations of human rights. In some major South American countries incumbent military regimes could not handle the emerging crises and tacitly withdrew, thus opening space for transition to civilian rule. However, whether a country was governed by a military regime or not, the dominant political party(ies) always had to rule in close alliance with a powerful military in command of paramilitary and intelligence forces as well. In many South- and Central American countries the military was being used by "narrow" civilian democracies to retain the political monopolies of the dominant party(ies). The civilian rulers thus had to bear the burden of the implementation of unpopular adjustment policies and their high social costs to for broad sections of the population.

Governance issues in Africa

As for Africa, the term "governance" emerged in political analysis and donor circles. The concept seems to have been linked with a certain line of analysis arising in the mid-1980s of what constituted the failure of African development. It indicated that the statist development model had created a space for patrimonialism through the rapid expansion of government functions which were allowed to unfold without checks and balances. In this context patrimonialism injected nepotism, corruption and

arbitrariness into the political and administrative system. This undermined the political legitimacy of the African states, made them unable to use development assistance effectively or pursue or sustain the structural adjustment reforms that they agreed to undertake.

At least three major variants of the concept of "good governance" appeared within donor circles. The first, most closely associated with USAID identified "good governance" with the introduction of political pluralism, elected representative bodies, the separation of powers and the rule of law, i.e. "democratic governance". A second variant was espoused by many other bilateral donors who perceived good governance to be identified with a broader, however somewhat vaguer, set of political and administrative policies and practices encompassing more accountability and transparency, pro-market economy policies, societal and political pluralism, increased priority to social sector delivery, less emphasis on the military, environmental protection and respect for human rights. The third, the World Bank "governance" concept, for its part was related to the creation of an "enabling environment" which could bolster the spread of the market and the unchaining of the private sector. In this concept technical issues of development management were seen to be isolated from politics. "Governance" referred to public sector management, internal administrative accountability, the creation of a stable legal framework which could be effectively enforced etc.

It appears that the World Bank "governance" concept, which became an integral part of the second generation of structural adjustment programmes promoted in Africa from the late 1980s onwards, was much more narrow than the other perceptions of "good governance". In particular it can be noted that the World Bank concept made no reference to political pluralism and democratisation. On the contrary the view held by the World Bank was that attainment of economic stabilisation and structural adjustment could best be achieved by effective governments. Political pluralism and democratisation would allow other stakeholders to enter the debate, which at best would delay the implementation of adjustment policies. It is therefore no coincidence that during the 1980s structural adjustment programmes were negotiated between the IMF and the World Bank and African governments in complete secrecy.

The introduction of political conditionality

A new set of conditionalities launched in the early 1990s, and added to the economic reform conditionality of the IMF and the World Bank, emphasised the need for political reforms and adherence to the human rights. Whereas some donors, such as Norway and other like minded countries, had initiated the tying of development assistance to human rights performance of recipient countries at an earlier stage, the major coordination of western donors around political pluralism and human rights conditionalities did not come about until the early 1990s, and even then in a selective manner.

The initiative for coordinated western efforts in this area came primarily from major powers such as the United States, Great Britain and Canada, and it seems to have been based on two different lines of motivations. Human rights violations had continued unabated during the 1980s and into the 1990s in Asia, Latin-America and Africa. China's assault on student protesters in 1989, internal war in Sri Lanka, the Sudan, Ethiopia, Liberia, Mozambique, Angola and the repression of political opposition and human rights groups throughout Central America portrayed a picture of increased disorder related to the political vacuum that spread after emergence of the single super-power situation. A basis for continued cooperation between the north and the south would in the eyes of the north require revival of political pluralism and adherence to international human rights accords. This was also seen to enhance the legitimacy of the recently formulated new world order.

A second motive, related primarily to Africa, was the acknowledgement that structural adjustment had not generated new economic growth and development. In sub-Saharan Africa international trade deteriorated, external investment declined and debt increased fourfold from around USD 55 billion in 1980 to 202 billion in 1993 (figures related to severely indebted low-income countries, SILICs, to which most sub-Saharan African countries belong). Economic growth rates remained below population growth, poverty was spreading and deepening in the rural areas causing rapid migration to cities which could fuel political instability. On the other hand many state bureaucracies of the pre-reform era had managed to manoeuvre themselves so that implementation of those elements of structural adjustment which challenged their position the most were either delayed, watered down or blocked. Gradually bureaucrats and members of the state elite diversified their involvement in the private sector, thus becoming eligible to receive the benefits of increasing donor support to this area as assistance through state channels declined. In a situation of liberalisation and privatisation the interface between the public and private sectors emerged as a new source of corruption, undercutting efforts to create the type of accountability and transparency in government and the public sector that were seen as required to construct a development oriented state.

Conditionality linking assistance to democratisation and human rights was viewed by the north as facilitating the required transition to an environment more inclined to openness, accountability and market orientation at all levels of society which could not be completed by adjustment policies alone. However, being faced with conditionalities encompassing both economic and political reform, shrinking recipient governments had to contend with an ever increasing array of demands on policy formulation and implementation, also in areas where they had limited control and influence. In many instances economic and political reform conditionalities would contradict each other. The conflict was most

often resolved by donors emphasising the economic conditionalities. This has prompted African observers to argue that western donors and institutions were offering "democracy without choice". The primacy of economic over political reform also emerges when analysing the design and implementation of conditionalities facing the fast growing South-East Asian countries. Here authoritarian governments have not been exposed to the political conditionalities which have faced poorly performing economies in Africa.

Selective human rights enforcement

The selective approach to human rights enforcement of western donors is also reflected in an emphasis on political and civil rights as compared to economic, social and cultural rights. e.g. the United States has not ratified the Covenant on the latter type of rights. This contradicts the emphasis of indivisibility and interdependence between various human rights instruments and leads as well to resentment in the south against historical and cultural insensitivity in the human rights demands of the north. In such a context the link between colonialism and the imposition of structural adjustment/economic reform can easily be implied by the south.

The selective and at times contradictory human rights approach of the north vis-à-vis the south seems to underline the hypothesis that the human rights policies of western countries are only part of a broader foreign policy which has to accommodate an array of diverse interests and elements, and where a balance has to be struck that primarily has to meet domestic political and economic demands.

It is in this broader process of global and regional change during the last two decades or so that the *Human Rights in Developing Countries* Yearbook Project has developed and has to be placed. Whereas major western powers have emphasised political and civil rights in aid conditionalities, the so-called like-minded countries, which have rallied behind the Yearbook Project, have added focus on economic, social and cultural rights. This is commendable, but at the same time considerable competence and capacity are required to assess and analyse these issues in an integral way. This is particularly so in Projects based primarily on external monitoring of the human rights performance of countries in the south.

2.2 HUMAN RIGHTS AND DEVELOPMENT

A notable feature of human rights development in the past two decades or so is the steady adoption of soft laws and binding instruments of a particular or universal nature, many of which fall within the sphere of economic and social progress. Human rights issues became the focal point

in a number of important international and regional conferences which influenced and shaped their normative content and wider context. One area which has been impacted by these developments is a shift in aid policies and practices of donor governments and agencies, who have increasingly required interrogation of the recipient countries' record of respect for human rights and movement towards a democratic and accountable government as a condition for giving aid.

Since the establishment of the United Nations, the promotion of human rights and fundamental freedoms through joint and collective international efforts became key objectives, not only within the organisational frameworks of the UN systems, but also within other international and regional initiatives. To this end, the Universal Declaration of Human Rights (1948) provided the foundation for a normative framework which was reinforced by the adoption of the two International Covenants on Civil and Political Rights, and Social, Economic and Cultural Rights. While the former covenant seemed then to have received more emphasis, it was already obvious in the 60's that issues of social and economic development, and in particular, the eradication of extreme conditions of poverty in most of the developing countries had to be addressed if human dignity and respect for human rights was to be realised. Thus, we witnessed the beginning of concerted international policies and action programmes built around developmental issues, many of which found articulation in the First UN Development Decade (1961), and the strategy for the Second (and subsequent) UN Development Decade (1969).

Another significant step stemming from the initiative of Third World countries was taken in the 70's with the adoption of the New International Economic Order and Charter of Economic Rights and Duties of States, which, although largely not respected by the developed countries, articulated far-reaching directives regarding fair and equitable terms of international trade and fiscal policies, the debt burden of developing countries, aid, etc.

Development is a process which enables people to realise their potential and self-esteem, build their confidence, and enable them to lead their lives of dignity and fulfilment. It demands freedoms for individuals and nations and requires democracy for people's participation in decisions affecting their lives, exercised within democratic structures and culturally appropriate environment.

Since development is a complex process driven by many forces and processes, human rights had to be progressively tuned to issues and areas of developmental concern such as trade, investments, participation, access to resources and benefits, international and foreign assistance, activities of Transnational Corporations, protection of vulnerable groups and Project-affected people.

These concerns have generated new thinking and created a broader normative base for human rights and its relationship with other phenomena. The search for this "new and broader relationship" has not been without tension and conflicts, not only between the developing Third World countries and the developed countries, but even within the former. As economic difficulties and abject poverty cut deep and pervaded many Third World countries, this bred extreme frustration and drove governments to unprecedented authoritarian and despotic measures, corruption and rampant violation of human rights, sometimes resulting in the total breakdown of governmental authority. The pursuit of development - or the desire to achieve that magic figure of 6% per annum growth rate - became a justification for the humiliation and brutalization afflicted on the environment and marginalised groups. Although extreme pressures have been brought to bear on governments with poor human rights records and conditionalities imposed by the aid donor community and financial institutions have stalled or even reversed the trend in some cases, there is urgent need for a more concerted and consistent international effort. This should be able to comprehend the interface between human rights and development with all its complexities and sensitivities, be they cultural, religious or other tensions arising from the historical context and experience of particular countries.

It is in the 80's with the adoption of the UN Declaration on the Right to Development (1986) that the right to development emerged as a fundamental human right, a people-centred, sustainable right primarily concerned with the poor and vulnerable, realisable within a participatory framework responsive to human rights. However imprecise its normative delineation may be, the right to development can provide the basis for developing the laws, processes and frameworks necessary to secure development that will produce human dignity, security and welfare. In addition it should accommodate the fears and concerns of the donor community of political democratization and pluralism, good governance and social and economic reforms.

The emergence of the this and other solidarity rights, e.g peace and environment, which have dominated the human rights agenda during the last two decades or so, must be viewed as a product that steadily evolved from and is inextricably linked to first generation civil and political rights and to second generation social, economic and cultural rights. The Vienna Conference Programme of Action (1992) underscored this unity by stating that all human rights are universal, indivisible and inter-dependent and inter-related, as well as emphasising that democracy, development and respect for human rights and fundamental freedoms are mutually reinforcing.

These aspects of the right to development have continued to be the subject of focus and interrogation at other important international conferences

such as the Rio Earth Summit (1992), the Cairo Conference on Population Development (1994), the Fourth World Conference on Women (1995), and the World Summit for Social Development (1995). Apart from far-reaching declarations and policy programmes generated at these fora, various international instruments adopted during this period continue to reflect the normative content of human rights and development in the field of women's and children's rights, minorities and indigenous peoples, the environment and international cooperation.

Similar initiatives by the NGO community and other actors played a catalytic role by way of debates, conferences and publications in shaping the emerging norms, policies and practices on human rights and development, such as, for example, the Dag Hammarsjold Foundation's strategy of "Another (kind) of Development (1995)", the African Charter for Popular Participation in Development adopted in Arusha 1990 and The Khartoum Declaration on a "human-focused approach to development" (1989). The last, which stressed the central role of human rights in development, was further elaborated at the Conference of African Ministers for Social Development (1994) which adopted a common African position for the World Summit on Development.

Africa has been characterised by chronic political, social and economic problems that have resulted in the breakdown of government authority and machinery, weak civil society, and gross and persistent violations of human rights. The existence of extreme poverty coupled with political instability has seen successive waves of ad hoc tinkering economic reforms and political systems that yielded no lasting results for sustaining either democracy or economic development. In the 80's the gravity of existing internal conditions coupled with persistent pressure from the international community accelerated the adoption of the Africa Charter on Human and Peoples' Rights which created hope for an improved image of human rights in Africa. The economic crisis which engulfed almost the entire continent was the subject of a special session of the UN General Assembly. The World Bank and others prescribed economic reforms and liberalisation in what is now commonly referred to as the Structural Adjustment Programme (SAP).

In some countries, even in those that complied with the conditionalities of both the World Bank and the donor agencies. It is implicit that very little has changed, and may even have worsened. While the attainment of human rights and democracy remain uncontested the goals for attaining political, social and economic development, the capacity and infrastructure to sustain enduring concern for the social and economic conditions necessary for democracy and popular participation are lacking.

Not only the donor community but particularly also the Third World countries themselves continue to be challenged by the absence of a well-informed prognosis of the measures and conditions required to support an

adequate infrastructure for the transition to a stable and lasting democracy. This requires strengthening local NGOs, community based organisations and civil society in general, so that the process of change can be driven and sustained from within society itself. An opportune moment may be lost if the momentum generated by the towards democracy and human rights is allows to subside.

How to influence the process of change, and in particular, the role of aid needs to be revisited. The North has made a link between aid, on the one hand, and the realisation of human rights and development on the other. There are not many examples which prove that development, human rights and democracy have succeeded. In most Third World countries the worsening social and economic conditions resulting from lack of external aid or from its expenditure on areas not immediately and directly impacting on the human condition have had a reverse effect on the attainment of democracy and human rights. There is therefore a need for a global reflection on these issues from both a North and South perspective, and to explore other alternatives likely to be more productive, such as continuing dialogue and exerting other forms of pressure.

PART I

3

THE YEARBOOK HISTORY

by
Bjørne Grimsrud

Abstract

In any evaluation effort, an historical approach to the project/issue under evaluation is needed to acquire an understanding of how the project has evolved into its current form. The TOR describes this development in terms of "whereas the Project in its first years had a tentative approach, it has gradually developed its form and improved both scientific quality and perspective with substantial international participation."

From archive studies in MFA, CMI and NIHR and interviews with relevant actors involved in the Project, sufficient data has been collected to provide an outline of the history of the Project.

The first Yearbook appeared in 1985 as a response to a government White Paper calling for information about human rights in developing countries. The Yearbook was launched as an alternative to the US State Department's country reports, since the Yearbook also emphasised the monitoring of social, economic and cultural rights as being equal to civil and political rights.

The Project expanded in 1987 and again in 1989 to include other European research institutes. Accordingly the aim was broadened to monitor human rights within the development policy of like minded countries. From 1990 onwards the guidelines according to which the country profiles were drafted had been fully developed and standardised, and the content of the Project took on a professional appearance.

In recent times changes in the form and content of the Project have been discussed and decided upon by the participating institutes, without however being implemented. Different views prevail about the road ahead, and the institutes and their funding agencies appear to be awaiting the current evaluation of the Project in order to decide on the future course.

3.1 FROM IDEA TO PROJECT: THE 1985 EDITION

At the beginning of the 1980 one saw in Norway an increased interest in the links between human rights performance in respective recipient countries and development assistance, both among politicians,

bureaucrats and the academic community. This materialised in, among other things, the establishment of the Norwegian Human Rights Project (NHRP) under which research was initiated at the International Peace Research Institute, Oslo (PRIO), and the program for human rights research at Chr. Michelsens Institute, Bergen (CMI). The PRIO researchers associated with this Project, plus researchers from the Faculty of Law at the University of Oslo later formed the Norwegian Institute of Human Rights. The Yearbook is a part of the process of establishing human rights research capacity in Norway, providing funding for research and an opportunity for publishing. The Project as such emerged from the debate on development aid and human rights following the Government White Paper on developing cooperation presented in 1984 (St. Meld. 36 (84/85)). This report established the promotion of human rights as one of the principal tasks for Norwegian development assistance. The new direction firmly established the establishment of certain guidelines in the field of human rights performance as the basis for development cooperation, in particular regimes responsible for gross, systematic and continuous violation of international human rights standards should not be favoured as main partner countries. Emphasis was also put on whether the human rights situation had deteriorated or improved with time. This implied more systematic information gathering and reporting on the human rights situation in the countries receiving Norwegian development aid.

The Yearbook Project, initiated by the human rights experts associated with the NHRP and CMI, was presented to the Ministry of Development Cooperation (MDC) in January 1984 after a joint seminar between NHRP and CMI in the same month had outlined the idea of the Yearbook Project. In June the same year an agreement was made between MDC represented by its Director of Information, Halle Jørn Hansen, and the NHRP. NHRP was asked to provide annual reports on the human rights situation in Norwegian partner countries. The Project's initial objective was twofold: firstly to monitor human rights in the partner countries, and secondly to elaborate on human rights principals in Norwegian aid policy based on a knowledge of the then current situation in the partner countries. Right from the beginning the ambitions were to adopt a wide approach including social, economic and cultural rights. At an internal CMI meeting for researchers in June 1984 it was decided to make a base line study, elaborating on a minimum threshold standard for these types of rights. The decision to include socio-economic rights raised several questions, both in terms of methodological and more practical aspects, mostly due to lack of an established analytical approach. There was a debate as to whether to compare different countries or to evaluate each one more individually over a period of time. The first approach decided on.

The first Yearbook was named *Menneskerettighetene i Norges hovedsamarbeidsland 1985* (Human Rights in the main partner countries of Norway, 1985). CMI and NHRP were the sole contributors and they also edited the book jointly. This edition was written in Norwegian, termed a

pilot project and included all 9 of the then main partner countries.³ The work was divided such that NPHR wrote the part describing political and civil rights, and CMI the part describing social and economic rights in all countries. Two additional articles were included, one on methods and definitions and one commentary article on human rights perspectives in Norwegian developing aid.

The first edition received rather mixed reactions from the MDC and MFA, reflecting that human rights were a new topic and that setting up universal standards represented a new approach in development and foreign policy. The country profiles were circulated in the MDC, MFA and to Norwegian embassies in the partner countries. MFA responded to the two institutes by presenting 20 pages of comments, mainly collected from embassies in the countries concerned (with a copy to the Parliament Standing Committee on Foreign Affairs). It concluded that a more contextual approach was necessary to explain under which circumstances violations were taking place. Doubt was also expressed as to whether to include social and economic rights. The reactions from some of the Norwegian embassies, such as Islamabad (telex of 11.03.85), can only be described as hostile or at the very least sceptical of the whole Project.

The different internal and written reactions from the two ministries reflected to a certain extent the different philosophies within the two departments. While the MDC was in general preoccupied with getting to grips with this new political issue, the MFA took a more traditional position, being more concerned about the possible effects on bilateral relations with the countries monitored.

3.2 A NORWEGIAN MODEL: THE 1986 AND 1987/88 EDITIONS

In May 1985 a new agreement was made between the MDC and the NHRP for a 1986 edition. This edition was translated into English and named *Human rights in Developing Countries 1986*. An English edition was intended to give the recipient countries the possibility of responding and taking part in the debate, and as stated in the introduction: "present the Norwegian approach on human rights to an international audience". The Yearbook, written by independent institutes and including economic and social rights, was seen as an alternative to the reports on human rights made by the US State Department and Ministry of Foreign Affairs in the Netherlands. Tor Skålnes from CMI and Jan Egeland from NHRP were the editors. The same division of work between the institutes remained, and the same nine countries plus Nicaragua were included. A proposal for rotating countries presented in the book was turned down at this point. A

³ These were: Botswana, Kenya, Mozambique, Tanzania, Zambia, Bangladesh, India, Pakistan, and Sri Lanka.

thematic article on Norwegian Development Aid and International Human Rights was included. The country profiles for this edition were circulated to the embassies in the countries concerned for comments before publishing. This did not imply any form of censorship or approval by the MFA, but only to help correct obvious errors.

The 1987/88 edition was edited by Bård-Anders Andreassen from CMI and Asbjørn Eide from NHRP. A similar interest in and debate about human rights performance linked to development assistance had emerged in Denmark, and the newly founded Danish Centre for Human Rights (DCHR) joined the Project. At this stage the concept of splitting the country reports was debated internally, and CMI felt that their socio-economic contribution was more time and resources consuming than the political and civil rights contribution from NHRP. In the end this debate led to a reorganisation where each institute was responsible for a whole country profile, for a fixed price as a work-load compensation. A new section of three thematic articles was included in the 1987/88 edition and Zimbabwe was added to the country list.

In a memo from the Minister of Development Cooperation to the Minister of Foreign Affairs in January 1987⁴ the whole Project was questioned. However, due to the public debate and references made to the Project by the Parliament in passing the budget, the Project was prolonged. The scepticism may partly be explained by the change of Norwegian government and the new minister's search for new approaches. But other documents indicate that the content of the book had been debated. In 1986 for example, an internal evaluation had been undertaken, including a questionnaire that was circulated within MDC. The MDC also debated to what extent the ministries should try to be instrumental in changing the profile of the book. This was, however, not followed up with any particular action except for a signal expressing the wish for more theoretical and methodological approach. The argument against more active government intervention was that it would represent a threat to the independent nature of the Project, leading to MDC having more direct responsibility for the content of the Yearbook. The scepticism in MDC later waned. In an internal MDC memo of May 1988⁵ it was mentioned that disagreements did exist on the value of the book within the ministry, but in connection with the presentation of the 1989 edition, the Deputy Minister of MDC stated that the experience so far had been very positive. He stated that the Yearbook had contributed to both the analytical and operational work of the ministry. This development together with changes in attitudes within the Ministries must be seen as one of the achievements of the Yearbook. In this way the Project managed to prove its usefulness.

⁴ Memo to Foreign Minister Knut Frydenlund from Minister of Development Cooperation Vesla Vetlesen, 2 January 1987.

⁵ Memo to acting Department Head Bjørg Leite from special advisor Helge Kjekshus, 31 May 1988.

3.3 GOING INTERNATIONAL: THE 1989 EDITION

The interest and debate regarding the linkage between human rights performances and development assistance that emerged in Norway at the beginning of the 1980's, has its parallel in the other Nordic countries and beyond. Through the Nordic network of human rights institutes the Danish Centre for Human Rights had joined the Project in 1987. A further expansion took place 1989 to include the Åbo Academy Institute of Human Rights from Finland, the Netherlands Institute of Human Rights (SIM), and the Human Rights Research and Education Centre in Ottawa, Canada. The aim was now to monitor human rights within the development policy of the so called "like minded countries" (the Nordic countries, the Netherlands and Canada). The proposal for this had been put forward by CMI in late 1987 and discussed at the 4th Nordic Seminar on Human Rights in November that year.

The intention of widening the Project was to mobilise additional resources, both in regard to manpower and funds and secondly to reach a wider audience. The acquisition of additional funding was especially emphasised by the MFA since at that time they believed that the Yearbook was allocated too big a share of the resources available for human rights Projects. The common denominator was the above mentioned emerging interest in all these countries in linking aid and human rights, and the fact that these countries more or less concentrate their aid contribution on the same developing countries.

The aim was still to provide policy makers with regular and reliable information on the current human right situation in the countries concerned, with the objective of influencing the policy of the donor countries. For one year the editorship was moved to the Netherlands (SIM). The concept of country profiles did not change, but the thematic element was further developed to cover two parts, one describing human rights in development aid in the "like minded countries" and one introducing special studies. Countries of concern for the Netherlands, namely the Philippines and Surinam were added, making a total of 13 country reports which composed 337 out of 431 text pages. With the enlargement followed a new set of guidelines and a standard structure for the country chapters was developed. A proposal to invite researchers from Third World countries to participate was endorsed by the Institutes, but was not put in to practice. Another proposal put forward by the Danish Institute to establish a permanent international secretariat for the Yearbook was, however, not adopted.

3.4 FROM PIONEERS TO PROFESSIONALS: THE 1990 TO 1993 EDITIONS

Until 1987 the MDC and MFA had read through the manuscripts and circulated them to Norwegian embassies in the countries concerned. This practice came to an end with the internationalisation of the project, which, consequently created more distance from the project on the side of the Ministries. This coincided with the merging of the two Ministries and reshuffling of personnel. After this the internal debate in MFA on the scope of the project declined, less people were involved from the Ministries and the focus shifted towards the administrative management of the project.

A change in direction also gradually took place among the persons involved in the Yearbook. More emphasis was put on the academic side. This can also be seen as a maturing process in the discipline that had emerged together with the Yearbook five years earlier. The ambitions of the researchers had developed more towards academic performances. The activist element lingered, but weakened, and the project had been streamlined in accordance with academic standards.

In the 1990 edition the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (Lund, Sweden) joined. The London based International Alert was also included but on a more consultative basis, without implications for Britain as a donor country. The Canadian institute did not contribute to this edition due to lack of funds from national authorities, but the Canadian link remained.

Bård-Anders Andreassen, now at the Norwegian Institute of Human Rights (NIHR, the successor of NHRP), reclaimed the editorship. He described the take-over of editorship in 1990 as a necessary step in to implementing some administrative changes and shape up the structure of the project⁶. The consequences of going internationally were not very well elaborated and a lot of work had to be done on the administrative side. Theresa Swinehart who started working with the project at SIM in the Netherlands in 1989, was engaged by NIHR as language editor based in Oslo. New guidelines and routines were developed both for streamlining the different contributions and for making the editing process more efficient and less time-consuming. For the first time some of the original country profiles were deleted, and a range of new countries included. Thus, in order to establish a rotating system of, reporting on a particular country was to take place only every third year. The 1990 Yearbook contained 14 country reports and three thematic articles.

The 1990 edition represented a troubled start for the NIHR editorship. Publication had been planned for December 1990, but due to

⁶ Meeting with the evaluation team 24 May 1996.

the late arrival of manuscripts and a time consuming editing and correction process, the book did not reach the market until June 1991. The production of the 1991 edition was just as difficult. An initial deadline for manuscripts was set for 31 March 1991. Only in late autumn 1991 had the last manuscripts been sent to the publisher. The book was not issued until June 1992. Bård-Anders Andreassen was given three months compensation for editorial work, in addition he was also allocated time for research linked to the project. However, there is no doubt that more than three months were spent on editing. The additional time was taken from the time intended for research, from funds contributed by NIHR or from working without payment, or a combination of all three.

The 1991 edition included a new annex of International Human Rights Conventions and other international legal documents.

In order to plan what was to become the 1992/93 edition, two editorial meetings were held in early 1992, and a deadline for draft country profiles was stipulated for December 1992, with a scheduled publishing date of May 1993. The Yearbook was published in June 1993. At this point renewal of the concept was debated and several changes were suggested, but any decisions were postponed for the time being. A request made in 1991 for a three year project instead of the regular annual approval of the project, giving room for more long term planning, was not supported by the MFA due to the wish for an evaluation of the Project. The 1992/93 edition covered only seven countries, three less than initially planned, and included three thematic articles.

3.5 TRAPPED BY THE STRUCTURE?: THE 1994 AND 1995 EDITIONS

The development of a better structure has been a main concern of the contributors to the Project, especially since it became international. Huge improvements were made. By 1994 the guidelines for the 20 pages country report constituted 12 pages, the original approach, however, still remaining. Throughout the 1990s several of the participating institutes expressed an interest in changing the concept of the Yearbook, or part of it. At the editorial meeting in Copenhagen in 1992 the Dutch institute (SIM) stated that the Yearbook in its present form represented only one of several possible projects and could be replaced by better ideas or initiatives. They did however defend the Yearbook and stated that, "From the fact that the Yearbook is until now seldom referred to and is not widely known, one cannot draw the conclusion that it does not fulfil a need." However, they continued saying: "If enthusiasm to continue is lacking at the other institutes, we are quite open to a discussion on change."⁷ One such proposal for change was to keep the country focus, but

⁷ Note from SIM to the participants in the Yearbook Project, 13 March 1992.

to report on a specific theme per country. Reporting on developing aid and human rights were not supported by SIM at this point. On the other hand NIHR had already proposed renaming the book *Human Rights in Development Co-operation*. Two scenarios were drawn up by NIHR. One was to continue with country reports elaborating trends and standards in the different countries, however with a continuous improvement in the standard of evaluation. The second alternative was to change the focus of the project towards development cooperation and aid, changing the country reports into more thematic reports.

Typically for the debate on structural changes that followed was the postponement of the final decision until the donors and publisher had been consulted. The structure of the Project seem to be an obstacle for change. Since not only the Institutes but also the funding agencies needed to agree, changes take time. At the editorial meeting in Vienna in June 1993 the idea of the Norwegian MFA to evaluate the Yearbook Project was presented, debated and supported. This clearly also effected the internal debate towards accepting the structure in the prevailing situation, whilst waiting for a later opportunity to implement changes. MFA did indicate in a letter in November 1992 that such an evaluation would be desirable to undertake in late 1993.

Editorial responsibility for the 1994 edition was rotated after three years, as foreseen by NIHR. After an internal debate about the candidacy of either CMI or SIM, it was taken over by SIM in the Netherlands. The Austrian Ludwig Boltzmann Institute of Human Rights joined the Project, while the Finns and Canadians withdraw. The Finns announced their withdrawal in a letter dated 16 June 1992, stating "Our Institute will not, under the present format and outline, be able to participate in the 1992 Yearbook. Since then, it has also become very unlikely that FINNIDA, with an almost 50 per cent reduction in their funds, would be interested in funding the project." Although the Finnish institute expressed dissatisfaction with the content of the Yearbook (they had proposed a more thematic approach), it is clear that the primary reason for withdrawing from the project was financial.

In the 1994 Yearbook only seven country profiles were included, four thematic articles, and a list of ratifications of major human rights instruments. The low number of country reports reflects the effort to increase quality and observance of deadlines. For the 1995 edition it was decided to make human rights and development aid the focus of thematic articles. The publication of the 1995 edition was delayed because the Danish Institute could not accept an article on "Human Rights in Danish Development Aid". The other institutes accepted the article with the result that the Danish institute withdraw their name as a participating institute. However, they did not withdraw financially and they are participating fully in the 1996 edition.

3.6 CONCLUSIONS

The Yearbook Project, initiated in 1984 by a small group of dedicated researchers, grew into an broad based international research and documentation project on human rights during its first five years. Commencing as a purely Norwegian based project, research institutes from five other countries have become connected to the project and contributed both in terms of finances and research.

After the Project had turned international in nature, the academic standards and framework of the Project were further developed and a set for guidelines of monitoring human rights conditions in developing countries was finalised. This has resulted in a comprehensive Yearbook of high academic standing, covering human rights development in a wide range of Third World countries.

During the last couple of years, however, it seems to be that the Yearbook Project has not fully managed to develop further as a dynamic academic applied instrument for human rights monitoring and research. In its first phase it attracted relatively much attention and publicity from the user groups, such as the bureaucracies and the media. However, in more recent years the Yearbook has drawn less and less attention. This development is due to several reasons, such as, for instance, the evaluation of a stronger human rights awareness among the potential user groups, competition of several new comparable publications, less news value in the project, and lack of promotion of the Yearbook. Organisational constraints and a lack of sufficient resources within the Project also seem to have hampered further development. Thus, the new editorial institute (CMI) and the editorial committee faces several challenges in regaining momentum in the project.

4

EVALUATION OF THE STRUCTURE AND ORGANISATION

by
Bjørne Grimsrud

Abstract

One of the objectives of the evaluation is to assess the overall cost effectiveness of the Project, more specifically the performance, relevance and cost effectiveness of the Project's organisation, management structure and personnel. The evaluation team decided to concentrate on cost effectiveness in terms of the organisational framework.

By using the archive at MFA, CMI and NIHR, and interviewing relevant actors involved from the three institutions, material has been gathered in order to acquire an understanding of the organisational development of the Project.

The MFA has played a reactive role towards the Project and its content and organisational structure, and the two Norwegian partner institutes have been the driving force. The reason for broadening the Project to include non-Norwegian institutes was to mobilise additional resources and to reach a wider audience. However, the organisational consequences of such an expansion were not followed up with the planning of a proper cost-efficient structure. This created an organisation with an inert decision making process. A turbulent relationship with various publishers, in addition to a lack of resources, has also created difficulties in the efficient promotion and distribution of the Yearbook.

Despite these organisational constraints the Project has evolved into a comprehensive research documentation programme thanks to the dedicated efforts of the researchers involved. It is obvious that the institutes have put much more effort and labour costs into the Project than budgeted for and financed by the MFA. In addition, many positive spin-off effects have evolved, such as a wider research network connected both to northern and southern research environments, and the enhancement of the research capacity of the institutes.

The evaluation team's main recommendation is that the organisation of the Project should be restructured. Accordingly it is necessary to empower the editorship with the authority to take financial decisions and to put emphasis on the promotion and distribution of the Yearbook.

4.1 INTRODUCTION: SETTING THE OBJECTIVES

When evaluating whether or not a project has fulfilled its expectations, the question that arises is the whose expectations? It is not obvious that the

objectives have been understood in the same way by all partners in the Project. Nor have the objectives always remained the same. Furthermore, a project like this will most probably form part of a wider agenda for the different participants.

The objectives were initially set by a group of young academics at the two Norwegian institutes which launched the Project. The wider agenda was to obtain resources to build Norwegian research capacity into human rights issues. During the Project the Norwegian Institute of Human Rights was established. Far from being the sole contributing factor the Yearbook was one of several projects which helped create this institution. From CMI's archives one can also see that securing funds for research assistance was a part of their agenda.

As will be elaborated later, the MDC/MFA have, , played a more reactive role in shaping the contents of the Project. One might say that they paved the way for it by integrating human rights issues within Norwegian development aid policy, thus calling for more information on human rights in developing countries in the government White Paper presented in 1984 (St. meld. nr. 36). However, they never really called for a Yearbook, but accepted this as one way of fulfilling the political objectives outlined in the White Paper.

The MDC/MFA accepted the objectives presented, and did not call for any major changes. As special advisor Helge Kjekshus⁸, one of the representatives, told the evaluation team, the Ministries' agenda was the acquisition of information on human rights which could act as background material in their work. The Yearbook fulfilled this purpose according to Mr. Kjekshus. In addition, if others could make use of the Yearbook it was, in his opinion, a positive side effect of the Project.

It is a question for the future whether or how the resources can be better utilised in alternative to projects achieve the same objectives. For the past it is a question if the project fulfilled its own objectives. This section of the report will look into the organisation, administration and finances of the Project, to evaluate whether it was organised in a sensible and cost efficient way with regard to the stated objectives. It will also help fulfil one of the objectives of the evaluation, namely to give ideas about how to develop further projects of this kind.

From the start the Project defined a twofold objective:

- a) to provide policy makers with regular and reliable information about current human right conditions in the countries concerned;

⁸ Meeting with the evaluation team 2 August 1996.

b) to undertake analyses of the connection between development aid and human rights.

These two objectives did not change, but throughout the Project it was the first objective that was emphasised. This is natural, since reaching the second objective depends on achieving the first. To report on the present state and trends of human rights conditions in developing countries, particularly related to economic and social rights, a threshold approach setting some international minimum standards was applied. The intention was that providing information about the human rights in the countries concerned could serve as a basis for adjusting the development co-operation policies of donor countries and also serve as a basis for actions locally. In turn this could contribute to improvements in the actual enjoyment of economical, social, cultural, civil and political rights by the people exposed to violations. In addition, one might add the aim of obtaining resources as a third objective

The second objective has been more thoroughly debated throughout the Project both in terms of the content - for instance in 1992 SIM expressed some doubt about having such an objective at all⁹ - and how to achieve it, as in 1991 when the editorial meeting in Oslo agreed that all thematic studies should focus on the link between human rights and development.

In 1993 a more fundamental internal debate emerged among the Institutes about the objectives and the format of the book. It was fuelled by what was seen by some of the institutes as a failure to achieve wider distribution of the book. One proposal was to concentrate more strongly on thematic articles instead of the broad approach applied in the country profiles. Consequently the Finnish institute withdrew from the Project formally in connection with to this disagreement. However, the reason for withdrawal was probably rather based on difficulties in financing their participation. The debate was never really concluded due to uncertainty of the positions of the funding agencies, and in particular the MFA which at that time had announced a forthcoming evaluation of the Project.

A more immediate objective was the development of criteria for assessing human rights performance, with a special emphasis on developing countries, and the development of a conceptual and analytical framework for analysing the impact of development assistance on human rights in recipient countries. This objective materialised in the guidelines for the country reports. Further, an additional objective was included in the 1990 edition namely the provision of a forum for scholarly and critical articles on how to advance human rights in a North-South context.

⁹ "Reporting on development aid would in our view mean reporting on the impact of donor policies on human rights. Depending on whether or not a common approach developed, the format of a Yearbook is or is not appropriate" Note from SIM to the participants of the Yearbook Project, 13 March 1992.

The development of institutional capacity in developing countries was never formulated as an explicit objective of the project. It may have been a part of the wider MDC/MFA reasoning for supporting the project. However, in interviews with the evaluation team the two institutes confirm that this has never formed a central part of the idea or the implementation of the Project. Bård-Anders Andreassen at NIHR did nevertheless add that this was more due to limited resources than to any matter of principle..

4.2 GOING INTERNATIONAL

The ideas behind broadening the participation and concept of the Yearbook are clear, namely to mobilise additional resources and to reach a wider audience. The consequences of such an expansion were not, however, elaborated any further before such a step had been taken. It became an organic growth, as some termed it. The aim of bringing more resources to the Project was compared to the additional costs of going international. The MDC seemed satisfied with the internationalisation of the project and viewed it as proof of its success and instrumental in increasing the quality of the book.¹⁰

The expansion brought in additional financial resources and helped in developing an international network for the researchers which in turn assisted in evaluating the quality of the articles submitted. On the other hand, the expansion increased the administration costs and the production time. It also, probably unintentionally, created a greater distance between the Norwegian institutes and the MFA. From 1987/88 onward the MDC/MFA no longer "proof read" the articles as they had previously.¹¹ The distribution was widened, but the numbers of copies distributed and the media coverage in Norway (see chapter 9), and probably abroad, did not increase accordingly.

4.3 MANAGEMENT STRUCTURE

In the early years of the Project the administration was simple and ad hoc. Three researchers/research assistants each from CMI and NIHR participated. The contact between the institutes was regular but informal.

¹⁰ Internal memo to the Minister of Development Cooperation from PROG 29.04.91

¹¹ Currently it remains a part of the contract between the Institutes and MFA that a preliminary copy of the book is submitted to the Ministry at least some weeks before publication. This is probably more in order to prepare for publication than to comment the contents per se.

In the four years from the 1986/1987 edition to the 1990 edition the Project grew to include 5 or more institutes in several countries with up to 15 individual contributors to each book. The management resources and structure, however, were not developed accordingly. The editorial meeting in Oslo 1992 debated the structure and noted what in the minute is described as a "lack of discipline necessary for a project with an international structure as this one has".

Several steps to improve the situation were taken during the NIHR editorship from 1990-93. The role of the editor was strengthened, with the implication that the editor got received powers to reject articles not meeting the quality criteria or arriving after the deadline. The time needed for editing was stipulated as three rather than two months, which had been the practice for the previous editions. The guidelines were further developed and a more formal Editorial Board made up of the Directors of the participating institutes was established. The proposal for such a board was put forward by CMI as early as 1987 without being formalised.

To ensure the quality of the reports it was decided to adopt a referee arrangement with two experts reviewing the articles before acceptance, one country expert and one expert in the field of international human rights law. However, there were no fees included in the budget for paying these experts. There was also advice to involve people from developing countries, without reaching any conclusions.

At the editorial meeting in Utrecht in September 1994 the thematic part came under discussion. The question of how to accept contributions created a debate since it was difficult to reject an article later once the author had been asked to contribute. One possibility discussed was to have a call for papers.

An administrative problem during the period of the NIHR editorship was the fact that, as a new and relatively small institute, NIHR could only make a limited contribution regarding logistical support. In particular no in-house expertise on publishing was available. There are of course far from ideals conditions for undertaking such a project, but it would have saved the editor some work and helped increase quality and limit the production time.

As indicated earlier, the project structure seemed to be an obstacle for change. Since not only the institutes needed to agree but also the three funding agencies, changes would necessarily take time. The Danish institute commented on this in particular in a reply to the Fafo evaluation team in June 1996, saying that it had been difficult to reach agreement in the editorial committee about renewal of some of the development concepts. As an effect of this they mentioned that in their opinion there is a tendency for the Yearbook to be still too narrowly focused on development as it faced at the end of the 1980's. "Because of this

conservatism" the Danish institute wrote, "the Centre has considered several times the possibility of withdrawing from the project".¹² In the Åbo Akademi also suggested streamlining the organisation was necessary (a comment to the evaluation team¹³). At the editorial meeting in Vienna in June 1993 the idea from MFA to evaluate the Yearbook Project was presented and supported. This, however, clearly effected the internal debate towards accepting the structure at the present situation, since changes would probably be recommended by the evaluation team.

4.4 FINANCES

An estimate of the funds provided from the MDC/MFA is provided below. The funds have been taken from different budgets within the Ministries as partly indicated in the following figur.

Chart 4.1 Overview of funds allocated to the project

<i>Yearbook</i>	<i>Total MDC/MFA fund</i>	<i>From research budget</i>	<i>From information budget</i>
1985	105,000		105,000
1986	575,000		120,000
1987/88	630,000	552,750	77,250
19889	380,000	330,000	50,000
1990	381,000	Not available	Not available
1991	659,000	659,000	
1992/93	674,500	674,500	
1994	550,500	550,500	
1995	589,100	Not available	Not available

The total size of the funds is not directly comparable from one year to an other, since different elements are included. However, the main elements are the joint editorial and administrative costs, unit costs per country profile, publishing support, and research. To give an outline of the economic structure we have chosen to analyse 1991, which in our view offers a representative picture.

Joint expenditure

Each participating institute was supposed to contribute to the joint editorial budget. The joint budget contributions were in 1988/89 NOK 22,000, in 1990 NOK 29,000 and in 1991 NOK 39,000. The total joint expenditure amounted to approximately NOK 234,000 in 1991, including three months salary for the editor and language editor. Added to this are

¹² Fax of 26 June 1996, from director Morten Kjærsum.

¹³ Director Mrakku Suksi, e-mail of 8 August 1996.

14 per cent overhead costs and 15 month salary for a clerical assistant. For 1991 the joint expenditure also included fees for thematic articles, the making of maps, and for technical equipment.

Even if the logistic support was limited, it is hard to imagine that NIHR was anywhere near to covering its total administrative costs in this project. Two elements underpin this. First, the overhead costs amounted to a mere 14 per cent. This indicates a structure where the institute's general funds were used to cover the cost of management, rent and office equipment. (Only NOK 15,000 was included for equipment in 1991). This may, from the point of view of the MFA, seem reasonable given that the general contribution to NIHR also represents public funds. It does, however, give an underestimated figure of the real costs, and thus reduced the Institute's ability to undertake other projects on its own during this period. Such cross-sector subsidies should at least be indicated in the overall project budget. For some years this was partly done by calculating own contributions from the institutes, but not in 1991, and never the actual total contributions.

The other element is the actual time spent editing the book. For this the Institute has estimated a total of 75 months distributed among three persons. It is hard to estimate, from the evaluation team's point of view, the exact time spent. However it is believed to have exceeded this amount. The Editorial meeting in Oslo in January 1992 estimated the need for two full time persons administering the Project. Thus, the under-budgeting of administration costs has probably been compensated for by utilising part of the 7 months allocated for research within the Project.

Unit costs per country profile

Each country profile is estimated to take two months. The Norwegian recruited authors are offered NOK 30,000 for the contribution of a country profile. In addition the institutes are given funds for approximately one field visit per second country profile and some support for literature acquisition. No overhead costs are included. It can be deduced both from internal estimates made by CMI and from comparing with other institutes that this represents an actual under budgeting. For instance, in comparison the Danish institute paid DKK 60.000 for a country profile in 1991. The MDC/MFA, however, might view this differently. They allocate funds for two months work per country profile and leave it to the institutes to put in more work if they find that it is needed. Regarding the field missions, the Norwegian institutes are given funds for a higher number than the other institutes.

Publishing support

In publishing support the two Norwegian institutes received a total of NOK 28,000 to pay for a minimum numbers of copies of the 1991 edition. This included copies for the ministries, media and requests from the partner countries' authorities. The 1991 edition was print-run was 1,500

copies, but only 570 copies were sold including the Institutes' acquisition. In this respect 1991 was special due to the fact that no specific agreement was made between the institutes and the publisher for a minimum number of pre-purchased copies. In other years the pre-purchasing commitment by the Institutes represented an important financial foundation for the publisher. For the 1992/93 edition this was as follows: CMI 200 copies, NIHR 200, Danish CHR 150, SIM 150, and Canadian Centre 30.¹⁴

In general it is clear that throughout the project the MDC/MFA, made a substantial contribution to what could be seen as joint costs by covering the cost of printing of a minimum number of copies. In this way the MDC/MFA has remained the main contributor to the Yearbook Project, also after it turned international.

The question remains whether this support has become a substitute for a more active marketing of the Yearbook. This is difficult to substantiate and leads to the debate whether a commercial market exists for such a publication. It is impossible to anticipate the actual effects of the acquisition support. However, in an overloaded work situation for the editorial institute, the support made it possible to concentrate on the editorial and research work instead of marketing and sale. Bård-Anders Andreassen explained in a letter to the participating institutes exactly the dilemma whether to, concentrate on the content within limited resources, or give priority to quality design and distribution. A question that could be asked in this concern is whether the book should be circulated free of charge, or strongly subsidised in the developing countries.

Research

In 1991 research funds were applied for as a part of the project. In 1991 it made up 7 work months at NIHR (and 4 months in 1993). This was made available to the editor Bård-Anders Andreassen. As mentioned above, in the years of NIHR's editorship these funds were partly used as an indirect support for editorial tasks to the detriment of the research work.

Economic effects of internationalisation

For the 1991 edition the non-Norwegian institutes contributed 4 country profiles, two thematic articles and 2/3 of the administration costs. This adds up to approximately the same amount as the Norwegian contribution, NOK 486,000, not taking the funds allocated for research into consideration. The costs of internationalisation are more difficult to estimate, since the cost of additional administration is the major factor. Broadly, one may conclude that going international made it possible to

¹⁴ It must be added that this edition of the Yearbook was much cheaper in production than those before and after, so the actual numbers may appear to be high and not representative for the unit purchasing price of the Yearbook in average years.

double the resources available (the contribution from MDC/MFA remained the same).

Comparative analyses

It is beyond the scope of this evaluation to elaborate on a comparative basis the cost effectiveness. However, some points can be mentioned. SIM, who held the editorial secretariat from 1994 to 1996, estimate having spent 9 man months and approximately NOK 375,000 per year. In the years without secretariat they estimate the costs to be approximately NOK 190,000.¹⁵ Excluding the funds for writing the articles this represents an additional 1.5 man month for editing and administrative purposes compared with the arrangement during the editorship of NIHR.

4.5 PUBLISHING AND DISTRIBUTION

Publishing

The 1986 edition was published both in Norwegian and English. The Norwegian edition's print run was 3,000 copies out of which a total of 2,271 were distributed by the end of 1986, a number which was regarded by the publisher as more than could have been expected. One thousand copies were sold on a commercial basis in Norway, 900 was distributed by the MDC, and 400 were sold to Arbeiderenes Opplysnings Forbund (*Workers Educational Association of Norway*). Eight hundred copies of the English edition were printed in 800 copies, out of which 277 were sold and 200 distributed by the MDC by end of 1986. The Norwegian University Press undertook an extensive marketing campaign to achieve these numbers, including press releases to national and 40 international newspapers and journals, advertisements in newspapers and journals, sales letters and information to bookstores. In 1986 the Yearbook was reviewed in New York Times and the Economic and Political Weekly in New Delhi (In the latter it was given a positive reception as a critical but not hostile document).

Despite the encouraging distribution of the Yearbook the Norwegian University Press decided to withdraw from the project. They themselves explained that this was due to too short a production time (only a couple of months), which could not allow for the opportunity of adequate quality control. Furthermore, even if the sales were better than expected it did not form a sufficient commercial basis for annual editions. Subsequently, Akademisk Forlag in Copenhagen was invited to take over the publishing responsibilities. This had a direct effect on the promotion of the book, since as good as no marketing strategies from the publisher were undertaken.

¹⁵ Letter of 16 July 1996 from the Director to the evaluation team..

When the editorship was transferred to the Netherlands in 1989, SIM at the same time took the initiative to change publisher. The two issues for 1989 and 1990 were published by German based N. P. Engel Publishers, with 1.100 copies each year. The 1989 edition sold about 100 copies on the commercial market. Six hundred copies were guaranteed as pre-purchases by the institutes. In 1990 a tense relationship developed between the institutes and the publishers. N. P. Engel had increased their quality requirements both for the content and the technical standards and language. There were no disagreements about the need for higher standards, but it led to months of delay in making the necessary corrections. In general, it was also acknowledged that there were serious problems relating to a wider circulation of the Yearbook.

In 1991 the Yearbook was once again published by the Norwegian University Press, under the name of Scandinavia University Press. Of the 1,500 copies printed only 570 were sold, including the ones to the institutes. A three-year contract was signed, in which the publishers also committed themselves to promote the book actively. The contract did not include any pre-purchasing commitments by the institutes. However, after only one edition the Norwegian University Press terminated the agreement on the basis of delayed receipt of the manuscripts for the 1992/93 edition. This created a crisis, which was solved by the NIHR who, as an emergency solution, established Nordic Human Rights Publications as an ad hoc company to take care of the publication. In this way they managed to print the book in a couple of weeks and presented it at the World Conference on Human Rights in Vienna on 22 June. The 1992/93 edition also had a print run of 1,500 copies.

The establishment of NHRP represented an increased need for the institutes to buy a minimum number of copies. For the 1992/93 edition 735 copies were divided as follows: CMI 200, NIHR 200, Danish CHR 150, SIM 150, and Canadian Centre 30.

In 1994, after a strong recommendation from SIM in the Netherlands but with reservations from NIHR, a new publishing house took over responsibility for a three-year period, namely Kluwer Law and Taxation Publishers in the Netherlands. Nordic Human Rights Publications remained responsible for the distribution in the Nordic countries, against the wishes of Kluwer. The institutes have committed themselves to purchase a combined minimum of 780 copies each year. In 1995 1,500 copies were printed, out of which 4 x 106 copies were pre-purchased by the Scandinavian institutes and an additional 250 distributed in the Nordic countries through Nordic Human Rights Publications.

At NIHR ideas of developing the NHRP into a working publishing house were being elaborated, however lack of resources and an inadequate organisational structure hampered the implementation of these plans.

Distribution

The book has regularly been distributed to the authorities in the countries reported on through their respective embassies in Oslo. Also other countries have shown some interest in the Yearbook, such as Japan. The 1991 edition was also distributed to the members of The African Human Rights Commission. Some attempts have been made to distribute the book in the USA but without any commercial success.

Distribution strategies are, of course, closely linked to the content of the Yearbook. This was emphasised in a memo from the editorial meeting in January 1992. The problem of distribution was partly explained by a blurred focus, since some parts of the reports overlap what other organisations, such as Amnesty International or Human Rights Watch, already have reported on (this is elaborated on further in chapter 8).

Distribution is also linked to the format. In a memo from 1992 SIM elaborated on a possible changing the Yearbook to a journal. However, they identified several problems linked to such a transformation, an important one being the existence of other comparable international journals (and their own participation in one of them, *The Netherlands Quarterly of Human Rights*).

One idea discussed to improve the distribution in the developing countries was to engage in a joint publishing project with a third world publisher. An attempt to undertake such an arrangement with a publisher in Zimbabwe was made in 1991. However, due to lack of resources and capacity on behalf of NIHR it did not materialise.

It seems to be that the participating institutes and the publishers have neglected the promotion of the Yearbook, a point which was admitted both by CMI and NIHR in interviews with the evaluation team.

4.6 THE RELATIONSHIP BETWEEN THE INSTITUTES AND THE MDC/MFA

Despite a few teething problems the Yearbook has developed into a well established research and documentation project on human rights, which beyond doubt has influenced the thinking of the policy makers in the MDC/MFA in relation to these vital issues. A senior advisor in the MFA¹⁶ explained to the evaluation team that as a consequence of the Yearbook the ministry had to strengthen their work into human rights problematics and develop a much more systematic and thorough strategy in gathering and interpreting information about these issues. Accordingly more resources internally in the MFA were put into human rights work.

¹⁶ Helge Kjekshus, interviewed 2 August 1996.

During the last decade human rights have become an integral part of official Norwegian development policy. Internal ministry documents particularly refer to trouble spots like Pakistan and Kenya. The idea of receiving information in addition to the normal diplomatic channels has proven useful, and there seems to be a general feeling of satisfaction at having developed Norwegian capacity in this field. Contacts between the Norwegian embassies in the partner countries and the research environment have been established in connection with field trips.

The MFA seemed however, particularly in the first years, a bit reluctant to make expansive use of the Yearbook. Viewing the project from its early beginning until today, a remark in an internal memo in CMI stating that, "The Parliament is our best friend", pinpoints some grains of truth. During certain periods, especially in the early days of the Project, the relationship with the bureaucrats in the Ministries was a bit troubled. The Project may only have survived because of influential political support in the Parliament. The institutes have addressed Parliament directly several times, for example to secure funds for the 1986 edition.

One particular concern of the Ministry was that the Yearbook should develop in a direction where the project on the whole resembled more support for building up Norwegian research institutes than a development policy oriented project. In an internal memo from MFA in 1991 the project's drift towards a more academic profile was noted, a fact which represented a problem for the Ministry. The Project seemed to move focus from directly useful information towards a more theoretical approach. It was questioned whether this was in the Ministry's interest, and whether one required a book which addressed the needs of the Ministry in a more direct manner, without defining these needs more specifically. An evaluation of the then current format of the Yearbook was proposed.

Many of the debates on how to develop the content of the Yearbook ran parallel in both the Ministries and the institutes, and one must assume that there has been a regular informal contact between individuals from the two camps. But it is not evident that either side has had a complete picture of the thinking of their opposite number. The MFA has naturally been reluctant to try to guide the Project to the extent where it could lose its independence. On the other hand, the institutes have been dependent on the acceptance of their annual application for funding, thus not wanting to challenge the Ministry by presenting radical new ideas. In practice this seem to have had the effect that the concept of making a catalogue type of Yearbook as an alternative to the US State Department has been more emphasised than any of the two camps actually reckon or feel the need for. The expansion of the Project did not make this any easier, since a change in approach needs to be undertaken as regards the understanding with the

different funding agencies, otherwise the Institutes face the potential risk of losing parts of the funds for the project.¹⁷

To form a relationship between independent research institutes and the MFA is not necessarily that easy. The institutes know that they need to get their funds from the Ministry, whilst at the same time wanting to act independently. In the 1995 edition the article "Human rights in Danish Development" created some controversies. The article criticises Danida for using human rights as a reason for scaling down or discontinuing aid to developing countries, although the Danish Parliament's intention of incorporating human rights in development aid policies was to give priority to positive measures vis-a-vis developing countries. The Danish Institute argued that the article should not be accepted due to low academic standards. However, the other institutes disagreed, with the consequence that the article was printed but the Danish Institute withdrew their name from the list of participating institutes on the cover pages. The controversies with the Danish institute may have nothing to do with keeping up a good relationship with its funding agencies but, on the other hand, one can easily see that this could have been the case for not wanting the article to be published.

If any such "censorship" has taken place within the Norwegian part of the project, and it is hard to see that this has happened, it would be in the form of "self censorship" by the institutes. This must not be mixed up with trying to adjust the project according to the request and needs of the Ministry. This is an activity that might be considered unsatisfactory by any researcher but forms a part of all types of commissioned research. On the whole the MFA seems to have had a strong interest in not guiding the Institutes in any way, thus ensuring that the Ministry could not be held responsible for the content of the articles or the editorial line.

4.7 SPIN-OFF EFFECTS

The project has had several positive side effects to the Yearbook as far as the evaluation team can interpret.

CMI and NIHR cooperation

The Yearbook has been the basis for regular cooperation between the two institutes. It has been one of few joint projects operating for some time between CMI and NIHR. It might be argued that wider forms of cooperation could have been initiated through the project. One reason for this not being the case is that no funds have been allocated within the Project for this purpose. It is also the case that NIHR and CMI compete in attracting limited Norwegian resources for human rights research. It may

¹⁷ See for example the minute from the editorial meeting in Oslo January 1992.

therefore be of more importance for the two institutes to form international networks which could strengthen their national position than to cooperate with each other. It must also be added, however, that the mandate of CMI as a research institution is much broader than that of NIHR, consequently in many fields they are not "natural" partners for cooperation. However, the two institutes have cooperated in various projects other than the Yearbook, for instance in connection with election observation in various African countries.

North/South cooperation

North/South cooperation within the project has been elaborated several times, for instance at the editorial meeting in Oslo in January 1992 when the possibility of obtaining contributions from the south, both regarding self-monitoring and monitoring the donor countries, was debated. However, as can be seen from the outcome one never succeeded in getting very far down this road. The contributions from researchers from developing countries have all been by persons stationed in Europe. For both practical reasons and in terms of quality the two Institutes appeared to regard certain obstacles to closer North/South cooperation as potentially difficult, such as ensuring institutes in the countries concerned submitted reports. But as mentioned earlier limited north/south cooperation was more due to limited resources than to any principle concern.

One indirect result of the Yearbook Project is the cooperation between the Universities of Harare, Gaborone and Oslo on human rights research. At one point this included a proposal for issuing the Yearbook in Harare, an idea which has so far not materialised.

Research component

In 1991 a research component was included in the Yearbook Project. The argument was that the monitoring of human rights in developing countries should include undertaking evaluations of how international aid programmes influence human rights conditions in recipient countries. This indicates a new emphasis placed on the second objective of the project, namely to analyse the connection between development aid and human rights. For 1991 seven work months were allocated to NIHR for research. This component was intended for use in elaborating at a more theoretical and scientific level on certain questions arising from the material collected in the Yearbook. The objective was to analyse under which circumstances one might achieve a successful implementation of human rights questions in developing aid programmes. This was based on the more theoretical questions of the relationship between development strategies, juridical systems, political systems and culture.

As stated previously, some of the resources allocated for research were used for editing the Yearbook. In the 1992-93 application it was

specifically mentioned that the existence of funds for research (seven months) had enabled Bård-Anders Andreassen to act as editor for the Yearbook which had helped the project develop further. During 1993, Bård-Anders Andreassen was allocated four months, in addition to editing the Yearbook, to produce articles for publication outwith the Yearbook. He was also involved in activities such as helping International Alert to establish a project on minorities and ethnic violence in Kenya.

Seminars

A couple of seminars on methodological questions linked to the Yearbook were held during the first years. The main focus of these seminars was on the development of criteria for assessing human rights performance, and the development of a conceptual analytical framework for gauging the impact of development assistance on human rights in recipient countries.

In 1990 the SIM proposed holding an international seminar on developing an improved set of guidelines for reporting on social, economic and cultural rights within the framework of the Yearbook Project. However, the Institutes could not find sufficient funding for this purpose.

International network

The Yearbook has contributed to building an international network on human rights for the institutes involved. The Danish institute pointed out that particularly in the first years of the international project this was important for them.¹⁸ In particular it seems that the project has helped strengthen Nordic co-operation.

4.8 CONCLUSIONS

In the early years of the project when only the two Norwegian institutes participated, administration and organisation were simple and informal. In only three years, however, from 1986 to 1989, the project expanded to include research institutes from five countries with as much as fifteen different contributors to each volume. The resources allocated to management, on the other hand, were not increased accordingly, nor was the management structure developed sufficiently to effectively administer such a large project.

Editorial meetings sought to deal with some of these challenges during NIHR's tenure of the editorship, and decisions were taken to strengthen the administrative capacity. An Editorial Board was established, the role of the editor was enhanced and the guidelines for the country profiles were elaborated and used as a formal framework for the contributors. Although these changes helped to improve the management of the Project,

¹⁸ Fax of 26.6.96 from director Morten Kjærum to the evaluation team.

they did not sufficiently alter the inertia and conservatism in its decision making process.

For two reasons it is difficult, if not impossible, to assess strictly the cost effectiveness of the Yearbook. Firstly any proper assessment of the impact of the Yearbook on its user groups has proven difficult. Secondly it has been difficult to obtain a full overview of the financial transactions related to the project since funds have been taken from various budgets to cover the costs of the production of the Yearbook. It is beyond doubt, however, that the two Norwegian institutes have contributed more resources to the Project than those allocated by the MFA.

Critical comments can be directed at the publishing and distribution of the Yearbook. The publisher has been changed five times during the ten years history of the project, which surely has had a negative effect on continuity and promotion. Secondly, the distribution and promotion strategies have been neglected both by the publisher and the participating institutes, which has led to a limited circulation of the Yearbook compared to its potential.

Although some critical comments need to be directed at the organisation and structure of the Project, it is also important to be aware of the positive side effects. It is reasonable to say that the Yearbook Project has influenced the MFA's priorities and thinking on human rights in a positive direction. Parallel to the commencement of the project, the Ministry undertook an internal debate on these issues which strengthened awareness about human rights problematics related to development cooperation.

The project has generated several additional positive spin-off effects for the Yearbook, such as the research cooperation between CMI and NIHR, and between the two Norwegian institutes and southern research environments. Seminar activities on methodological and analytical issues have also been conducted as a part of the project.

PART II

5

SOME PERSPECTIVES ON THE YEARBOOK PROFILE

by
Nasila Rembe

Abstract

The TOR underlines the importance of evaluating the relevance of the data presented in the Yearbook, and states that two aspects need to be assessed: whether the guidelines for country profiles have been relevant for the further elaboration of human rights policies and instruments within development assistance; and whether the Yearbook duplicates other national, regional or international publications.

The important aspect which makes the guidelines for the country profiles of the Yearbook different from other comparable publications is that in theory equal weight is placed on reporting on economic, social and cultural rights as well as on civil and political rights. In practice, however, the political and civil rights are emphasised, as we will discuss in a subsequent chapter.

However, the criteria adopted in the guidelines might be seen as being detached from the needs and specificity of the countries concerned. Reflection on the constraints and resources at the disposal of a government genuinely engaged in improving its human rights record does not seem to have received emphasis.

A handful of major, well-known, annual publications might be compared to the Yearbook, in addition to various ad hoc reports from Amnesty International, Human Rights Watch and UN. However all these reports put emphasis on civil and political rights in their reporting, giving the Yearbook a comparative advantage in content.

It must also be emphasised, however, that there is an abundant number of other human rights report series available which cover single countries or regions with various human rights emphasis, as the bibliography included in the appendix of this report demonstrates.

5.1 INTRODUCTION

The Yearbook Project was initially launched as a partnership between the two Norwegian institutes, being enlarged over time to include a number of other research institutes in Europe and Canada. Such expansion beyond

the Nordic and Scandinavian countries could also be seen as a pointer to growth and expansion of the Project from its original objectives as well as a movement towards institutional cooperation and networking in the field of human rights, research and advisory services.

Originally, the Yearbook had its main objective spelt out as providing policy makers with relevant information on the human rights situation in the aid recipient countries which would form the basis for determining and adjusting development cooperation in the donor countries.

It is desirable that a link should therefore exist between an informed policy decision by the donor and the improvement of the human rights situation in the countries recipient of aid.

While the original objective remains central, additional objectives have evolved over time. The Yearbook has certainly generated scholarly research and critical thinking on human rights issues in a North-South context, and thereby providing a forum for such discourse among individuals and cooperating institutes. This aspect must also have outgrown the periphery of donor-recipient monitoring relationships.

Attendant to this is capacity building for those involved in the activities of the Yearbook, ranging from research and information gathering for the thematic articles and country reports to management and editorial work on the Yearbook. However, this task has in a large measure been restricted to capacity building within institutions in the North.

The expansion of the Yearbook Project to include several cooperating institutes, though a much welcomed venture, raises problems relating to cost-effectiveness, efficient management, coordination and administration of the project. This evaluation exercise may also be seen as an opportune time for the institutes involved to break fresh ground and inject more innovation into the enterprise using their combined capacity and expertise with a view to reaching a wider target audience and to sufficiently addressing various concerns of the South.

In a fast changing world, where often quick decisions have to be made, there is constant need for reliable information upon which to premise policy decisions, both in the short-term and in the long-term. The Yearbook Project does not sufficiently provide an all-round reservoir from which to tap such information, and certainly its regularity may not meet short-term concerns.

5.2 THE COUNTRY PROFILE GUIDELINES

Guidelines for country profiles in the Yearbook were formulated early in the Project's history to provide a coherent structure for the Yearbook. From the 1990 edition and onwards the guidelines were improved and

elaborated. It was stated that every country profile was to include the following sections; (1) fact sheet, (2) summary, (3) government position on human rights, (4) system of governance and the right to participation, (5) civil rights (including liberty and integrity of persons, administration of justice and freedom of movement), (6) equality and non-discrimination, (7) rights of peoples and minorities and (8) economic and social rights. This implies that the criteria developed are oriented towards a "monitoring approach" guided by government policies and practices and human rights norms in existing international instruments. The most important instruments which provide the basis for the guidelines of the country reports, and are well reflected therein, are: The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The guidelines are used regardless of whether the country concerned is a party to those instruments or not.

It is also appropriate to point out that most of the norms covered by the two binding international covenants have received wide support and acceptance by the international community, but this is far from saying that there are no areas of tension or conflict in looking at various norms of human rights, especially as they relate to cultural and religious systems of values. Indeed, whereas the Universal Declaration was one receptacle of all human rights, which is re-emphasised in the Declaration of the Vienna Congress, the International Covenants had already created a duality in our perception of human rights and approaches to their implementation, heightened by the cleavage between North and South, and East and West.

In the last decade or so, the developed Western Countries, donors, governments and financial institutions have pursued a policy of linking human rights to development aid in the recipient countries, mainly Third World countries, followed by a requirement that the latter also embrace economic reforms, privatisation and political pluralism, which are perceived as impositions of Western liberal philosophy and ideology. As Mwalimu Nyerere, former President of Tanzania aptly stated,¹⁹ "But we make a mistake to imagine that we can import democracy like coca cola or a ready-made garment. Religious missionaries had the excuse of preaching divinely revealed truths. But ideas about democracy and democratic institutions are not divine truths. They have to be acculturated and absorbed into the blood stream of the people, and the institutions through which these ideas become operational have to grow out of the people's own practices - and be given a chance to grow in a form natural to the soil and the changing social and economic conditions." He warned of the importance and role of issues like human rights, democracy and environment being undermined because they are used as "playthings of international power politics, with talk of them becoming new 'conditionalities' for international credit or aid."

¹⁹ Daily News, Dar es Salaam, 23 August 1991, p.6.

It is trite to recall that human rights have not evolved without contestation and the process of interrogation is ongoing and healthy. Third World countries have tended to view human rights as espoused by Western countries as embodying Western liberal philosophy, elevating the individual above the community or society, insensitive to or undermining religious, cultural, moral values and solidarity built on the family or the community. These perceptions which still hang on from the colonial past easily convey fear, bias, or a crusade of new and subtle forms of domination and imposition by the developed against Third World countries, irrespective of the degree of acceptance of those rights. This fear is made real by the selectivity and arbitrariness with which human rights issues have been approached by governments and by the international community itself, as well as by the approach taken by monitoring bodies from the North such as, for example, Freedom House.

The granting or refusal to grant aid to needy Third World countries may be seen as intervention, by external donor agency or government, and if well executed, may positively alter the lives and social environment of millions of people. Such a need and urgency for assistance is much felt in many Third World countries where abject poverty and starvation looms high. But should not the concern for development of the social conditions of the most impoverished and marginalised sector of humanity be driven by a duty (on both moral and legal grounds) of international solidarity and cooperation among all members of the United Nations? Does not the imposition of conditionalities and political considerations in granting aid or the imposition of fetters and preconditions on development not undermine the international commitment towards the realisation of social progress, justice and dignity for all mankind?

Despite the advances registered in the field of science and technology and their contribution to development, poverty and deprivation remain the greatest challenge for the generations to come, and therefore preoccupation with economic and social progress will dominate the world's agenda for the 21st Century. As stated heretofore, development is a progress carried out by a vast industry driven by bureaucrats and a complex set of motives, interests and constraints, and these aspects have to be properly studied and understood if the process of development is to have a positive impact on societies.

The criteria adopted for assessment of the country reports are far removed from the needs and specificity of those countries and may be a potential source of political conflict, social and economic disruption rather than offering a betterment of the majority of the poor rural populations. Reflection on the constraints and resources at the disposal of a government genuinely engaged in improving its human rights record does not seem to have received emphasis, nor is there room for tapping the strength of peoples organisations, NGOs and other local bodies and pressure groups on the ground.

The myriad of human rights instruments has subjected states to being parties to different reporting and monitoring procedures. The African States, for example, are not only parties to numerous international instruments, including the two international covenants, but also regional conventions such as the African Charter on Human and Peoples' Rights, the African Convention on the Rights of the Child, the OAU Convention governing Specific Aspects of Refugees, etc. The principles in these normative systems widely accepted at a regional level could be used as criteria, and much reliance could also be placed on actual country periodic reports as well as reports from investigating procedures and petitions against those countries made before the UN treaty-based systems.

The process of building democracy and a culture of human rights is not a set of short term objectives, but takes time to grow and mature. The process requires not only sustained political changes relating to democratic rule and governance, but also the infrastructure which is adequate to sustain the process of building a civil society such as education, health, etc. Given the extreme poverty of most Third World countries, this infrastructure is lacking. At times, sufficient attention is not focused on this aspect and other constraints which Third World governments have had to face such as lack of resources and the absence of that democratic culture itself. It is imperative therefore that sufficient attention be paid by aid donors, as well as by the evaluation exercise, to these challenges.

The Yearbook should use reliable and consistent criteria for assessing a country's record on human rights that would give it a competitive edge in usability and trustworthiness over other similar works and publications. A measure of the scholarship and standing of the Yearbook over similar reports is how it has been received by its target groups including other audiences concerned with human rights scholarship and research.

5.3 COMPARABLE PUBLICATIONS

It is evident that major annual human rights publications purporting to assess the human rights conditions in Third World countries are physically located in Western countries and rightly or wrongly are seen by Third World governments as intrusive tools for conveying western propaganda or veto against governments that they do not support. This fear is made real because human rights are very much at the centre of interstate relations and are still linked to past geopolitical considerations. Often aid is given with these considerations in mind and its expenditure is still primarily aimed at meeting military and security needs rather than welfare considerations.

This cleavage which dominated East-West and North-South debates on human rights will continue to generate sources of tension and conflict, although the Vienna Declaration affirmed the indivisibility and interdependence of rights.

Human rights reports and monitoring by governments, inter-governmental organisations, NGOs and other pressure groups, have added strength to a visible transitional civil society as a balance and check of the power of the nation state. Through reporting and monitoring, investigation of violations and adverse pressure exerted on governments to adhere to international norms and standards, many states can no longer risk adverse publicity or be insensitive to the stand they take on human rights. Moreover, some of these bodies have been granted observer status in inter-governmental arrangements thus enabling their participation and intervention in crucial debates on human rights. It would therefore have been a great achievement for promotion and protection of human rights if the combined capacity and approach of the various actors were driven by genuine human rights concern, but this is not always the case.

Some of the reports, such as the US State Department country reports, are seen as part of the foreign policy objectives of the US and therefore not neutral. The US for a long time had not ratified important international human rights instruments such as the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights which is yet to be ratified. The criteria used placed emphasis on civil and political rights from a US perspective of democracy and the rule of law to the exclusion of social, economic and cultural rights. Although at times given much publicity, the US State Department reports remain deficient and suspect, and their findings are hard to reconcile with the direction of US foreign policy.

Perhaps the critique of the Lawyers' Committee for Human Rights in its review of the US Department of State's Country Reports on Human Rights Practices (1994) captures in a nutshell the major weakness of the latter, namely: Unwillingness to condemn friendly governments; failure to adhere to a single universal standard for judging human rights violations; including lack of a coherent framework for dealing with independence of the judiciary and attacks on the legal profession; account taken of extraneous policy considerations; bias against Islamic governments; failure to tap in the findings of the UN bodies, and lack of adequate regard for the findings of both local and international human rights NGOs.

Equally, the same can be said of Freedom House's report "Freedom in the World" which, in a more or less similar approach to the monitoring of human rights performances and violations in a number of countries, uses an evaluative index which ranks civil and political rights. The criteria and ranking are invariably biased against countries which do not profess Western philosophy and ideology of democracy and human rights. The

reports which are not based on sound scientific research and scholarships have found little credibility among scholars and little acceptance by governments.

Two other US based human rights groups, the Lawyers' Committee for Human Rights and Human Rights Watch issue reports and short term critique on human rights which are more thorough and less susceptible to the bias and selectivity characterised by the US State Department reports.

The reports and activities of Amnesty International initially focused on the release of prisoners of conscience, that is, persons detained because of their political, religious and other conscientiously held views, but over the years have expanded to include other related human rights violations such as torture and ill treatment of prisoners, capital punishment, fair trial, etc. In approaching these issues, Amnesty combined pressure on detaining governments through letter writing, press publicity, observation missions at trials as well as reports. Information gathering through its national chapters has enabled on-site monitoring and first hand information of what is taking place, which is of particular significance because of the nature of the violation.

Initially the reports of Amnesty International were seen as a ploy by activist groups in support of local opposition against existing governments, especially as it happened in the past that some of the reporting seemingly focused on governments which were not in the good books of Western governments. As it happened, most detentions and poor prison conditions were seen as a malaise of Third World countries intolerant of political opinion, or with socialist, authoritarian and military propensities. This perception, however, has gradually changed and the reports of Amnesty International now provide a good account and acceptable monitoring criteria which cannot be easily sidelined.

It is evident that reporting from bodies in which Third World countries are represented or whose criteria is neutral or less seen as a political and ideological tool will command trust and acceptance by Third World countries. Such, for example, are reports of the UN bodies like UNDP Human Development report. The latter, which contains a human rights index, covers all human rights essential for the satisfaction of human needs, and therefore moves beyond the traditional emphasis on civil and political rights to social, economic and cultural rights. However, the index lists a number of rights which are culturally and morally sensitive or objectionable to other jurisdictions, for example, with respect to homosexuality between consenting male adults, the right to contraception choice, capital punishment, etc.

5.4 CONCLUSIONS

On the above basis it is, therefore, important that universally acceptable human rights norms, standards and practices be used in order to avoid bias and develop a sense of commitment to any criteria adopted for monitoring human rights violations. Such criteria should be able to show how the human condition can be qualitatively improved if they is implemented.

The Yearbook should endeavour to maintain high quality scholarship and reporting based on a criteria which can reach both the North and South without bias. But this may require an approach and dialogue which looks at issues from a South perspective. It requires debates and discussions with audience from the country being reported on as well as the use of local expertise and resources.

EVALUATION OF THEMATIC PART²⁰

by

Kjell Havnevik and Nasila Rembe

Abstract

Assessment of the thematic part of the Yearbook is one of the criteria of the evaluation. This includes the scientific quality of the articles, the profile of articles, its timeliness and methodology.

Five thematic articles are presented by Norwegian "connected" authors, including one with a broad philosophical focus on the major challenges facing human rights; three articles which together constitute a theme addressing impacts and responses of the new political conditionalities; and a fifth which deals with the transition to democracy in one specific country, South Africa.

The articles appearing in the thematic section do not always coalesce into an overall thematic approach, rather they often tend to be random articles although they may contain many elements and features that are interconnected. Fulfilment of the objective of presenting a strict thematic part in each edition of the Yearbook would require more long term planning and resources in order to advance simultaneous work on various themes.

One of the major objectives of the Yearbook was to analyse the connection between development assistance and human rights. The three articles in the issue related to political conditionalities address this problematic, although in a broad perspective. These articles deal with conditionalities linked with economic and political reform process, an area which is of major relevance for understanding the linkage between external assistance and human rights issues.

The quality of the articles evaluated under the thematic part are of two standards; two of the articles are of high quality, and the remaining three articles are of good quality and of high relevance.

6.1 INTRODUCTION

The Yearbook is preceded by a thematic part, as the name would suggest, of contributions converging on one theme, for example, the right to development, or looking at isolated areas but drawing from their common, shared aspects. A thematic presentation is focused and, therefore, able to reflect substantially on a problem related area. This approach is particularly useful not only in stimulating debates on areas

²⁰ A list of articles evaluated in this section, their authors and evaluators is found in Appendix E.

where policy and legislative intervention are wanting, and naturally the issues that feature in a thematic issue are broad and inter-related.

A thematic approach would be particularly useful in laying down the philosophical foundations and wider context upon which the country reports would be based. This could take the direction of a regional or global focus on issues which are topical; problematic issues which contain cultural or religious relativism or specificity; or those which need to be put at the centre of international, regional and national action programmes.

Comparative perspectives can therefore be made, experiences shared, practical problems of implementation discussed and other various nuances made which enrich our understanding and knowledge of the particular theme at hand.

In the following evaluation of the thematic articles, an attempt has been made to group together contributions which seemingly are closely connected.

6.2 BROAD ANALYSIS OF THE FIELD

The first contribution in the 1993 issue, on *The Philosophical - Existential Issues of the Human Rights project*, is a contribution of high quality that traverses the challenges that face a fast changing world in the field of human rights, and the yearning for change. Starting from a catalogue of geopolitical problems that confront the close of the 20th century - such as the end of the Cold War, the changes in Eastern Europe and the resurgence of nationalist - ethnic and religious violence and xenophobia, deteriorating socio-economic conditions and environmental destruction, rapid population growth, proliferation of weapons of mass destruction and conflict of interests in a new multi-polar world - the author looks at similar developments in the field of human rights emphasising the need for constant interpretation and re-invention of the essentials and ethos of what he termed the "human rights project".

The latter is equated with the "inherent dignity and the equal and inalienable rights of all members of the human family" as provided for in the preamble to the Universal Declaration of Human Rights. Five critical areas of human rights agenda are identified, namely, human rights and democracy, concern for resurgence of ethnic and religious xenophobia, concern for worsening socio-economic conditions and disparities, promotion of solidarity rights in the domain of peace, and realisation of universal human rights, taking into account cultural pluralism and diversity.

This article sets the scene by identifying, on a global scale, major challenges that face the realisation of human rights and its moral authority without which the human rights project is unattainable. The themes addressed in this article are most relevant to the debate on human rights in particular, and for the country profiles in general. It would, as a thematic approach, have been most appropriate if the five agendas articulated in this contribution were the subject of a detailed interrogation and presentation in the same issue, thus expanding their scope and relevance.

The five criteria also interface with issues of human rights and political, social and economic development, although these are articulated from an international dimension rather than from the national perspective.

6.3 ARTICLES RELATED TO ECONOMIC AND POLITICAL REFORM AND HUMAN RIGHTS INCLUDING RESPONSES FROM GOVERNMENTS

Three of the five thematic articles contributed to Yearbooks during the period 1991 to 1995 address this important topic. They discuss and analyse subjects related to human rights and the new political conditionality of aid policies, the relationship between the social cost of structural adjustment policies and human rights protection and responses from recipient countries to human rights criticism.

The 1991 article on the new political conditionalities and aid policies which is an introductory article and not part of the thematic body of the Yearbook, addresses the unfolding of ongoing developments, the linkage of political conditionality with development assistance, having been initiated on a broad front only in 1990. The 1994 article on social cost of adjustment and human rights protection addresses an important field over which concern has been growing. But here the real issue on the ground could be said to have the highest relevance for the first generation of adjustment programmes launched in the early to mid-1980s. However, the awareness of these problems increased into the 1990s, as most remedial action to confront social sector and poverty problems in association with adjustment programmes failed to provide tangible results. The 1995 article on recipient countries responses to human rights criticism addresses incidents that occurred in 1990 (Kenya-Norway) and 1992 (The Netherlands-Indonesia). It appeared (1995) somewhat late to influence even the aftermath of the debates focusing on these issues. Its main merit is to analyse in a comparative perspective these two cases to which interest is added due to linkages to two different continents.

The introductory contribution appearing in the 1991 issue of the Yearbook, *Promoting Human Rights in Poor Countries: The New Political*

Conditionality of Aid Policies is co-authored by a Norwegian human rights researcher. Being of introductory character the article is rather short, but it manages to address in an analytical way the background for political reform efforts, the legitimacy of linking human rights to aid policies, the possibilities and obstacles related to political conditionality and the human rights requirements of such conditionality. Its additional merit is its timely appearance (refer above).

The weakest section of the article is its introductory part discussing the emergence of political conditionality. Rightly this shift of concern is concretised by important incidences in the early 1990s, such as the Molde Declaration (1990), the OECD/DAC report (1990) and the meeting of the Consultative Group for Kenya (1991). However, the underlying longer-term considerations for the emergence of political conditionality and human rights issues are not linked to experiences with economic reform and the changes in global power constellations. Therefore development within this area "has been somewhat surprising" to the authors. They however rightly underline the need for caution in this area, an attitude which would have been better founded in an analysis of the motives of major western donors for political reform and human rights initiatives.

The legitimacy of linking human rights with development and aid is documented and can be deduced from international human rights instruments. As underlined by the authors, this also serves as the moral and analytical foundation on which the Yearbook Project is based.

The uneasiness regarding political conditionality on the recipient side is well captured by the authors through the emphasis that democratisation cannot be imposed, neither can it be sustained without economic improvements, and in addition that problems will tend to arise when contradictions between economic and political conditionalities start to unfold.

The legitimacy or existence of conditionality in development cooperation is not questioned, rather it is argued that the main concern should be on its orientation which in the authors' view should rest on an integrated human rights approach. From this follows a call for an examination of human rights effects of donor policies on all sectors. This is commendable, but it tends to disregard the fact that development cooperation and foreign policies of western countries are guided by multiple, and often contradictory, elements in which human rights policies normally have a low ranking. The verbal support for human rights and democratisation may be there, but in the actual design of conditionalities and not least in their enforcements, a more arbitrary and selective approach to such instruments and policies can be identified. This problem and dilemma should have been addressed in the authors' analysis.

The analysis of obstacles to stable democracy points to the role of ethnic tension and conflict, in particular in Africa, in the transition from authoritarian rule to more pluralistic political systems. To this could be added tensions based on religion and, in the broader sense, culture. The deeper lying and more fundamental issue that seems to be of concern, without being explicitly stated in the article, is the question of compatibility between a standard type of democratisation promoted through political conditionality and the social, ethnic and cultural diversity existing in reality. The call for "informed" conditionality to help resolve the "root causes" of conflicts and problems, although necessary, is maybe at this stage still an unrealistic call.

The authors seem however to be aware of this, turning in the final section more directly to western donors with a plea to avoid paternalism and the prescription of a uniform development strategy in their dealings with developing countries. Rather do the authors see the international human rights system as an inspirational source through its encouragement of diversity and respect for local production and redistribution systems and political and legal traditions. A stable democratisation process in aid recipient countries requires, as well, enhancement of economic prosperity which cannot come about without more democratic international systems, e.g. international trading systems. This concretisation is an important step forward, but further empirical and analytical concretisation in this direction is required in order to induce western donors to "listen".

The article, in spite of its introductory character, is analytically sound. This allows it to address and develop the most important issues related to human rights and political conditionality and thus contribute to the ongoing debate. Its brevity does not allow sufficient discussion of the background to the problem area and to follow up analytically some of the more complex issues of the field. At the same time, however, there are some indications in the text that analytical strength in some of these areas would require further research and analysis. Overall the article is of good quality and is well placed as an introduction to the 1991 Yearbook and for its timeliness, enabling it to contribute to the ongoing debate.

The second thematic article within this section is authored by a Norwegian human rights researcher. Its title, *Human Rights and Economic Efficiency: The Relationship between Social Cost of Adjustment and Human Rights Protection* indicates that it extends the important debate on the human or social cost of adjustment beyond its more economic and socio-political realms to analysis of human rights instruments and practices. As such it establishes a bridge between structural programmes policies and human rights.

The first generation of adjustment programmes had only limited, if any social profile. Thus they continued to undermine social sector delivery, a process that had already begun in countries where economic crisis had unfolded prior to the economic reform period. This was particularly the

case in Africa and Latin-America, whereas most Asian countries entered structural adjustment programmes in a healthy economic situation.

Growing concern about the social consequences of adjustment had already been noted by the Nordic countries in 1985 and conveyed to the World Bank, however without any demand for action, but rather that the Bank should more carefully monitor this area. The second generation of adjustment programmes, launched in the late 1980s, attempted to modify their anti-social profile, however mainly through adding specific action programmes and projects targeted at social groups most affected by adjustment. Within the World Bank the Social Dimension of Adjustment (SDA) was set up in 1988 with support from bilateral donors to develop an analytical framework for this exercise. However few tangible results emerged.

Hence, whereas the problematic of the social cost of structural adjustment is not new, and possibly most closely tied to the impacts of the first generation of adjustment programmes, the important merit of the article is to posit this discussion and analysis in a systematic way in a human rights perspective. This as well helps shift the focus of the discussion of human rights in developing countries to areas where western countries have a more direct responsibility, implying the potential to act and influence if they so desire.

The article includes a background description containing a brief overview of structural adjustment programmes, a section on human rights aspects including an analysis of the World Bank's relationship to human rights and rights obligations of recipient countries and finally a part where the analysis of the social costs of human rights in the context of structural adjustment are concretised through the right to work, education, food and health.

The aim of the study is to investigate the social cost of adjustment programmes and to what extent there is a connection with human rights protection. The article does not query whether structural adjustment is required or not, but advocates that it will point to the empirical results of adjustment programmes and put them into a human rights perspective.

The basic thrust of the analysis is limited to addressing the World Bank's approach to the social cost of adjustment and its relationship to human rights, the argument being that the IMF only has a limited involvement in these issues. The author's dismissal of the IMF in this context is, however, based on her faulty acceptance of the IMF's own perception that it is not involved in income distribution issues, because, according to the Fund, "it touches directly on what should be sovereign decisions by the national governments". The economic stability conditionality of the IMF, which is part and parcel of the structural adjustment process, most often includes major devaluations, reducing the size of the public sector in order to

improve the budgetary position, which means drastic reductions in social service spending. This represents both direct and indirect impacts of a major character on income distribution including social delivery in recipient countries. The IMF thus should not be absolved from its role in this area, if anything it has a more important role here than the World Bank.

A second analytical clarification of the article, where the author is on firm ground, concerns the distinction between needs and rights. This is an important preamble to the subsequent discussion of what constitutes human rights violations. The outcome is that human rights protection should be considered "minimum protection", implying that each right has a core level of respect required for compliance.

Whereas the statutes of the Bank, like the Fund, state that it shall not interfere in the political affairs of any member country, the author shows how the Bank, through a less rigid interpretation of its statutes, has come to operate actively at least in two areas, the environment and "good governance", of which particularly the latter is difficult to delineate for the political sphere. The reason given by the Bank for entering these areas is that their performances have ramifications for the economic situation, the key area of the Bank's involvement. The author argues convincingly that similar logic could be employed to justify that human rights concerns are addressed by the Bank, i.e. to the extent that they influence the economic efficiency of a country.

Thorough analysis of the various human rights instruments including the African Charter on Human and Peoples' Rights allows the author to conclude that both the Bank and the Fund may "legitimately take human rights into consideration when designing their policies" alongside the human rights protection of recipient governments.

Subsequently the article sets out to illustrate how the social cost of adjustment relates to human rights. Through analysis of World Bank reports and documentation and various human rights instruments, a link between the social cost of adjustment and human rights is established. As to the right to work and education the effects of adjustment programmes are found to cause human rights concern, whereas the analysis of the right to food and health is unable to advance clear linkages. A call is made for conducting such analyses on a case by case basis as the effects are stated to vary from setting to setting.

Whereas the analysis falls short of its promise of providing an empirical substantiation to support firm conclusions, it is of major value in indicating an analytical framework which can be used as a basis for further work linking structural adjustment and human rights issues. This approach clearly shows that the objective of poverty reduction which has emerged more implicitly in the second and third generation of adjustment

programmes falls short of addressing the obvious human rights issues of the social cost of adjustment. The analysis indicates that adjustment programmes and their impact have led to the identification of a flaw in the system of human rights protection, rather than a lack of existence of legitimate claims.

The article leads the way to, more constructively analysing how adjustment programmes can be modified so that their impact is less likely to create human rights problems. Although much more work remains in this area, the article's strong analytical contribution stands out as very valuable to the thematic part of the Yearbook project.

The third article within this category appearing in the 1995 Yearbook counts three authors of whom two are Norwegian human rights or development researchers. The analysis is a comparative study dealing with the responses to human rights criticism, *Responses to Human Rights Criticism: Kenya-Norway and Indonesia-The Netherlands*.

The topic is of great interest in various ways. It can throw light on how political and human rights policies and conditionalities among northern donors are followed up, i.e. to what extent they constitute more than verbal pronouncements; it can provide insights into how much concern recipient governments attach to such criticism and the types of responses taken and, as well, whether there are any similarities or differences in the responses and evolution of the cooperation in respect to Africa and Asia. At the donor end, Norway and the Netherlands represent two like-minded countries with more or less similar emphasis on human rights, a major difference being that the Netherlands had acted as a former colonial power in Indonesia, while Norway's relation to Kenya is that of a more recent and humanitarian donor. Kenya and Indonesia, on the receiving end, are needless to say very different entities, a major one being that Indonesia is a rapidly growing major economic power of great interest to foreign investors and business. The main similarity is the repressive character of the state.

The introductory part of the article discusses the rise of conditionality in aid relations in a very competent way. A common difficulty brought to the forefront in both aid relations was the tensions created by simultaneous promotion of conditionality in the civil and political rights area with aid disbursements to promote economic and social rights. Focus is also rightly attracted to problems encountered by donors when trying to operationalise somewhat vague human rights policies, and particularly so in terms of what would be an adequate donor response to certain types of human rights violations. This was the particular dilemma that the two aid relations entered.

The severance of diplomatic relations between Norway and Kenya is posited in the global donor community context including the overall role

of aid in Kenya's economy and pointing out Norway's limited role in this picture. Compared to major donors, such as the United States and Canada, who were quite vocal in their criticism of human rights violations in Kenya, Norway's line was that of silent diplomacy.

The article offers a good analysis of the gradual deterioration of Norway-Kenyan relations through the discussion of concrete incidences and developments over time in a well informed way. To this is added a brief analysis of internal pressures working on the Kenyan government and, in particular, of the turbulent year 1990, the year of the rupture which saw the murder of the previous Foreign Minister, Robert Ouko.

The subsequent section focuses on the diverging perceptions of processes and events of the Kenyan and Norwegian governments leading up to the break. However this part mainly focused on the incident of the prominent Kenyan government critic and refugee, Koigi wa Wamwere, who had been given political asylum in Norway. It would have been relevant to draw into this analysis the wider context discussed above.

Probably the analysis is correct in arguing that the Wamwere case constituted only one element in President Moi's decision to break diplomatic relations with Norway. Moi was annoyed at the donor community in general, and Norway could be singled out for retaliation due to its limited economic role in Kenya's aid picture and its limited political influence. In addition, a pretext had occurred for acting against Norway, its "meddling" in Kenya's internal affairs.

The highlight of this meddling was the appearance of the Norwegian Ambassador at the arraignment in court of Koigi wa Wamwere in Nairobi in October 1990, seen by Norway strictly as a legal and moral obligation to a refugee to which it had extended asylum.

Did Norway behave correctly or not, and what about Kenya? The critical point pertaining to this issue, and underlined in the analysis, is whether wa Wamwere was arrested on Kenyan territory. If he was, according to the authors, it would have meant a breach of the terms of his refugee status in Norway with less reason for the Norwegian government to come to his support. wa Wamwere, however, claimed to have been abducted inside Uganda and subsequently brought to Kenya by its police. The Norwegian government chose to believe wa Wamwere and took the necessary consequences of this standpoint. This decision is likely to have been influenced as well by the general deterioration in Kenyan human rights performance during 1990 and in particular the killing of Robert Ouko.

In reading the analysis, we experience a yearning to know the authors' standpoint on the Norwegian-Kenyan rupture. It seems, however, that they are unwilling to do so probably because the evidence available on the

"narrow" issue of abduction was contradictory, i.e. there existed no scientific base on which to make their judgement.

In a more narrow scientific context, the authors' stance may be correct. The important question which needs further reflection, however, is whether this type of human rights analysis can be reduced to the features of the abduction. The pertinent issue arising out of this case seems maybe not to be wrong or right in the formal sense, but what approach to take to the Kenyan government, known for its repressive character, and how best to support the interests of Koigi wa Wamwere, known to be one of the harshest critics of this government.

The Norwegian-Kenyan aid relation, ship highlighted by the wa Wamwere incident, thus touches on the difficult terrain of value in relation to science. The investigation unfortunately stops short of taking up this challenge, which would have enriched further an otherwise competently conducted analysis of great relevance to human rights problematics.

The analysis of the Dutch-Indonesian relationship highlights the colonial legacy and the important role of the Netherlands in chairing the aid consortium for Indonesia. Incidences of severe human rights violations, including outright execution of government opponents, led to many instances of suspension of aid programmes and increasing official Dutch human rights criticism. Criticism of the authoritarian character of the regime also was voiced including the statement by the Dutch Minister for Development Cooperation, Jan Pronk, that economic deregulation would be pointless without political deregulation. The escalation of criticism, including the Dutch position on East Timor, eventually led the Indonesian government to break off the aid relationship in March 1992.

In spite of its criticism of Indonesia, the Dutch government was often accused by human rights activists for "double standards", referring to the government's much more aggressive attitude towards the former small colony, Surinam.

Despite the Indonesian government's skilful handling of foreign criticism and its campaigns to win sympathy for its obinians, the attractiveness of its investment climate is most likely a major cause for muting the government based international human rights critique. In the Dutch-Indonesian case it becomes very clear, according to the competent analysis provided, that linking aid and human rights observance stands a limited chance of being effective, unless the aid is quite substantial or a sufficient degree of international support can be mobilised.

The concluding part of the study compares the cases in terms of their nature, their historical and contemporary context, the role of the internal opposition in the two recipient countries, their geopolitical positions and

the effects of the measures and their aftermath. In spite of its briefness, the analysis throws important light on the comparative aspects of the two cases.

6.4 INTERNAL PROCESSES OF CHANGE

The contribution *Negotiating Democracy and Human Rights: The Case of South Africa* focuses on an area which preoccupied the attention of the entire world for most of this century, namely, the unfolding of apartheid in South Africa and the transition to democracy through negotiation. Drawing parallels and experiences from the transition to democracy in Latin America, Southern and Eastern European countries, the article traces the accelerated path leading to the breakdown of apartheid and the willingness of the then ruling National Party and the African National Congress to negotiate the transition. Substantial focus is placed on the challenges that faced the South African initiative for constitutional development (both substantive and procedural), including issues of human rights and the Bill of Rights, powers of the state, the role and place of minorities, the challenges that face reintegration of South Africa into the world trade and economic system, containment of crime and political violence and restoration of internal peace and stability.

The difficulties that lie ahead after many years of apartheid undermining, brutalizing and humiliating every aspect of individual and collective rights could find solutions in adopting core values and developing human rights and a democratic culture that will focus on dignity, non-discrimination and equality, and levelling the playing field through major economic reconstruction and affirmative action.

This article was written during the course of the negotiations and therefore it is a narrative account of a process, albeit a complex and protracted one that engaged many actors and issues. The contribution brings to the fore issues relating to the wider relationship of human rights, not only relative to the promotion and protection of individual rights, but social economic and cultural rights, as well as collective rights. As South African political and constitutional development was subject to the involvement of outside monitors, the Commonwealth, the OAU and individual governments and NGOs, it also offers both the problems and results of a common approach to human rights especially in areas where there is systematic denial and violation of the most fundamental norms.

6.5 OVERALL ASSESSMENT OF THEMATIC ARTICLES

The five thematic articles evaluated include one with a broad focus on the major challenges facing the human rights, three articles which together constitute a theme addressing impacts and responses of the new political conditionalities and a fifth which deals with the transition to democracy in one specific country, South Africa.

One of the articles related to new political conditionalities is not strictly a thematic article, but is placed rather as an introductory article to the Yearbook. However, as such it takes the shape of a thematic article, and is evaluated within this category of articles. The article on the transition in South Africa does not, in our opinion, constitute a natural part of the thematic section of the edition of the Yearbook in which it occurs. Rather the article resembles a country profile study, which due to the specific features of South Africa at the time, had grown beyond the structure of country profiles, and it was transferred to the thematic part.

In our judgement the articles appearing in the thematic section do not always coalesce into a thematic approach. They often tend to be unarranged articles, although they may contain many elements and features that are interconnected. Initially, it was never meant that the thematic part should be a coherent section with a leitmotif running through it. It was dubbed thematic on the grounds that the article differed from the country profiles.²¹ However, over the years the concept developed, and the ambitions for the last three editions of the Yearbook have been to present a coherent thematic section, according to Bård-Anders Andreassen.²² The evaluation team believes that it is important to have such an objective for the thematic part, and that the fulfilment of presenting a strict thematic part in each edition of the Yearbook would require more long term planning and resources in order to advance simultaneous work on various themes.

In contrast to the country profiles which barely address one of the major objective of the Yearbook project, that of analysing the connection between development assistance and human rights, the articles on issues related to the new political conditionalities do address this problematic, although in a broad perspective. These articles deal with conditionalities linked with economic and political reform processes, the impact of these reforms on certain sectors and the outcome or process which unfolds when specific bilateral donors and recipient governments disagree on the content of the conditionalities. In most of the 1980s and the 1990s, the major bulk of policy formulation in recipient countries has had to adhere to such external conditionalities in order for countries to qualify for increased

²¹ Fax of 10 September 1996 from Hugo Stokke CMI to the evaluation team.

²² Telephone interview 11 September 1996.

development assistance. Because of increased donor coordination among OECD countries, bilateral assistance has come to be conditional on the acceptance of economic and political reform demands as well. This area is therefore of major relevance for understanding the linkages between external assistance and human rights issues and it will continue to be so in the coming decades.

As to the quality of the articles evaluated under the thematic part, our judgement is that two of the articles, *The Philosophical-Existential Issues of the Human Rights project - Challenges for the 21 Century* and *Human Rights and Economic Efficiency: The Relationship between Social Cost of Adjustment and Human Rights Protection*, are of high quality. The latter article, although containing some weaknesses, is placed in this category due to its originality and ability to break new ground in an important subject area. The remaining three thematic articles we assess to be of good quality and of great relevance as well.

EVALUATION OF COUNTRY PROFILES²³

by

Kjell Havnevik and Nasila Rembe

Abstract

To assess the relevance and appropriateness of the country reports is one of the aims of this evaluation, as stated in the TOR.

The country studies constitute most profound reporting giving a detailed analysis, with supporting data from socio-economic indicators, scientific literature and official documents, of the existing human rights conditions in the countries surveyed. The realisation of civil and political rights, as well as social, economic and cultural rights contained in the main human rights instruments are central to the case studies. These rights are reflected in the guidelines for the country profiles which have to be taken as a terms of reference both for the writers of country profiles and the evaluation team.

Concerning human rights development, the criteria for evaluation should sufficiently analyse human conditions and show how they can be qualitatively improved if a certain type or value system, namely human rights and democratic governance, are encouraged. Such analysis should not only focus on the country under study but also take regional aspects into consideration.

A total of 20 country profiles has been evaluated, nine related to Africa, seven to Asia and four to Latin America, covering a total of 14 different countries over the time period 1990-96. All profiles adhere to the guidelines outlined and thus address the central areas of human rights concern defended by the principal covenants and human rights instruments.

The reporting on civil and political rights appears the strongest in all entries, whereas the coverage of economic, social and cultural rights is generally the weaker part of most profiles. However, the inclusion of these rights in the Yearbook is what gives it a distinct character as compared to other major comparable publications.

About one third of the country profiles evaluated were found to be of high quality, i.e. of good international standard. The remaining two thirds of the profiles were of good quality, whereas none were of poor standard.

One important finding in the evaluation, however, is that the country profiles in general have not been able to advance analysis of the relation between development assistance and human rights, one of the original objectives of the Yearbook. This is probably related to the relative weakness of the analysis of economic, social and cultural rights.

²³ A list of articles evaluated, constituting an input to the regional contexts, their authors and evaluators is found in Appendix E.

7.1 INTRODUCTION

The country studies constitute most profound reporting giving a detailed analysis, with supporting data from socio-economic indicators, scientific literature and official documents, of the existing human rights conditions in the countries surveyed. The criteria developed for reporting are elaborate. Starting with the country's profile of basic facts and figures, the survey analyses the economy of the country, socio-economic indicators, the system of government and general disposition of the government on human rights. The realisation of civil and political rights as well as social, economic and cultural rights contained in the main internationally binding human rights instruments, in particular, the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights are central to the case studies. These rights are reflected in the guideline for country profiles which has to be taken as a terms of reference both for the writers of country profiles and the evaluation team.

In so far as the above criteria is an evaluative determination which may influence donor governments, financial institutions and other actors in taking certain measures in favour of or against a particular country, it should be of concern to the Yearbook enterprise. In other words, if the concern is human development, the criteria should sufficiently analyse human conditions and show how they can be qualitatively improved if a certain type of value system, namely, human rights and democratic governance are encouraged. Such analysis should not only focus on the country under study but should also endeavour to highlight conditions obtaining in different countries, in particular, within the region. The criteria should therefore be reliable and consistent, and generate outcomes which will provide a useful dialogue and policy guidance both for the aid recipient countries as well as for the donor community.

7.2 AFRICA REGIONAL CONTEXT

Africa in particular is a continent that needs to be focused on for a number of reasons, some of which have been stated above. The continent is enmeshed in a complex cross-roads which needs a deeper dialogue, understanding and analysis of the problems, if positive solutions are to be found.

Many African countries are worse off today than they were one or two decades ago. The level of poverty combined with political instability has left no space for human rights to thrive. Serious massive violations of human rights, the existence of states of emergency in a number of

countries, the total breakdown of governmental authority, resurgence of military regimes, all of which are fertile grounds for human rights violations, pervade a sizeable number of African countries. There is a marked deterioration in public sector and social infrastructure such as health, education, transport, social welfare etc., and little expansion is visible despite efforts by governments and external aid. Dependence of these countries on foreign aid has created a soaring debt burden, driving many of them to economic intensive care units. Other difficulties experienced include natural disasters and an influx of large numbers of refugees and displaced persons, rapid population growth coupled with rural urban imbalance, and the weakening of traditional subsistence and support lines in many areas.

Outside pressure and assistance must read the pulse on the ground properly, as well as the existing conditions outlined above and the complexities involved. Some of the prescriptions that have been made over the years have not yielded lasting results, and the pitfalls experienced seem to be replicated. Policies and strategies which worked for Western countries with different historical experiences may not work overnight in another radically different political, social and cultural milieu. Unleashing the power of the market on African countries so strongly tied to bonds of family and kinship solidarity will not be without serious difficulties and consequences; nor is cutting public spending on public sector services and infrastructure, the very support lines for the majority and necessary foundation for development of the human condition.

The road to economic and social transformation is arduous and tortuous, and therefore needs a sufficient diagnostic analysis of the historical experiences as well as present possibilities and constraints. Development must be sufficiently driven from below by the countries concerned, with the international milieu and external support playing a mere catalytic and complementary role.

Commitment to global social democracy and development must be demonstrated by both the developed and developing countries, and this must underwrite economic growth for economic development. In other words, this commitment should go beyond paying attention to a mere increase in per capita incomes. Balanced development should embrace qualitative improvements in the lives of ordinary human beings in terms of education, health, food, housing, employment, social security, human rights, democratic participation and control of one's environment. This entails also greater representation and participation within the international, political and financial institutions such as the Security Council and the IMF whose decisions directly affect millions of people in Third World countries. Democratization at national level must therefore be supported by equal commitment to democratization at international level.

Major processes of change in Africa during the last decade are associated with economic and political reform. All contributions address these processes and their implications for human rights. The strongest empirical and analytical parts of most entries are those focusing on political and civil rights. In spite of a general trend of political reform throughout the continent, the situation is quite diverse in the countries analysed. The Sudan has been a military regime since 1989 actively enforcing *Shari'a* law. The massive human rights violations of the regime is well analysed including the critical situation that has occurred through the resumption of civil war between the north and the south.

Zimbabwe and Namibia became constitutional democracies at the time of their independence in 1980 and 1990 respectively. The analysis of Zimbabwe clearly shows the intention of the controlling political party, ZANU (PF) to move towards a single party system, a quest which was intensified after December 1987 when the two main parties unified. Due to the changing international environment, the single-party idea was dropped in late 1990, but the representation of the opposition in parliament, which amounted to three out of 150 seats, clearly maintains the impression of Zimbabwe as a defacto one-party state. This situation prevailed and was reflected as well in the 1995 elections. Even though the human rights situation has improved in the country on many counts, human rights violations are actively employed by the government to marginalise the political opposition. The frustration felt by voters is reflected in extremely low turn-outs in recent elections.

The Namibia report occurred less than a year after the country's independence in March 1990. The country is in the process of "national reconciliation" which is reflected in only mild breaches of civil and political rights. The worst violations are seen to be in the area of economic, social and cultural rights.

The reporting on Tanzania reflects a slow improvement in the area of civil and political rights during the last decade. A Bill of Rights was introduced in 1988 but has been subsumed into regular laws, a fact reflected in the weak implementation of the Bill of Rights. In spite of economic hardships affecting the country, the legacy of Nyerere's policies has led to a more firm sense of nationhood in Tanzania than in most other African countries. This is reflected in a less violent society with only limited tension between ethnic groups whereas religious tension and Zanzibar-Mainland tension are escalating.

In most countries reported on, the autonomy of the judiciary system has been undermined to greater or lesser extent by the government allowing a situation of limited accountability to emerge in public affairs adding to the process of erosion of state legitimacy.

All country reports include sections on economic, social and cultural rights. There is the general trend, however, that the analysis of these rights, in particular the economic ones, are less thorough than that related to civil and political rights. In those countries where structural adjustment programmes have been pursued for some time, such as in Kenya and Tanzania, an overview and outline of the content of the programmes are made, but the level of implementation, which varies considerably between areas and countries, of major programme components are usually not properly identified. It becomes difficult therefore to delineate the causes for economic decline, reduction in social service delivery etc.

A major economic and cultural issue, the access to and control over land, is addressed in all country analyses where relevant. What appears striking is the immense inequality in land distribution in countries where white settlers were dominant in the colonial or occupation period, such as in Zimbabwe, Namibia and Kenya. While Kenya after some thirty years has managed to resolve the "colour" aspect of this problem by the taking over of "white land" by domestic bureaucrats and the economic elite, Zimbabwe and Namibia are confronted with a major land distribution problem which is located in a "racist" context. Most analyses show that the land question is far from being resolved in a way that can accommodate the interests, i.e. secure land tenure, of small holders, pastoralists and other minorities. The problems of women's control over land and its produce are also noted, in spite of them being the major producers.

Ethnic and cultural diversity represent a major feature of Africa. Lack of respect for such diversity by the African state is shown in many analyses to constitute major reasons for conflicts related to ethnic, cultural and religious diversity. Whereas such conflicts are addressed and documented in the reporting on the Sudan, Kenya, Zimbabwe, and to minor extents in Namibia and Tanzania, the analysis in most entries falls short of linking these problems more directly to those connected with the implementation of political and economic reforms.

Kenya Case Study: Presentations in the Yearbooks of 1987/88, 1990 and 1993

In the evaluation of reports on Kenya three entries were examined in order to provide the possibility of conducting a longer term evaluation of the reporting. The 1987/88 Report came into existence before the introduction of the 1990 guidelines for country profiles.

The 1986/87 Report sets the perspective both for the 1990 and 1993 editions, though adherence to the guidelines lead to somewhat of a widening of the 1986/87 perspective. In addition, the analysis in the 1990 and 1993 editions has been deepened when related to important aspects of political and civil rights.

All three reports are well written and appear solid both in terms of the empirical reporting, the relevance of the examples taken up under the various sub-sections and in the analysis of major events. Already in the 1986/87 report a strong precedent was set for the reporting on Kenya, showing detailed knowledge of developments in most areas of relevance to human rights issues. The 1993 report was able to reflect profoundly and analyse the deep-seated changes in the political system during 1990-1992.

The severe human rights violations committed during 1990, led the international and domestic opposition to put pressure on the single party, KANU, to bring about changes. While the domestic protests were fierce and courageous, it was finally the joint decision of donors to suspend aid unless changes came about, that moved KANU to change its position. The human rights violations in Kenya give reason for concern and pose important questions to those who thought that multiparty politics would improve political and economic performance.

The bulk of reporting and analysis in all three entries is on political and civil rights. Over time the analysis on economic, social and cultural rights, has not progressed in the same manner as that of political rights. As a matter of fact the analysis remains repetitive in many areas, throughout the entries. Not much new is provided in the 1993 edition with respect to the land issue for example, the role of women and pastoralists compared to the 1987/86 edition. In spite of this, the basic analysis of these issues is acceptable and in particular that related to the social and economic role of land. It implies however that capacity and resources have not been available to develop the analysis further, including its updating with more recent research findings in these areas. The analysis of the impact and level of implementation of structural adjustment programmes could also have been improved.

The analysis of the political transition during 1990-92 commands a high quality. On the basis of information and evidence provided on human rights violations by the Kenyan government prior to and under the multi-party elections, it stands out as somewhat surprising that the international election observers gave their acceptance to these elections.

The 1993 Report shows increasing repression and human rights violations in spite of the introduction of a multi-party system. Government stop-go tactics which spread fear and anger, and manipulation of the legal system by the president's office etc. indicate that the acceptance of the multi-party system does not constitute a change of attitude for the President and his associates. The limited ownership of reforms undercuts their long term realisation. As such the finding confirms the arguments of the thematic article on Kenyan-Norwegian relations presented in the 1995 Yearbook.

As to ethnicity and cultural diversity, all reports show awareness of these issues, but more problematisation of this area would have helped improve the quality of the analysis of economic, social and cultural rights.

Overall the 1987/88 and 1990 Reports are of good quality, though uneven between the two major groups of rights. The widening and deepening of the analysis of political and civil rights in particular in 1993 represent an important contribution to enhanced insights in this area, albeit of negative character, in the country. Overall the 1993 report is found to be of high quality.

While the 1987/88 investigation does not contain a list of background literature, such a list appears in the 1990 Report and is extended in the 1993 edition.

7.3 ASIA REGIONAL CONTEXT

The Asian regional context is extremely wide and diverse being related to reports on five South Asian countries: Pakistan, India, Nepal, Sri Lanka and Bangladesh and one South-East Asian country, Cambodia. This nexus of countries contains long standing democracies, such as India and Sri Lanka, feeble democracies where military rule for long periods had been entrenched, Pakistan and Bangladesh, a monarchy in transition to democracy, Nepal, and a country emerging from the most severe internal war and unrest with regional and super-power linkages, Cambodia. Even the democracies have been plagued by serious and escalating internal war, Sri Lanka, and the existence of various secessionist groups, India.

In spite of formal political structures being in place in most countries the overall impression from this region is one of a high level of societal violence, although improvements have been recorded in some countries, i.e. Cambodia, Bangladesh and Nepal. The violence consists of various elements, one being linked to the struggle between the state and separatist and secessionary forces, another being associated with growing religious intolerance fuelled by violent attacks by extremist religious groups. Often the two types of violence are intertwined. To this situation is added an extreme social and economic differentiation compounded by the existence of caste systems and various forms of rural feudal relations in many of the countries investigated. The growing overall level of human rights violations reflects an increasingly intolerant and authoritarian state, albeit democratic, facing a tremendous economic, social, ethnic and cultural diversity. On the other hand violence employed by separatist, extreme religious and ethnic groups has escalated.

All country investigations indicate that in these contexts weaker groups such as women, children and traditional ethnic groups are squeezed. The

level of literacy and education among women is reported to be extremely low in most countries, and the widespread extent of bonded labour and child labour, including prostitution, seriously affects the normal growth and development of children, while modernisation and expansion of agriculture and the declaration of conservation areas encroach upon the land and resources of traditional ethnic groups, undermining their livelihoods, turning them in many areas into outlaws (e.g. Sri Lanka, Bangladesh and India).

Economically South Asian countries have not seen the economic upturn experienced in East Asia and more recently in South East Asia. Here an authoritarian but development oriented state pursued a strategy of long term investment in education associated with land reform which provided the basis for growth with equity. This internal strength became the foundation for a successful opening up to world markets in the 1970s.

Since the late 1980s, however, economic growth has improved in many South Asian countries, in particular in India, but also in Bangladesh and a few other countries in spite of growing social, religious and cultural tensions. In some regions of India the growth has benefited weaker social groups through the launching of programmes and projects aimed at increasing employment opportunities and guaranteeing minimum incomes, but more generally in the region, growth is based on extreme exploitation of the labour force in agriculture and expanding industries, such as in the garment industry in Bangladesh and in various forms of sub-contracting production. One basis for the economic exploitation of industrial and sub-contracting labour in South Asia is the unequal distribution of land (e.g. in Bangladesh more than half the population is landless) which provides no rural retreat for such labour. This also helps explain the high level of poverty in urban areas. These features are unlike those in Africa, where land is more abundant and more equally distributed and where poverty is primarily linked to rural areas. The wider access to land in Africa for most people, however, represents a safety net which guarantees a livelihood and a social context which as well establishes a lower threshold for the exploitation of labour in urban areas.

The developments reported in the South Asian investigations indicate that increased national income from economic growth generally is not reflected in improvements related to the fulfilment of rights in the economic and social areas. This indicates that the unequal distribution of incomes and resources remains, possibly implying that the economic growth of this region of Asia is likely to be less sustainable than that of South-East Asia.

A growing concern over the right to food and incomes in rural areas is linked to declining productivity in "Green Revolution" agriculture. Whereas the rapid growth in such agriculture was able to feed a fast growing population during the two last decades, this past growth record in agriculture can no longer be sustained. The reasons are still not clear

cut, but indications show that they are related to the problems of soil fertility and environmental sustainability, resulting from the long time span of heavy utilisation of chemical inputs and monoculture in agriculture. Environmental concern in relation to agriculture is strongly emphasised as well in the entries for Sri Lanka and Nepal, whereas the Cambodia report shows that large fertile agricultural areas cannot be cultivated due to spread of land mines. These developments and situations have a direct bearing on the overall availability of food as well as for income generation, or the access potential to food for poorer people in the rural areas.

Insecurity in the region due to internal strife is undermining productive activities as well and has resulted in large migratory flows and a great number of internally displaced persons. Large numbers of Afghan refugees live in Pakistan, Sri Lankan refugees, in particular from the north, have fled to south India and other parts of Sri Lanka, while a large number of the Cambodian population is internally displaced or are refugees in Thailand. The process of national reconciliation, well described and analysed in the Cambodian report, may instil some hope for future improvements in that country, while internal strife in Sri Lanka is continuously being aggravated.

7.4 LATIN-AMERICA REGIONAL CONTEXT

The Latin-American reports include two countries in Central-America, Nicaragua and Honduras, and adjacent to them Colombia, in South America. The human rights developments in this region, in particular in Central America, are to some extent affected by the end of the cold war and the consolidation of the region's peace process, comprising the establishment of democratic rule in Nicaragua and the signing of the peace accord in El Salvador. Colombia has not been affected by these events, at least not in terms political and human rights developments.

The end of the cold war, reflected in the changing super-power constellation, led to a marked change in regional unrest as well as the ending of Honduras' subordination to US interests. These developments had dramatic effects on both Nicaragua and Honduras. Democratic rule was rather peacefully established in Nicaragua and a process of national reconciliation could be initiated. Even though the process has been flawed by conflict and tension it has led to large scale disarmament, major reductions in military spending and significant economic improvements, of which major changes are reflected in the 1991 as compared to the 1990 edition of the Yearbook. Whereas the situation emerging in Nicaragua seems to be one of two major political blocks checking and controlling each other, and reaching some kind of political stability through this process, the situation in Honduras and Colombia is different.

In these countries the democratic process has continued into the 1990s, but the formal political structures are too "narrow" to mobilise broad support. In actual fact an increasing legitimate opposition to the governments of both countries, both from labour unions and peasant and traditional organisations (and in Colombia also from guerrilla groups), is being met with state brutality and violence, implemented by the military, police or paramilitary forces. For instance during the period 1990-1994 fifteen thousand persons had died as a result of politically motivated violence in Colombia. The impression reaching the international community that the Drug Syndicates are the major culprits of violence in Colombia, is quite erroneous as they can be tied to only a few percentages of the violences, the major share, between 60-70 per cent, where the culprits are known, being committed by the military and affiliated forces and most of the remaining share by guerrilla groups.

The central role of the military in securing the monopoly of the traditional political parties is characteristic as well in Honduras. Here the political violence of the 1980s gradually diminished but was overtaken by higher levels of general violence associated with the security forces. The impunity extended to military, paramilitary and security forces both in Colombia and Honduras in cases of killings and disappearances show that the governments, in spite of frequent proclamations to restore law and order, are unwilling and unable to do so. To this problematic is also connected weak, corrupt and politicised judiciary systems. The intensification of violations in Honduras in the early 1990s led to public outrage and forced the administration to establish investigative commissions. But most often recommendations for change resulting from such processes are only partially implemented or not followed up at all, i.e. they are undermined by the power structure preferring the status quo. These developments have led to the undermining of the legitimacy of the state.

The emergence of guerrilla and a more militant opposition groups, in particular in Colombia, can partly be understood on the basis of the "narrow" political platform of existing political parties. Their onslaught on legitimate social protest has led to an escalation of counter-violence by marginalised social forces. The widening of the political process seems to be a pre-condition for a longer term improvement in the human rights situation in these countries. However, the hierarchical structures of opposition and guerrilla groups that have emerged indicate that they are only replicating those of existing political parties - hence not representing the seeds of fundamental change.

The reduction in military strength due to lower external support could be seen as a mechanism for undermining the strategic role of the military. However, so far major alterations of power constellations have not emerged. The fact that the military, in particular in Honduras, also have

important economic interests in society, through ownership, funds etc. helps to block processes of change.

Given the above perspectives, prospects for long-term improvements in political and civil rights appear to be best in Nicaragua. If the process of reconciliation here can unfold without escalation of tension, accompanied by improved economic performance, the wider outreach of the political system may ensure a better balance of social forces in legislative assemblies and government. However, a successful transition is likely in the longer run to require subordination of the army, presently controlled by the Sadinistas, to civilian authority.

The broader regional peace improvements seem to have contributed to enhancing conditions for economic growth in the region and has taken place in the context of structural adjustment programmes. The growth in the gross domestic products (GDP) has however been unevenly distributed, with no indication that the rights situation in relation to food, health, education etc. has improved. To this must be added the fact that the national economy of Colombia is closely associated with the illegal cultivation, processing and export of drugs. The drug trafficking produces tremendous misallocations of resources in the economy and has a larger corrosive effect on the society than the violence it causes. Statistics show that the number of people living below the poverty line in Colombia increased from 40 per cent in 1988 to nearly 50 per cent in 1994. Just three per cent of the landowners own 70 per cent of the agricultural land. This is reflected in the finding that the poverty level reaches 70 per cent in the rural areas where 30 per cent of the population live.

In Honduras, privatisation and economic liberalisation have led to the immersion of large sectors of the population in greater poverty, and has favoured export industries and foreign investors to the point that the national business community and popular sectors are united in their opposition to the government. This process has also seen the undermining of labour and peasant movements as well as the interests of ethnic groups. However, overall consciousness about the problems of ethnic and minority groups in the region may be improving. With a third of government expenditure tied up in the servicing of external debt, the Honduras investigation rightly asserts that a more humane adjustment process is intimately bound to the mercy of international lending institutions. Already in 1985 more than half the population was living in absolute poverty, of which 75 per cent were in rural areas. About 45 per cent of the population in cities have been faced with a rapid increase in absolute poverty.

In Nicaragua the economic reform programme enjoys broad political backing, the main disagreement revolving around the extent and speed of privatisation. This should be seen against the background of GDP per capita having declined by 43 per cent during the 1980s. In the late 1980s

only about one fifth of the urban households commanded sufficient income to buy the minimum food basket. The situation regarding economic and social rights in Nicaragua is thus one of restoration from a very low base of fulfilment. However, in spite of the introduction of a number of targeted programmes to alleviate hardship in vulnerable groups, the overall effects of economic restructuring have resulted in acute economic hardships for many of these groups. Compared to the other countries, political channels for voicing social and economic protest are more open and can be more effectively used in the ongoing transition phase in Nicaragua.

7.5 OVERALL ASSESSMENT OF COUNTRY PROFILES

A total of 20 country profiles have been evaluated, nine related to Africa, seven to Asia and four to Central and South-America. The country profiles cover altogether 14 countries since some countries had several entries which were evaluated. They included, Kenya (three profiles), Tanzania (three), Pakistan (two) and Nicaragua (two).

The major conclusions emerging from the assessment of the country profiles are the following (refer to Appendix A, and chapter 7.2, for a brief individual assessment of each profile):

- All country profiles adhere to the guidelines outlined and in use from the 1990 edition of the Yearbook onwards. This is not unexpected since the following these guideline is likely to have been a precondition for acceptance for publication.
- Since the guidelines reflect the central areas of the major human rights instruments, in particular the Covenants on Civil and Political Rights and Economic, Civil and Cultural Rights, all country profiles also address these central areas of human rights concern.
- The emphasis of all country profiles evaluated is on the monitoring and analysis of civil and political rights. Relevant empirical documentation is used to back this work in all profiles evaluated. This part appears the strongest in all entries.
- The section of the country profiles covering economic, social and cultural rights is generally the weaker part of most profiles, and for those countries where more than one entry is evaluated, our findings are that the analysis and empirical substantiation of these rights have not progressed much over time. At the same time the inclusion of these rights in the Yearbook Project is what gives it a distinct character as compared to other major

publications dealing with human rights monitoring. The weakness related to the section on economic, social and cultural rights must thus to a great extent be attributed to the pioneering nature of the Yearbook in this respect. However, the evaluation team also acknowledge that it is much more difficult to report on social and economic rights due to the poor quality of statistics in many developing countries. A great challenge for the future will be to improve on the monitoring and analysis of these types of rights (refer to our recommendations).

- About one third of the country profiles evaluated were found to be of high quality, i.e. of good international standard. These were precisely the articles that had managed to develop the analysis of economic, social and cultural rights and to some extent integrate it with the analysis of civil and political rights, attaining a more holistic analysis of the human rights scene.

- The remaining two thirds of the profiles evaluated were of good quality, whereas none were of poor standard. Many of the entries in this category were both comprehensive and detailed in their monitoring, but what distinguished them from the above category, was a lack of integrative capacity in the analysis. To advance such an analysis is not an easy task and it requires in our view a continuous and deep seated involvement in the development of the country in question. Our hypothesis is that the articles evaluated and found to be of high quality, were primarily written by authors with such long term involvement in the respective countries, while those of good quality were written by competent researchers, however, who had not been able to follow sufficiently and intimately the deeper societal changes related to the human rights issues in the countries they analysed. A short field trip to the country and another month or two for the write-up of the country profile would not be sufficient to compensate for the continuous engagement which we believe is required to capture a holistic approach to the human rights monitoring and analysis.

- For those countries where several profiles appeared in different editions of the Yearbook, the evaluation team found an improvement in the country profiles over time both in terms of width and depth of the analysis and monitoring, i.e. attaining high quality. However this improvement was mainly associated with the sections on civil and political rights, whereas the sections on economic, social and cultural rights were at times repetitive and lacking in terms of improvement of the analysis.

- The entries that allowed an analysis over a period showed that the introduction of more strict guidelines as terms of reference for the country profiles from 1990 onwards had a positive impact on the structure of the country profiles, widening their coverage and providing a better basis for comparison over a period of time for each country and contemporary

between countries. The argument could however be raised as to whether the guidelines acted as a straight-jacket, obstructing authors from dealing in sufficient depth with the particular features of development in certain countries, e.g. countries undergoing major transitions in their economic and political systems etc. In addition it could be argued that the guidelines do not sufficiently emphasise the need for an integrative analysis including directions and ideas for pursuing it. Our hypothesis is that some of the authors are likely to have seen the guidelines as too restrictive. On the other hand, several of the country profiles have managed to advance a well founded integrative analysis, in spite of the nature of the guidelines. This may indicate that it is not the guidelines *per se* which are the limiting factor, but rather long term and deep seated involvement in a country which enables an author to distinguish effectively between those issues, areas and trends which actively impact on the human rights scenario and those which do not, and in addition see how they interconnect.

- One important finding of the evaluation team is that the country profiles in general have not been able to advance analyses of the relation between development assistance and human rights, one of the original objectives of the Yearbook. Most profiles mention the amount of development assistance and possibly its development over time, but there is only limited or no analysis of how development assistance; its size, form and channels of disbursement impact on the human rights performance of the country. In our opinion, this is related to the relative weakness of the analysis of economic, social and cultural rights. A proper understanding of the role of development assistance in relation to the state, for various social groups and sectors and the implications of increased aid dependency facing many countries particularly in Africa, require a more developed analysis of economic, social and cultural diversity than which appears in many of the country profiles. It should however be added, that several of the articles attempt to deal with and delineate the impacts of structural adjustment programmes, and some in a competent way. This focus is however more pronounced in the thematic articles of the Yearbook (see evaluation of thematic articles above). Overall, however, this area seems to be a challenge to future human rights research and one which will be of increasing relevance as conditionalities linked with economic and political reform processes dominate and influence to a large degree also the bilateral assistance provided from the north to the south.
- A finding recurring in almost every country profile and which requires further reflection, is that human rights protection for minorities of various categories, ethnic, religious etc. and weaker groups such as children and women, has been increasingly undermined both in situations where economic contraction occurs as well as where modernisation and large scale ventures expand. The increasing degree of child labour, in particular in many Asian countries, the loss of land and increasing tenure insecurity of ethnic and marginal groups and women farmers etc. are all indications

that these groups are losing out both in crisis and development scenarios. A major challenge for human rights research and monitoring in the future should thus be to instil respect for minorities and weaker social groups, so that the direction of development, regardless of cultural affinity, take on a more humane character.

PART III

8

THE USERS' OPINION OF THE YEARBOOK: A PRESENTATION OF THE USER STUDY

by

Bjørne Grimsrud and Kjetil Tronvoll

Abstract

One of the main objectives of the evaluation was to assess the Yearbook's utility and impact in relation to its target groups. To fulfil this part of the TOR, the evaluation team decided to carry out a user survey among the Norwegian user groups. A survey was designed which was implemented among a sample of respondents drawn from the target groups: bureaucracy, academic sector, and aid organisations. A total of 826 potential respondents were identified, out of which a stratified sample of 343 respondents was drawn, whereof some 206 respondents were taken through the whole questionnaire.

Over $\frac{3}{4}$ of the people in need of information about human rights in developing countries answered that they were acquainted with the Yearbook. To the question of what kind of sources they normally used to cover information about human rights, reports from Amnesty International and United Nations were used by 78 and 76 per cent respectively. Also reports from MFA, Human Rights Watch and the World Bank were used by over half of the respondents. Thirty-four per cent answered that they normally used the Yearbook. The Yearbook was mostly used by the respondents as a source to write general notes about human rights in the country concerned.

Almost 40 per cent of the 53 respondent who had used the Yearbook in their work assessed the country profiles to be of good quality, whereas 35 per cent believed they were of average quality. Half of the respondents did not feel able to characterise the quality of the thematic articles, but of those who did 35 and 15 per cent respectively said they were of good and average quality. In a general assessment of the Yearbook, 87 per cent of the respondents were of the opinion that it was an important instrument which should be supported., and 83 per cent believed the information presented in the Yearbook was trustworthy.

The user survey reveals that the Yearbook has reached its desired audience in Norway and that the users are generally pleased with the product. It is, however, only one of several sources in the field of covering human rights in developing countries, and a couple of international publications are far more used than the Yearbook. A conclusion that can be drawn from this is that one could abandon the format of a yearbook probably without risking losing the present audience.

8.1 INTRODUCTION

The primary objective of the Yearbook is to provide policy makers with regular reliable information on the present human rights situation in the countries concerned. The policy makers' target groups are defined by the institutes from the start as politicians, development aid bureaucracy, media, non governmental development cooperation organisations, and the academic community. At first the target groups were limited to the donor countries, later one added the same groups of people in the developing countries concerned. One might say that the Yearbook has a relatively clear frame of reference with respect to desired audience. Given this, does the book reach its audience? To answer this question the evaluation team has employed several measures.

Fafo seconded Opinion A/S to undertake a user survey among the majority of the target groups, namely the development aid bureaucracy, non governmental organisations, and the academic community in Norway, based on a questionnaire designed by the evaluation team. The results of this survey are presented in this chapter. A survey in the Norwegian media has also been conducted, and is presented in chapter 9.

8.2 THE USER SURVEY

Opinion A/S undertook the user survey by telephone between 17 and 24 June 1996.

The target groups for the user survey were defined closer as:

- a) Executive officers working with human rights in developing countries in the Ministry of Foreign Affairs and their subsidiary the Norwegian Development Aid Agency (NORAD) and in the International Department of the Ministry of Justice and their subsidiary the Directorate of Immigration (UDI).
- b) Teaching and scientific staff in the field of international law and social science (not including NIHR) at the four Norwegian universities, including the departments of political science, social anthropology, sociology and geography, and researchers at autonomous research institutes, (excluding CMI and Fafo), working with developing countries.
- c) Officers working in private organisations receiving funds from NORAD for development aid projects in 1994.

In group (c) five large organisations, Norwegian Church Aid, Norwegian People's Aid, Norwegian Red Cross, Norwegian Save the Children and the Norwegian Refugee Council constituted (a) separate strata and members of staff chosen directly as for groups (a) and (b). For the rest of

the organisations in group (c) one only asked for one person in charge of development aid project after having selected the organisation.

The sample

Given the above definition a total of 826 potential respondents was identified. Based on the size of the three different groups or strata listed above a fixed number of respondents were randomly chosen from each strata. To obtain the global average view of all the respondents the estimates for each stratum are weighed to reflect the inclusion probabilities for each stratum.

Out of the 343 respondents randomly chosen within the groups/strata, 57 could not be reached, 50 persons refused to take part because they did not work with human rights issues and 2 refused to answer for other reasons. To further ensure that only those whose work related to human rights in developing countries were approached, an initial screening question was included. Here the respondent was asked to what extent he or she needed information on human rights and social and economic rights in countries receiving development aid from Norway. Twenty-eight out of the remaining 234 had no such need and were thus rejected for the remaining part of the questionnaire.

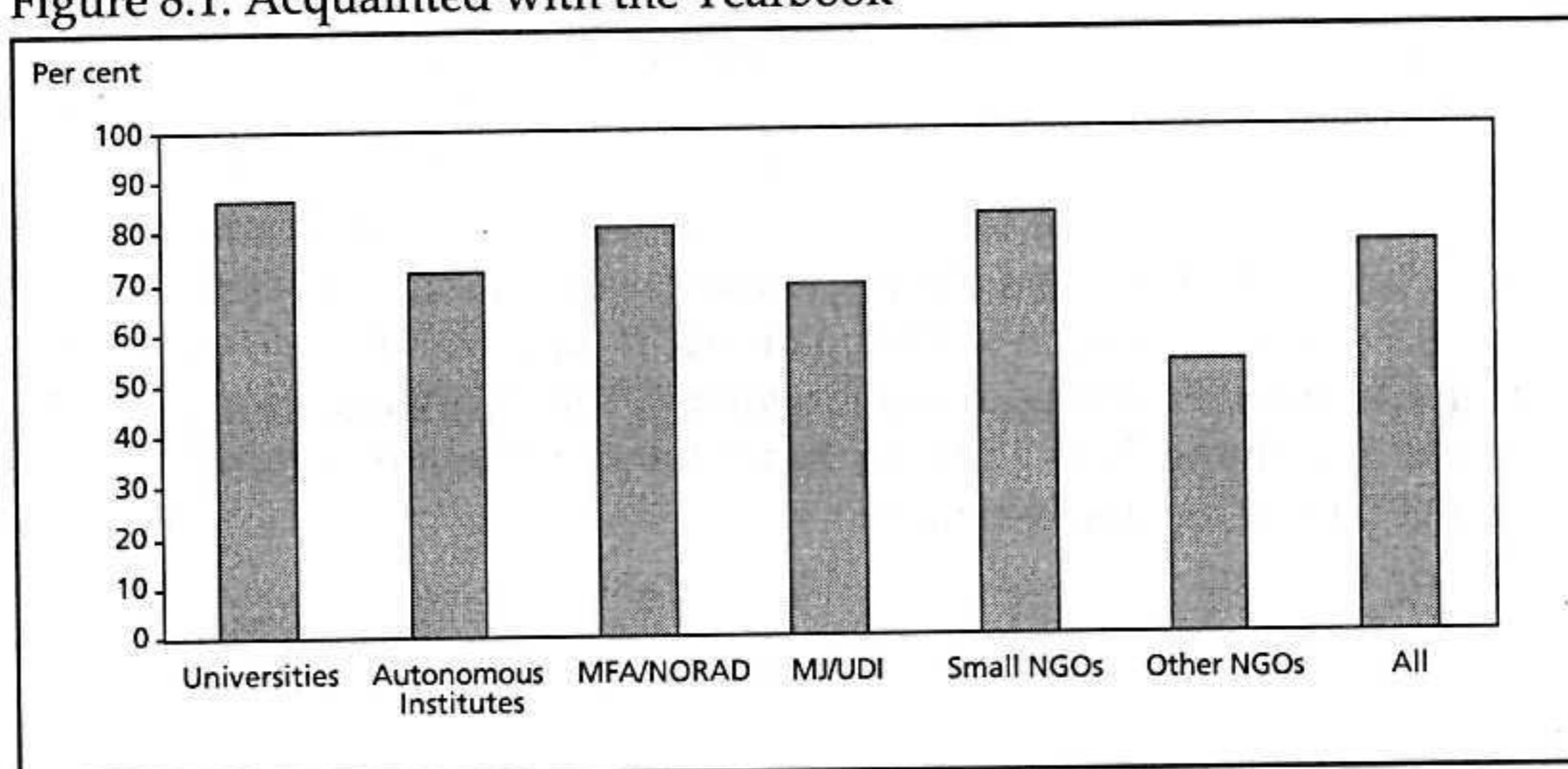
	total number	number selected
Strata A	410	89
Strata B	261	85
Strata C	155	60
Total	826	234

In surveys like this the validity of the results depends very much on the definition of the group from which the respondents are drawn. A wider definition of potential users would probably have given a lower score on the general knowledge of the book. By defining potential users we ensured that within a reasonable number of interviewees we obtained a reliable number of respondents in need of this type of information plus a certain number acquainted with the Yearbook in each group. The statistical uncertainty of the results presented are approximately 5 per cent in each direction. The remaining 206 respondents divide into 35 per cent with a high degree of need for information, 33 per cent with some need and 18 per cent with a low degree of need for information.

About 77 per cent of the 206 persons in need of human rights information said that they were acquainted with the Yearbook. This was evenly spread among persons in 'high', 'some' and 'low' degree of need of such information. This represents quite a high number as the evaluation team assess it, even when taking into consideration the pre-screening of the respondents. This indicates that the Yearbook has a reasonably good

circulation within its core target groups. However, looking further at the age and year of working for those acquainted with the Yearbook one can see that it is least known by persons under 30 years of age (37%), and by those who have worked with international issues for less than 5 years (61%). This might point in the direction of the conclusions from the history part of the evaluation, which describes stagnating or declining circulation and media coverage. On the other hand one does learn by experience, so it is of course natural that the less experienced are less familiar with the Yearbook.

Figure 8.1: Acquainted with the Yearbook



Breaking the figures down by the different institutions one can see from figure 1 that the Yearbook is best known at the Universities (86%), in MFA/NORAD (81%) and by the large NGOs (83%) and least known by small NGOs (54%). The latter can be explained by the fact that several of the small NGOs do not have development aid as their main line of work. Most became acquainted with the Yearbook through work (80%) only a small number (6%) had got to know the book through the media. Seventy-five per cent said that the book was available at their workplace today. This varies from 92% in MFA/NORAD to 57% in small NGOs whilst 24% or 28 persons in the survey have their own copy.

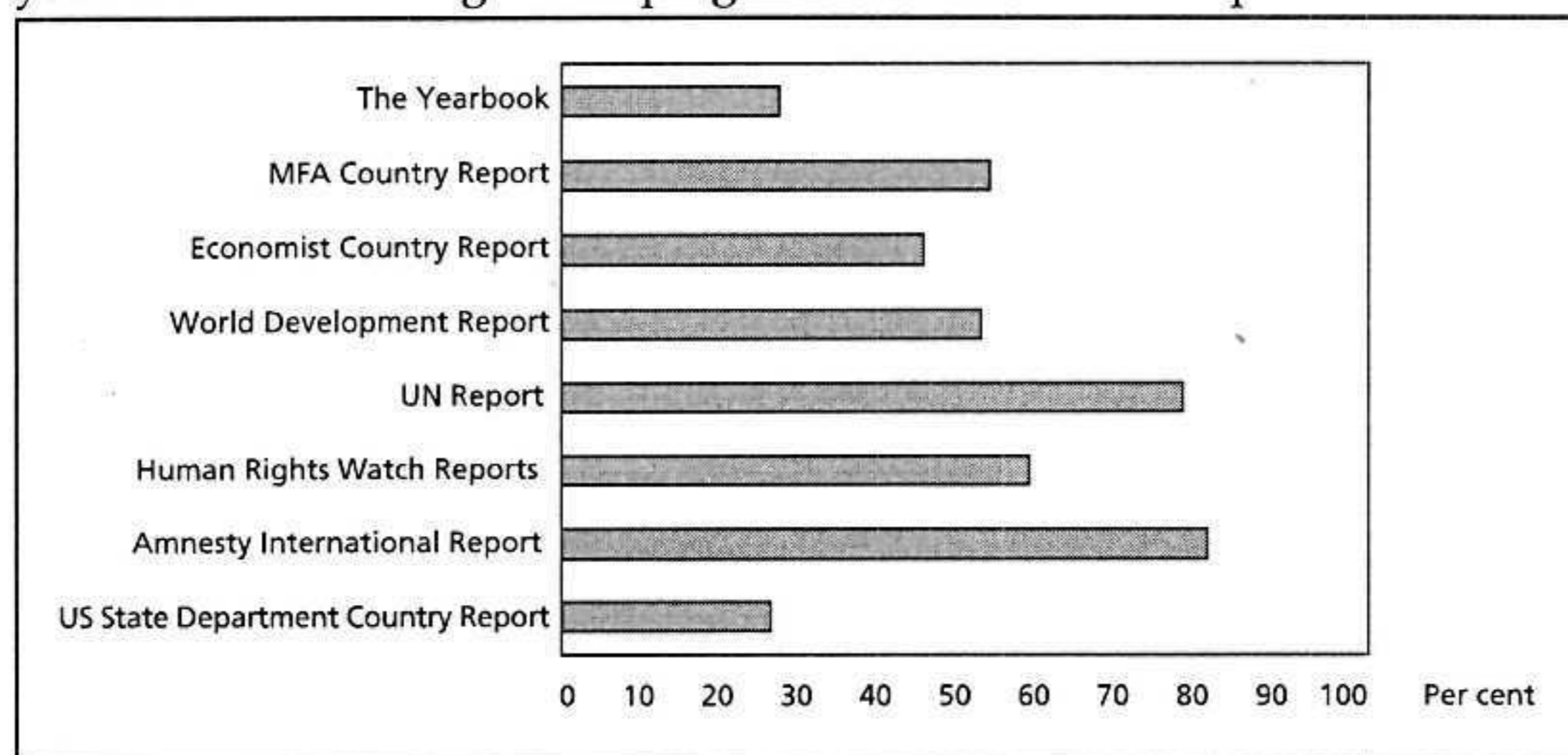
8.3 THE USE OF HUMAN RIGHTS SOURCES

As a measure of the use of the Yearbook and alternative sources respondents were asked how important they considered Yearbook type publications, scientific reports and publications compared to other information channels when seeking information about human rights in developing countries. The question was formed as a multiple choice where one could mark off more than one category. Scientific reports and

publications were used by 68%. This varied from 88% by autonomous institutes to only 56% in MFA/NORAD. International newspapers and magazines were used by 80%, quite evenly spread over the strata. Norwegian press and media were used by 70%, and International news-agencies/channels by 47%, both quite evenly distributed over the strata. Internet was used by 30%, mostly at the Universities (55%) and the least by MFA/NORAD (13%).

To measure the use of other sources on human rights and social and economic questions, we named a number of publications and asked which of them you normally use in their work concerning developing countries? In figure 2 the ones that scored the highest are listed.

Figure 8.2: Which of the following publications do you normally use in your work concerning developing countries? Answers in per cent.



Amnesty and UN reports were used by more than 75% of academics. Among the bureaucrats more than 75% used the Norwegian MFA country reports and UN reports. In the NGO group more than 75% used Amnesty and Human Rights Watch reports, whilst 47% of officers in large NGOs use the MFA country reports even if these are not published and circulated publicly. The US State Department report are used the most (38%) by the MJ/UDI. Only 34%, or 53 persons, used the Yearbook. Even if this is not directly comparable to some of the other sources mentioned (Nor. MFA country report, The Economist Country Reports, The World Development Report and UN Reports) it is still lower than some other comparable reports (Human Right Watch and Amnesty). The use of the Yearbook varies from 13% at the Universities to 37% in MFA/NORAD.

Sources like *Critique*; *Lawyers Committee for Human Rights Review of the US State Department Report*, *The Freedom House*; *Freedom in the World Annual Report* and *The Dutch Ministry of Foreign Affairs Advisory Committee on Human Rights and Foreign Policy* was used by less than 15% of the respondents.

Regarding periodicals we asked if the respondent read any of a list of the best known ones. Only *Human Rights Quarterly*, *Third World Quarterly* and *Mennesker og Rettigheter* had any substantial circulation (22%, 26% and 37% respectively), the second particularly at the autonomous institutes and the latter particularly among the large NGOs. In the bureaucracy only *Mennesker og Rettigheter* is widely circulated (35%). Other journals such as *Human Rights Law Journal*, *Netherlands Quarterly of Human Rights* and *Nordic Journal of International Law* were read by less than 15%.

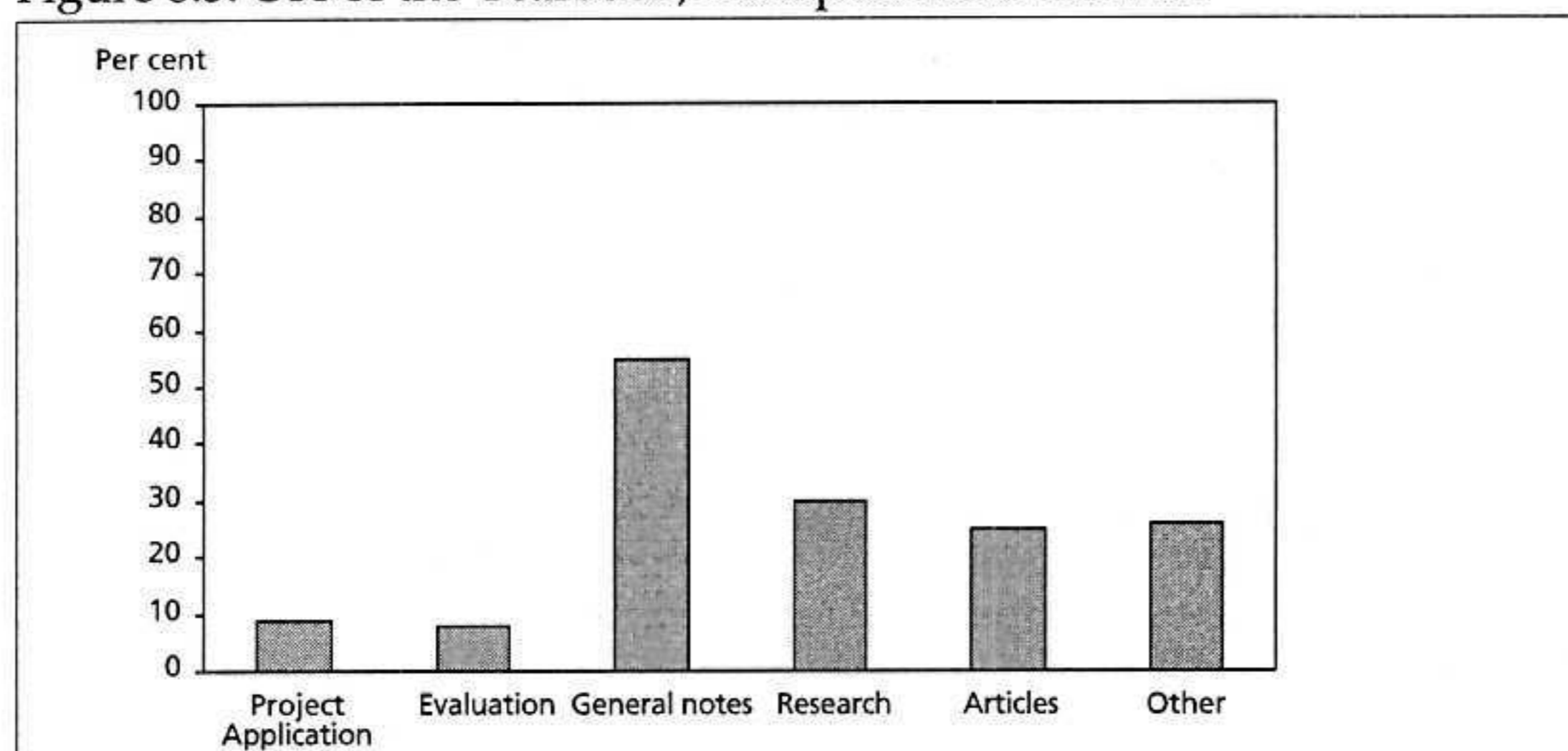
When asked about the main sources 61% responded that their main sources were both Norwegian and international. Only 12% had Norwegian sources as main sources. When defining the purpose of a future project this should be taken into consideration. Information directly from the countries in question seems neither to be requested nor accessible. Only 5% of the respondents had sources from the particular developing country as the primary source for covering required information on human rights.

All in all a number of sources exist that are used more or less for the same purpose as the Yearbook which was not placed in any special position as a reference publication. It rather looks as though the Yearbook is used more as a supplementary source. Only 34% of those who know of the Yearbook have used it in their work.

8.4 USE OF THE YEARBOOK

The use of the Yearbook mirrors the need of the different groups. The academics had used it in general papers, theoretical studies and research reports, the bureaucrats and NGOs in general notes on particular countries. Neither by the MFA/NORAD nor by the NGOs was the Yearbook used very much in connection with writing applications for or evaluating development aid projects. In general less than 10% had used the book for this purpose, which was less than the evaluation team had expected.

Figure 8.3: Use of the Yearbook, multiple choice answers



Out of the 53 respondents 26% had made specific reference to the book in their work.

To elaborate on the use of the Yearbook as a reference source, a search in the Social Science Citation Index was undertaken, restricted to the period January 1991 to June 1996. No citations were found when searching for the title of the Yearbook. However, three citations of single articles contributed to the Yearbook were flagged when searching under the various authors in these volumes (that is Tomasevski 1992, Skogly 1994 and Takirambudde 1995). It must be added however, that some citations may also be found in the area of grey publications which are not covered by the Index. On the other hand, one may assume that since no entries have been included under the title of the Yearbook in the Index, it is not a widely used reference source.

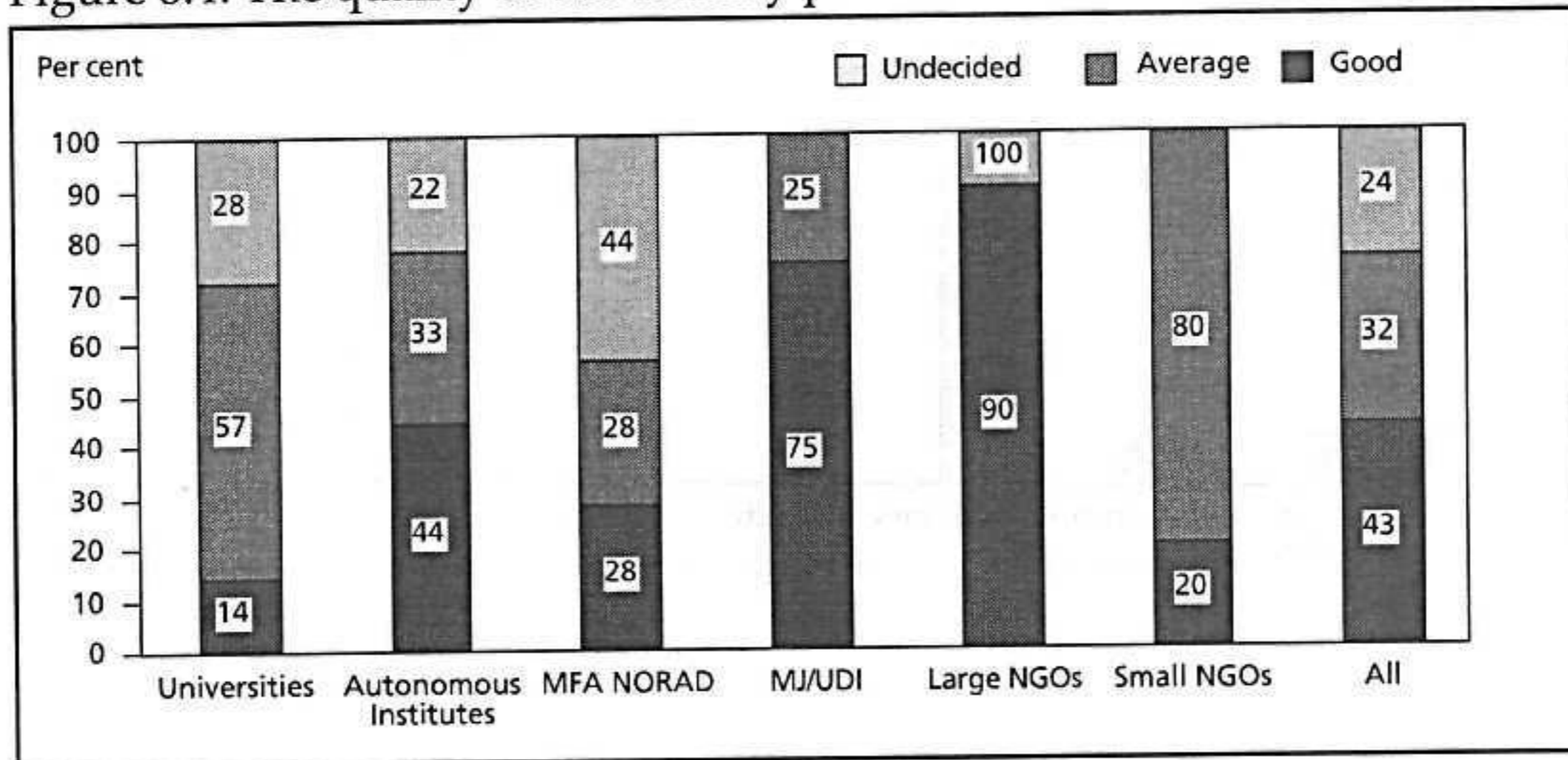
In this connection we also wish to refer to our selected bibliography included in the annex of this report giving an overview of some of the publications available covering human rights questions in developing countries.

8.5 THE USERS' ASSESSMENT

The 53 respondents who had made use of the Yearbook were asked specifically to give their evaluation of it. First we sought the respondents' opinion of the quality of the country profiles and thematic articles. The survey showed that 38 % and 31% assess the quality of the country profiles and thematic articles respectively as good. The country profiles

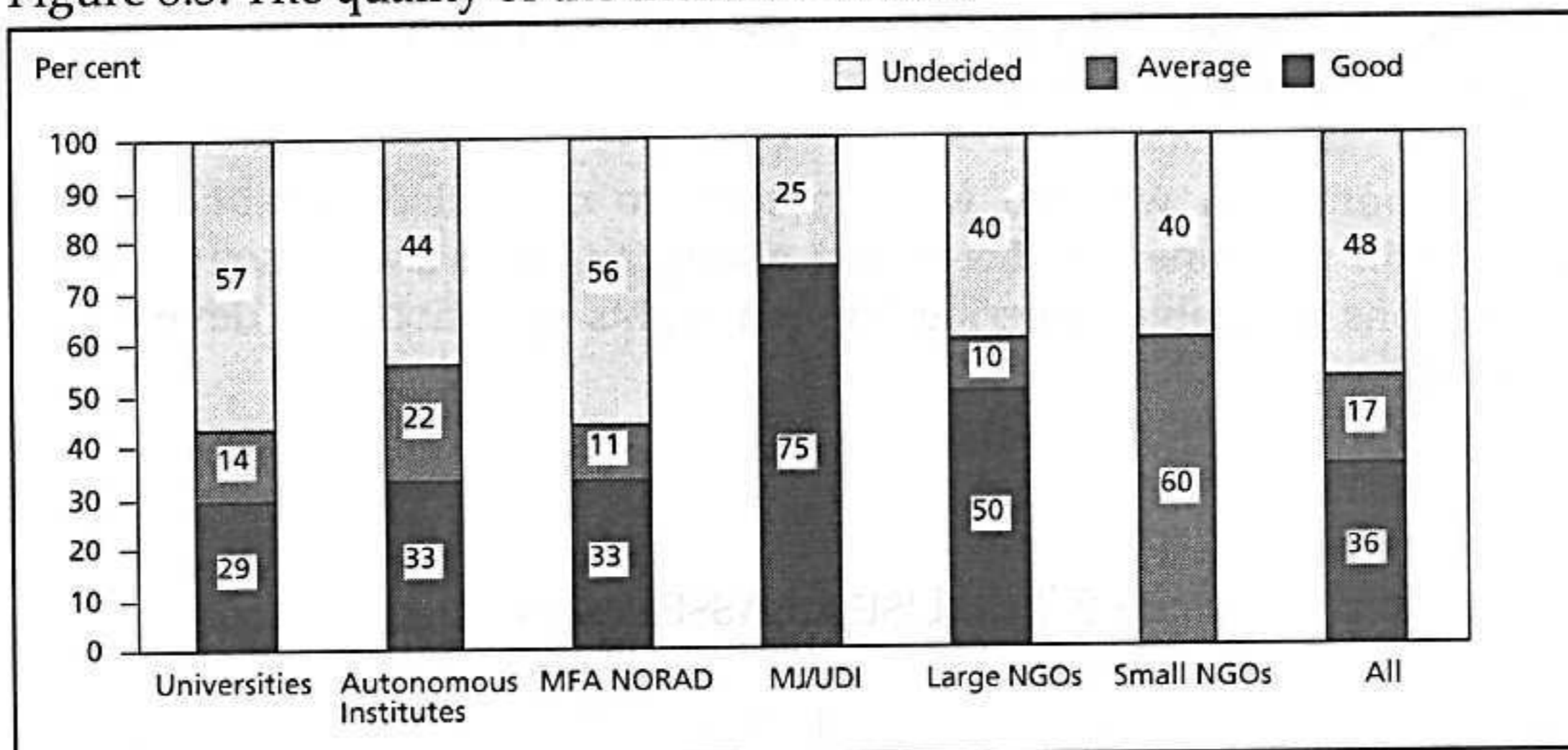
scored lowest at the Universities where only 14% characterised them as good and 57% as average. On the other hand, they scored the highest among large NGOs where 90% characterised them as good.

Figure 8.4: The quality of the country profiles



So far as the thematic articles are concerned, half of the 53 people interviewed did not feel able to characterise them, which probably indicates that these articles are not read or used as much as the country profiles. Among those who did characterise them, most were positive, with the MJ/UDI and large NGOs at the top. No one characterised the quality as bad.

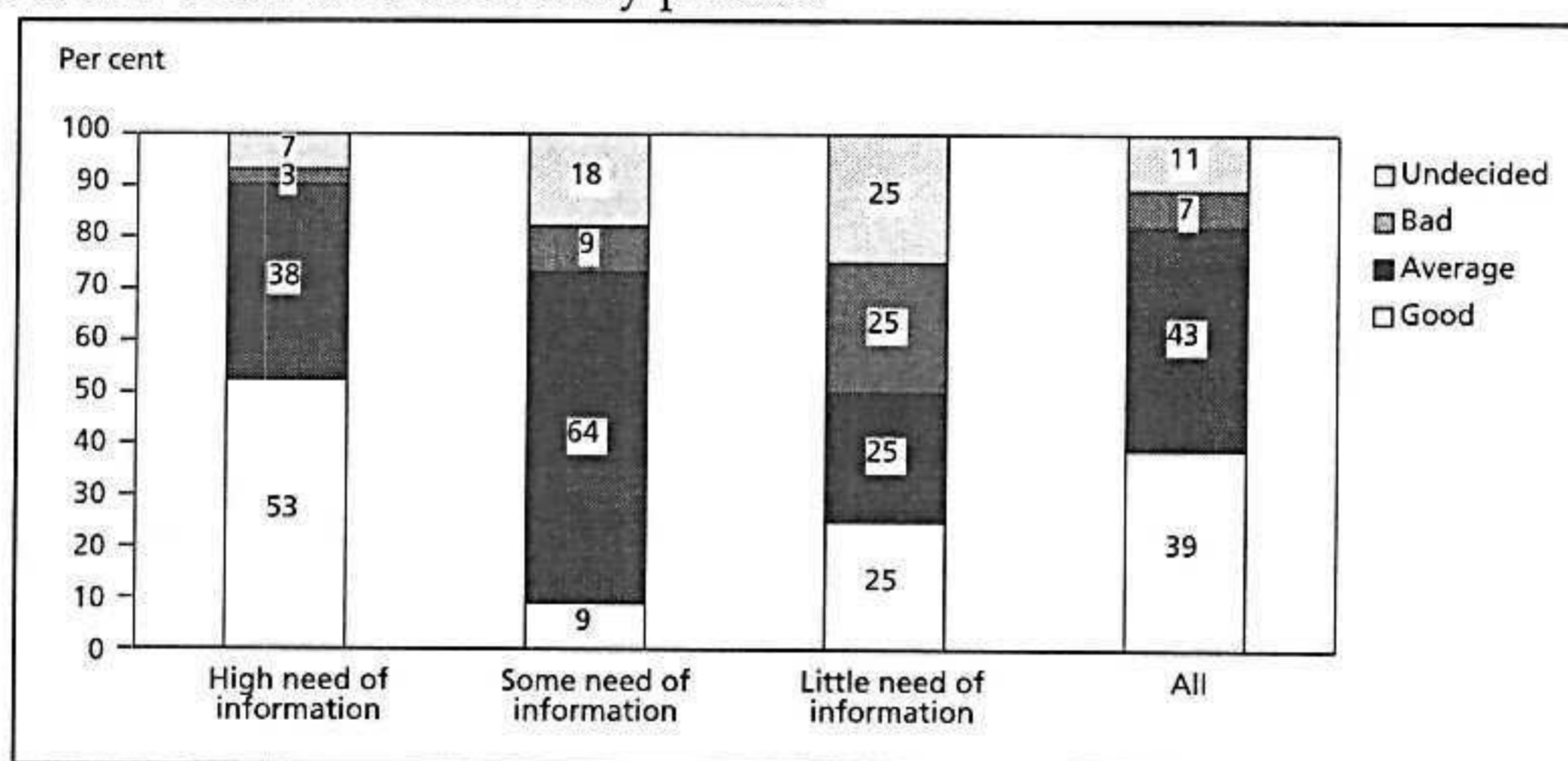
Figure 8.5: The quality of the thematic studies



There are no large differences in judgement of the quality of the country profiles or the thematic articles between those with a 'high' degree of need of information on human rights in developing countries, and those with 'some' and 'low' degree of need of information.

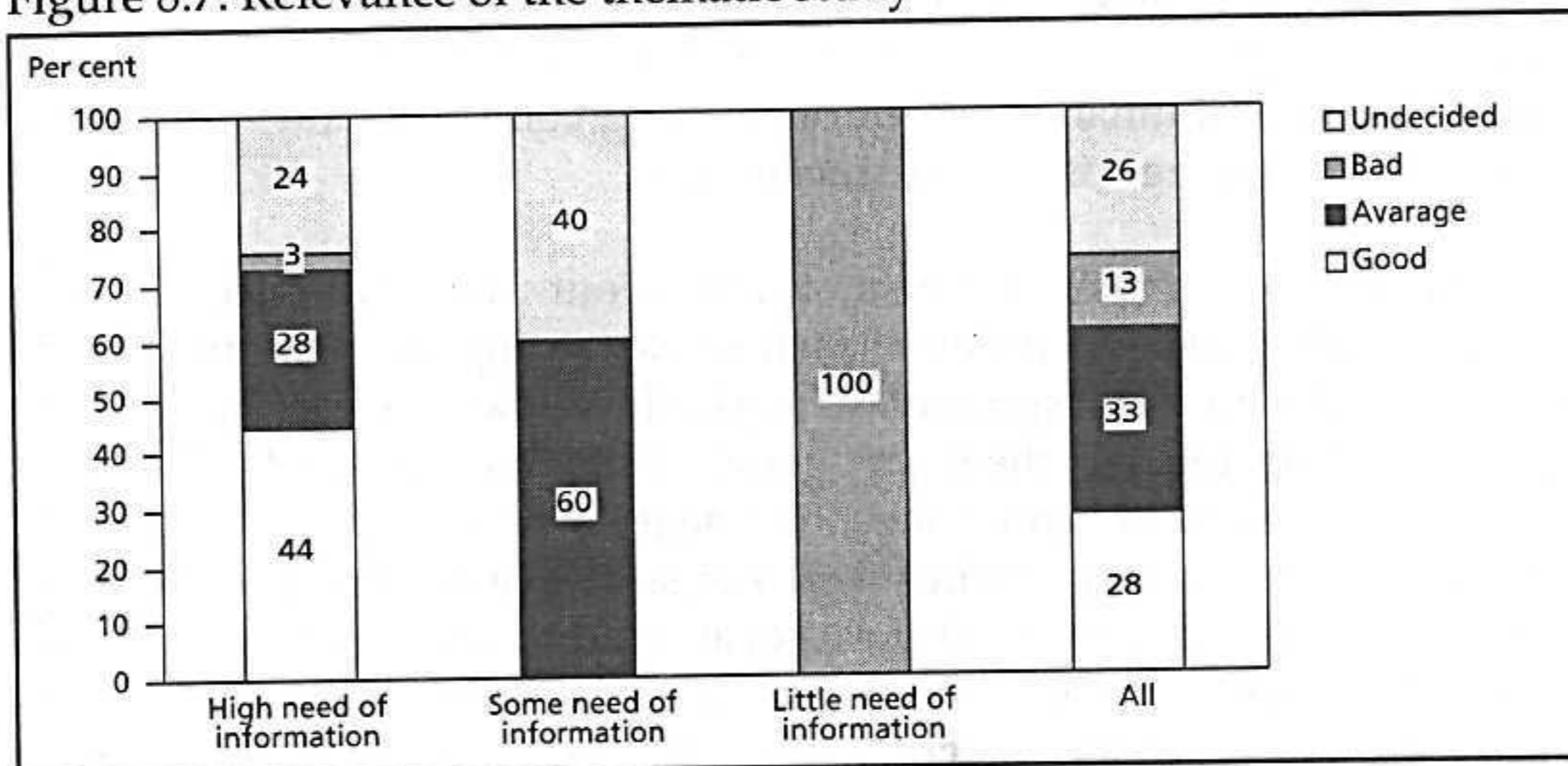
Subsequently we asked different users about the relevance of the Yearbook. This revealed a different picture. Regarding the relevance of the country profiles to the respondents' work, the answers were on average that 39% characterised them as good, 43% average and 7% bad. Particularly those with 'some' and 'low' degrees of need for information believed that the country profiles were not so relevant. Only 8% and 25% in the two groups characterised the relevance as good. On the other hand 53% of those with a «high» degree of need for information, rated the country profiles' relevance as good. The Universities and the MJ/UDI in particular did not regard the country profiles as so relevant. Also among the MFA/NORAD respondents only 33% considered the relevance of the country profiles as good.

Chart 8.6: Relevance of country profiles



The bend for the Yearbook to become an instrument for those with a «high» degree for need of information on human rights in developing countries is even stronger with regard to the relevance of the thematic studies. Two-thirds of those with a «high» information need rated the thematic studies as good, whilst all those in the «same» category stated they were average. In the group with «little» need for information all the respondents considered the thematic units to be of low relevance for them.

Figure 8.7: Relevance of the thematic study



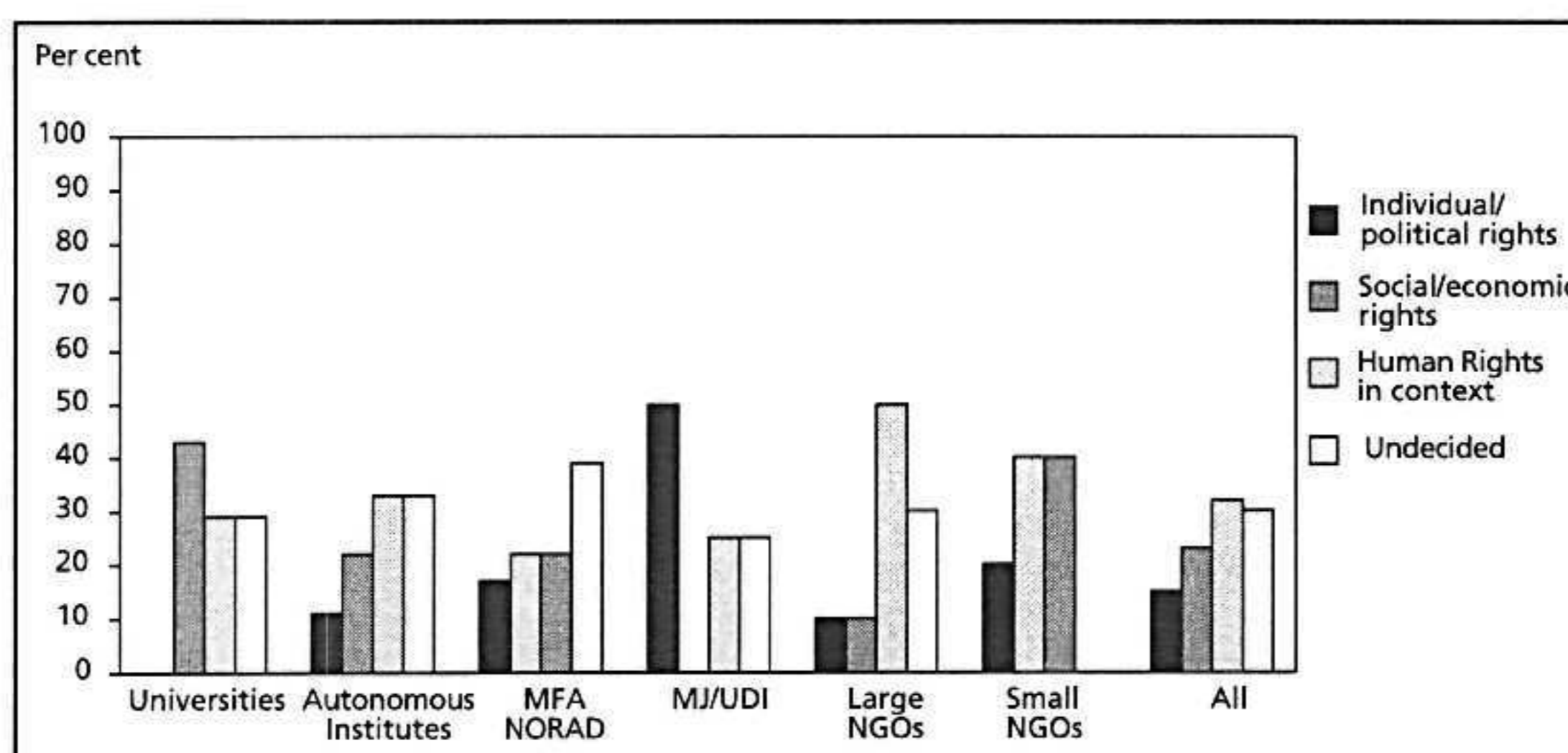
These results can be interpreted in different ways. One could say that this indicates that the Yearbook is of high quality, satisfying the most advanced readers. On the other hand it is clear that different markets exist. If one desires to reach a wider audience, one obviously has to change the present form. This goes deeper than just presenting it differently. If one is to believe the survey, the lack of relevance is not because non-experts have difficulty in reading it, as their responses did not indicate such a pattern.

8.6 PREFERRED CHANGES

The 53 users were asked about different proposals for changing the concept of the Yearbook. First they were asked about the balance between country profiles and thematic studies. The answers gave no clear advice. Overall 25% would like more country profiles. This varied from 50% among MJ/UDI to 11% among MFA/NORAD. Thirteen per cent would like more thematic articles, with a variation between 29% at the Universities to 10% in the large NGOs. Of the 53 34% interviewees saw no need for change. Thereafter they were asked if the material in the Yearbook were to be concentrated in one specific direction, which one of the following did they think would be the most important?

- a) Individual political rights
- b) Social and economic rights
- c) The human rights situation put in a cultural and economic context.

Figure 8.8: Possible directions for change in the Yearbook



The different institutions responded quite differently to this question. At the Universities they would like a change more in the direction of social and economic rights (43%), in the MJ/UDI a change towards individual political rights (50%), and in the large NGOs they would like more in the direction of contextual descriptions (50%). This again underlines the existence of several markets or different types of demand for information on human rights.

The same diversity is the case when the respondents were asked if the book should contain articles about countries other than those who receive Norwegian development aid. Seventy-one per cent at the Universities said yes, as did only 28% in the MFA/NORAD, whereas a majority 56% responded with no. The total average was 44% yes and 43% no.

8.7 THE READERS' GENERAL ASSESSMENT

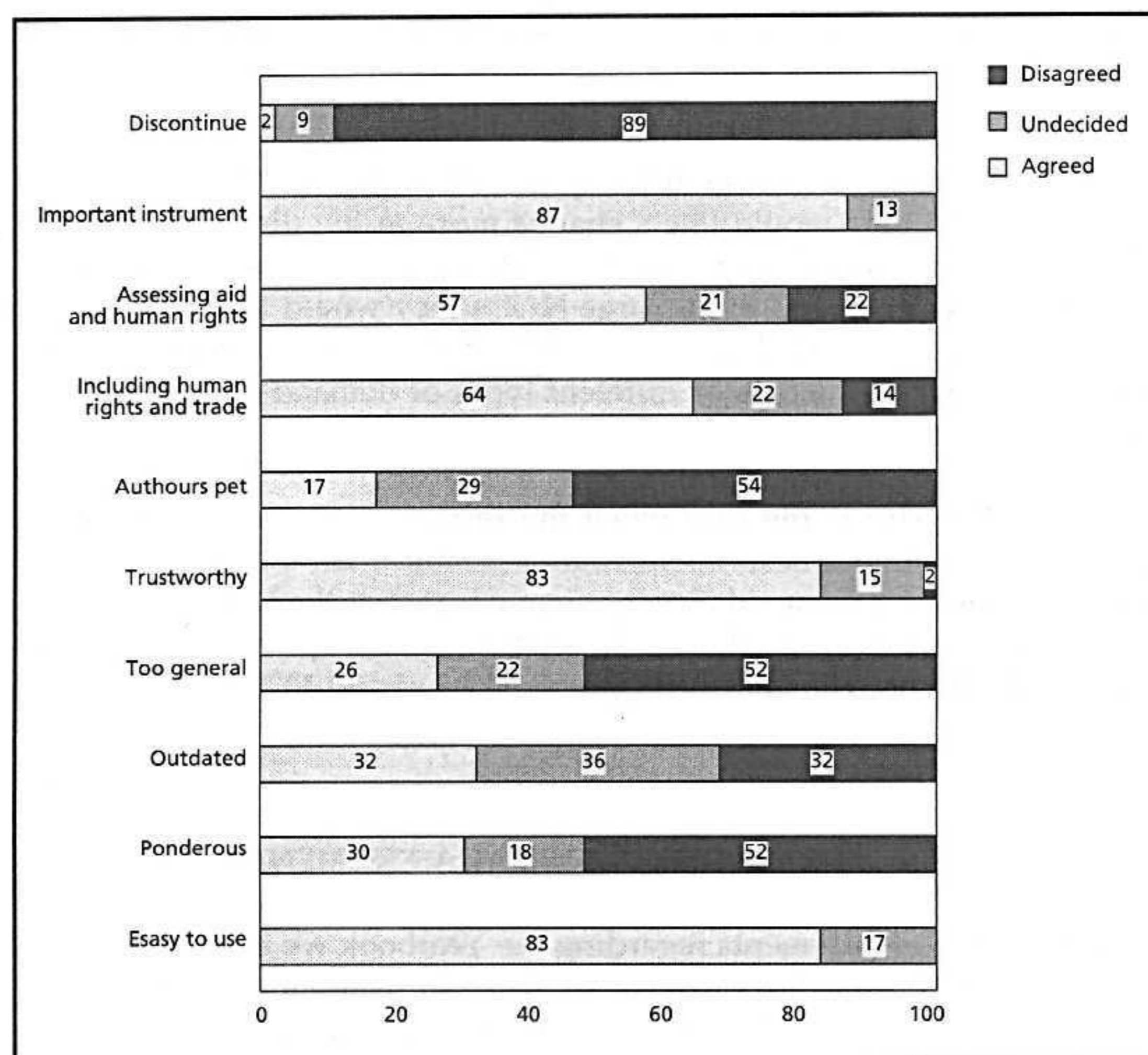
Using a battery of statements regarding the Yearbook we tried to map the readers general attitude towards it. The 53 respondents using the Yearbook were asked if they 'strongly' or 'partly' agreed or 'strongly' or 'partly' disagreed with a number of statements as follows:

- The Yearbook is well arranged and easy to use.
- The Yearbook is often ponderous to read.
- The information given in the Yearbook is often outdated when published.
- The Yearbook is too general and all-embracing.

- On the whole the information given in the Yearbook can be trusted.
- The Yearbook is the author's pet rather than an instrument for the users.
- There is a need for the Yearbook to include material on the connection between human rights and trade.
- The Yearbook should evaluate what impact Norwegian aid has on human rights.
- The Yearbook is an important instrument which should be further developed.
- For my part the Yearbook may well be discontinued.

In figure 8.9 below the answers to the different statements can be seen.

Figure 8.9: The readers assessment of the Yearbook



Eighty-three per cent agreed that the Yearbook is well arranged and easy to use, and 52% disagreed that the Yearbook is often ponderous to read. As mentioned above this did not differ much with the different need for information.

Given the relatively long production time for the Yearbook and the occasional delays we asked if one believed the information provided in the Yearbook was often outdated when published. Thirty-two per cent agreed with this, 32% disagreed and 36% were undecided. It is difficult to interpret this result, yet it is the "lowest score" among the attitude questions. At the universities and institutes in particular the Yearbook was believed to be occasionally outdated (57% and 44%).

Half of the readers did not think that the Yearbook was too general and all-embracing, while 26% thought so. The information given in the Yearbook is trusted by 83% of the readers, a rather strong affirmation of the trustworthiness of the Yearbook. Part of the agenda for establishing the Yearbook was to develop Norwegian research capacity in the field of human rights in developing countries. When asked if the Yearbook had become the authors pet rather than a instrument for the users only 17% agreed while 54% disagreed.

A majority of 64% agreed that there is a need to focus on the relationship between human rights and trade in the Yearbook. In the University and NGO groups over 70% strongly agreed with this. In the MFA/NORAD there was not the same enthusiasm, and only 44% strongly agreed, while 57% agreed that the Yearbook should include an evaluation of what impact Norwegian development aid has on human rights. All groups except in the MFA/NORAD strongly agreed with this. In MFA/NORAD there were just as many disagreeing as agreeing. Given that promoting human rights is a central objective of Norwegian aid policy one should have expected a different result in the MFA/NORAD group. In MJ/UDI 100% agreed.

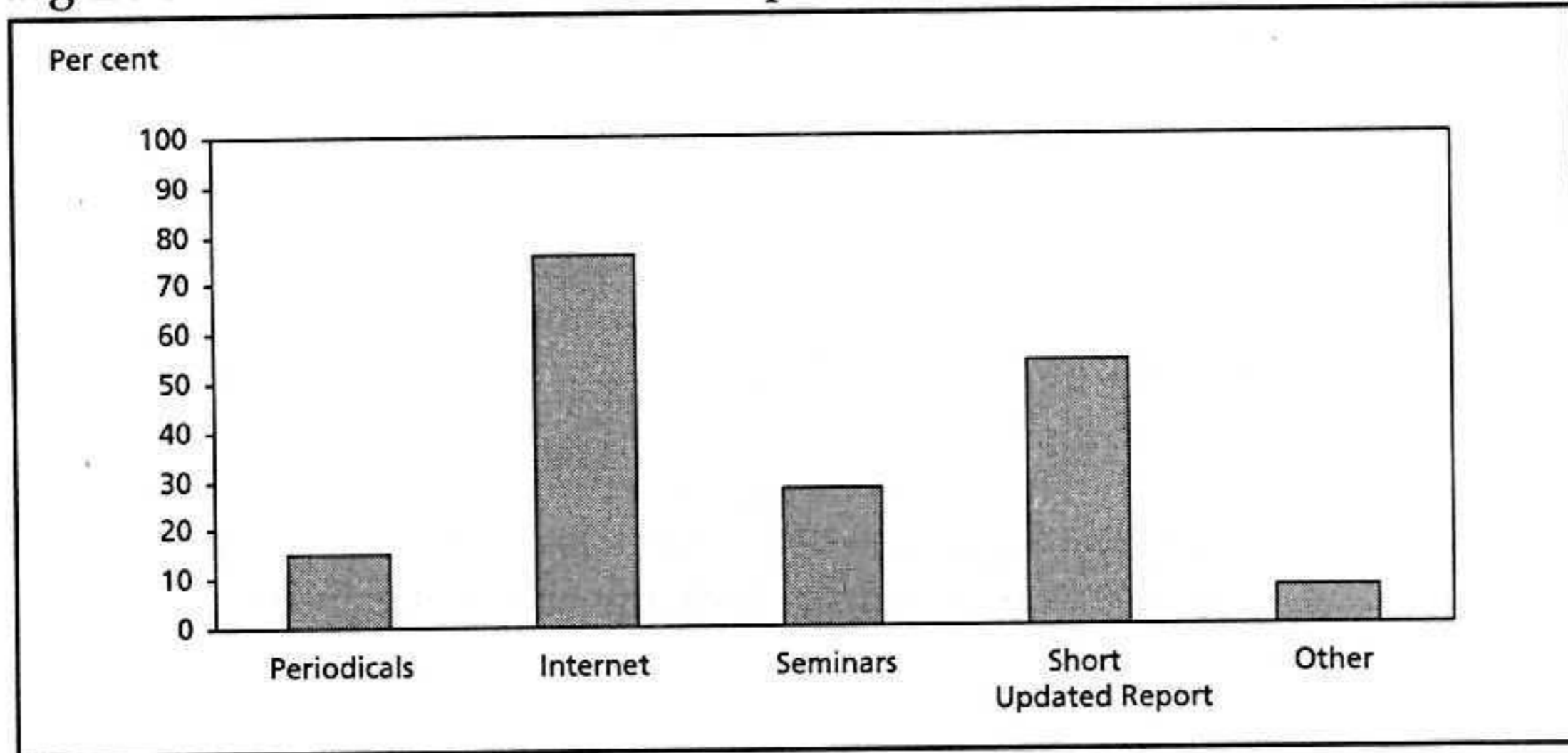
Finally the user survey indicates that there is strong support for the continuation of the Yearbook with 87% agreeing, no one disagreeing and 13% undecided as to whether the statement that the Yearbook is an important instrument which should be further developed. We find the most sceptical respondents to this in the MFA/NORAD where only 50% strongly agree, 22% partly agree and 28% are undecided. However, 89% disagree when asked whether they could be concerned if the Yearbook were to be discontinued. Only one person (2%) agreed and 4 (9%) were undecided, all in the MFA/NORAD group.

8.8 ALTERNATIVE CHANNELS OF INFORMATION

The respondents were asked if they were in favour of the Yearbook being presented through other channels of communication? To this question 48% said yes, 30% no and the last 22% were undecided. To the follow-up multiple choice question on which alternative channels of information (see figure 8.10) of the 27 respondents who answered yes; 76% listed Internet,

54% shorter updated reports, 28% seminars, 15% periodicals and 8% other channels not specified.

Figure 8.10: Alternative channels of publications for the Yearbook (N=27).



Due to the low number of respondents, only 27, the workplace categories have been reduced to three. It should also be noted that when asked about the present use of sources Internet did score quite low specially in MFA/NORAD where only 13 per cent used it. However, in NORAD Internet is only available in the library. Note also that the high use of Internet as a source cannot be interpreted as a criticism of the Yearbook, since during much of the period of the Yearbook Project Internet did not exist as a source of information. However this issue poses new challenges for the Yearbook Project.

8.9 CONCLUSIONS

The user survey reveals that the Yearbook has reached its targeted audience in Norway, and that the users are generally pleased with the product. It is, however, only one of several sources covering human rights in developing countries. A couple of international publications are far more used than the Yearbook. The Yearbook does not seem to be a reference publication, but rather a supplement. A conclusion that can be drawn from this is that one could abandon the format of the Yearbook probably without risk of losing the present audience.

As noted previously, the results revealed that several different markets exist for information on human rights in developing countries. The information needs of researchers differ from the information needs of bureaucrats or executive officers in the NGOs. The huge differences in judging relevance between those with a 'high' need for information on human rights in developing countries and those with only 'some' or 'little' need throw the authors' dilemma into relief.

THE NEWS MEDIA AND HUMAN RIGHTS

by
Kjetil Tronvoll

Abstract

The Norwegian media is one of the target groups of the Yearbook according to the TOR, and one of the objectives of the evaluation is to assess the utility and impact of the Yearbook in relation to its target groups. Additional scopes of the evaluation are to assess the Yearbook's distribution and its contribution to public debate. To accomplish this part of the evaluation a news media survey has been undertaken among five Norwegian newspapers and their coverage of human rights issues, and use of sources in these respects.

The survey showed that the newspapers mostly focused on basic civil and political rights when addressing human rights in developing countries. Their sources of information are mostly informants from development aid organisations or official Norwegian representatives (MFA).

If written sources are referred to in the news articles, Amnesty International and UN reports are the main sources. Only 3 out of 155 news articles addressing human rights in developing countries in the period from 1990-96 referred to the Yearbook as an information source, whereas Amnesty International and UN are referred to in 40 and 37 articles respectively. The evaluation team believes that this is partly based on an inadequate promotion of the Yearbook, and that the content of the Yearbook does contain specific news value, due to long publishing time. The fact that the issue of development assistance and human rights partly lost its news value in the 90s, in addition to the fact that alternative sources for this kind of information have come to the fore over the last few years, has also contributed to the low use of the Yearbook as an information source.

9.1 INTRODUCTION

As one of the objectives of the evaluation is to assess the Yearbook's utility and impact in relation to its target groups, and its contribution to a public debate in Norway concerning human rights in developing countries, the evaluation team considered it necessary to undertake a media survey among the leading newspapers in Norway to assess their coverage of this topic and use of sources in this connection.

During the initial years from 1985 to 1990 the Yearbook attracted wide media coverage in Norway, and sometimes even in the international media. This was probably based on the fact that human rights aspects in foreign policy were new and disputed. The MDC experienced the same

general interest, and support of the Yearbook was one way for the Ministry to respond to the question on which actions had been undertaken in order to promote human right in development cooperation. This can be seen from their preparations for the publishing of the first editions of the Yearbook. However, as from 1990 this focus diminished, as did interest in the Norwegian press.

The newspapers Aftenposten, Dagbladet, Stavanger Aftenblad, Vårt Land and Klassekampen were chosen as a sample in our news survey because of their good coverage of Third World issues from a Norwegian perspective. All five newspapers were asked to undertake a computerised search in their new-archives on the following entries:

- menneskerettigheter & utviklingsland (human rights & developing countries)
- menneskerettigheter & hovedsamarbeidsland (human rights & main partner countries)
- menneskerettighetsårboka (human rights yearbook)
- *Human Rights in Developing Countries* (title)
- menneskerettigheter (human rights) & [all of the countries covered in the Yearbook]

The period of the search was to be confined primarily to the period 1990-96, or to the period accessible via a computerised search. The number of articles which were flagged according to the entries in the search were as follows:

- Aftenposten: 99 articles; period 1990-1996
- Dagbladet: 10 articles; period 1996 only
- Stavanger Aftenblad: 49 articles; period 1987-1996
- Vårt Land: 22 articles; period 1990-1996
- Klassekampen: 16 articles; period Nov. 1995-1996

After reviewing all articles according to content and limiting the time period from 1990 to August 1996, we were left with 155 articles which formed the sample for the analysis.

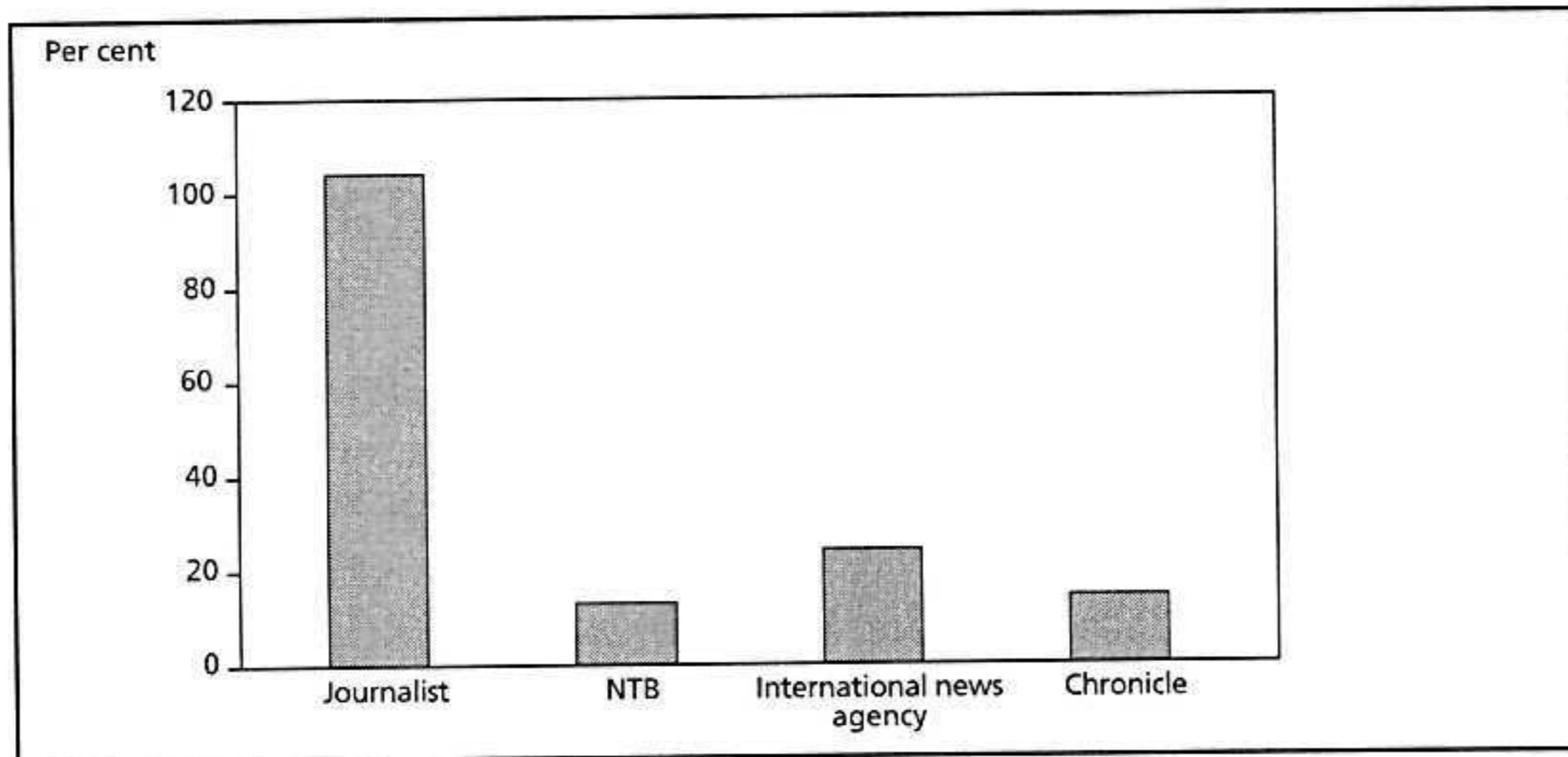
The way in which the different newspapers have classified the contents of articles can vary, and the evaluation team has not had the opportunity to assess these different systems of classification.

9.2 NEWS COVERAGE OF HUMAN RIGHTS ISSUES

Of the 155 news articles which addressed different aspects of human rights in developing countries, 91, 20 and 19 were presented in

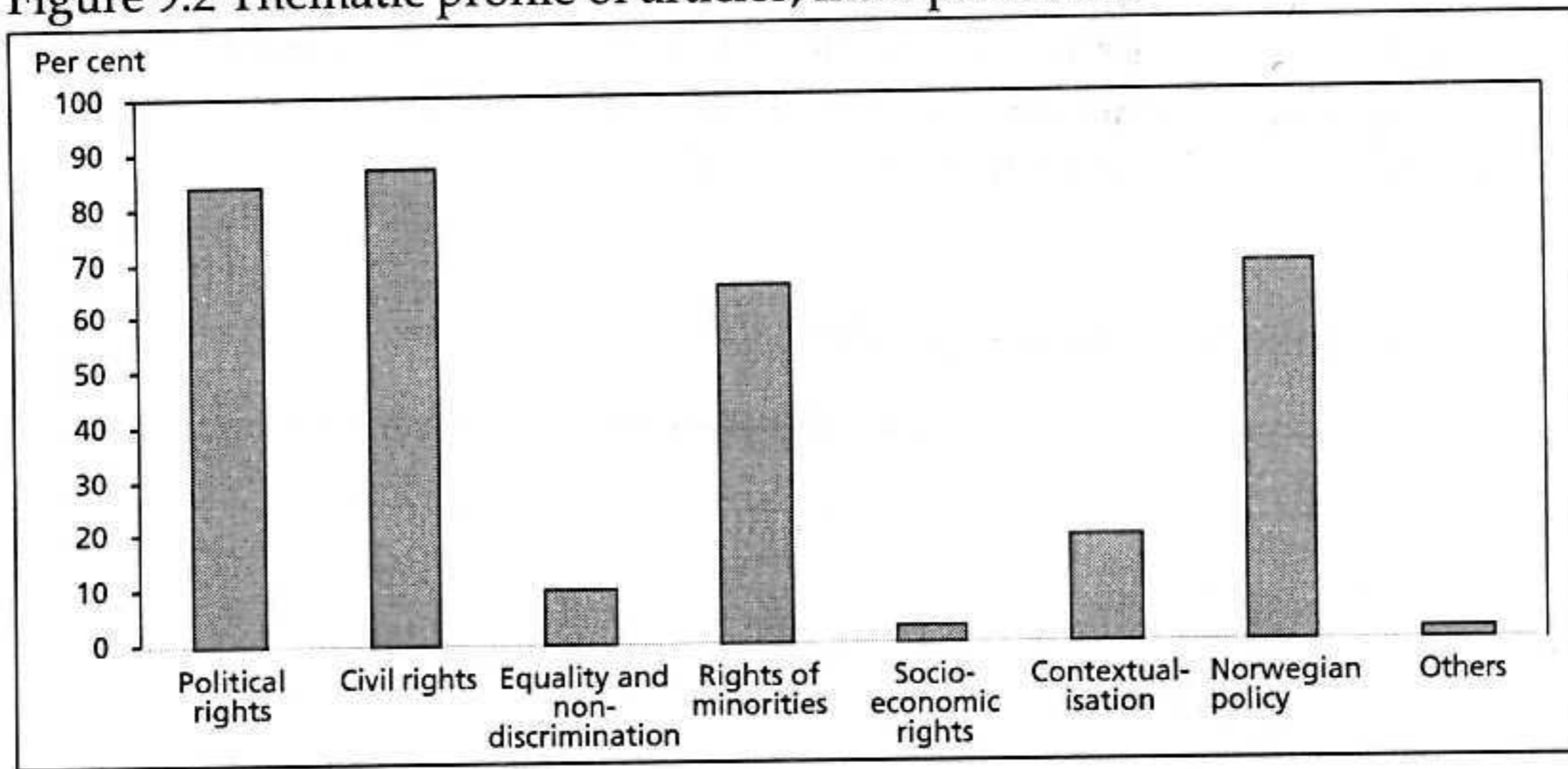
Aftenposten, Vårt Land and Stavanger Aftenblad respectively, the only papers which had computerised access to their archives during the whole period concerned (1995-96). About 2/3 (104) of the articles were written by the papers' own journalists, while 24 and 13 were distributed by international news agencies and NTB (the Norwegian News Agency) respectively, and 14 were chronicles (see figure 9.1).

Figure 9.1 Authors of articles (N=155)



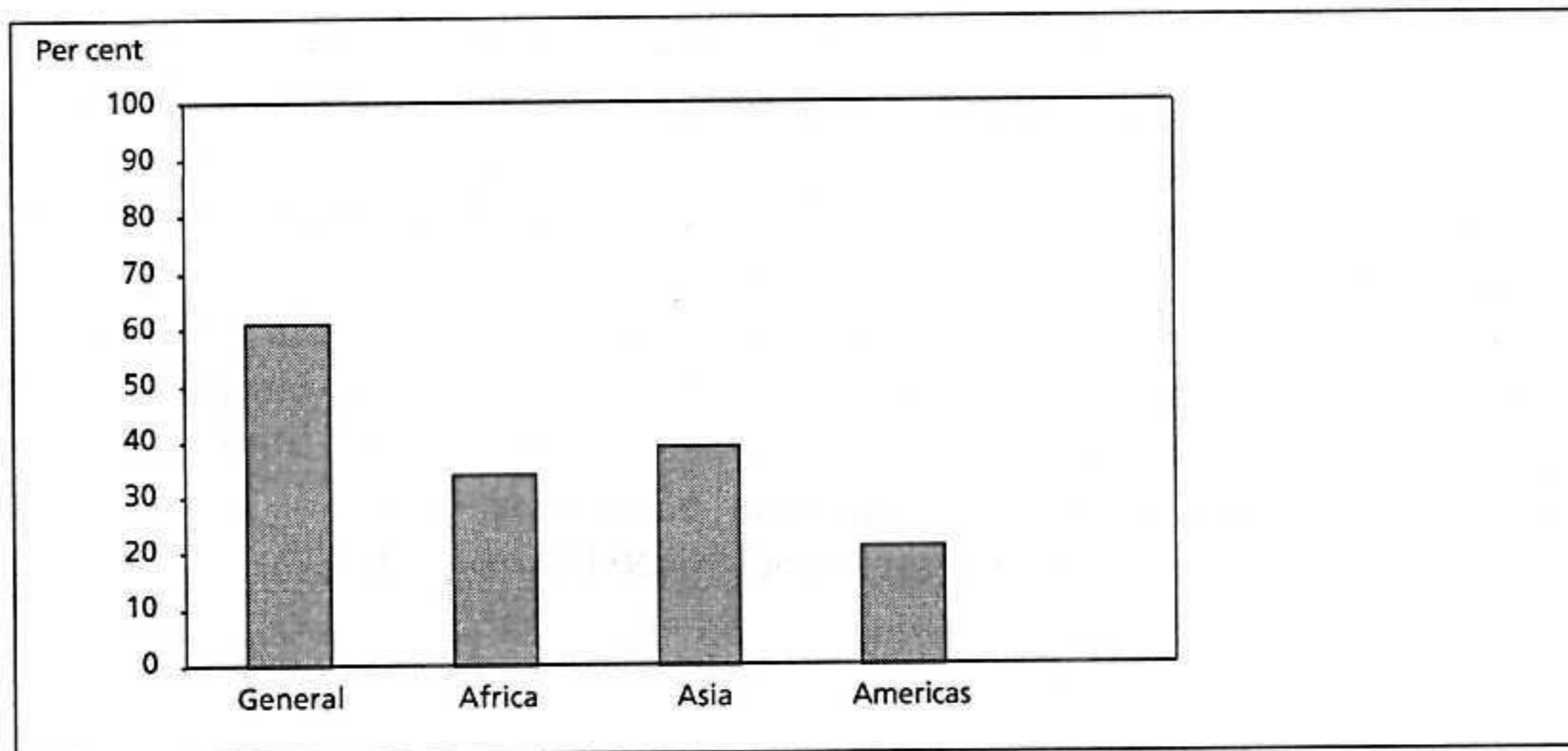
The survey classified the articles according to which main focus they had on human rights, that is if they addressed basic civil and political rights, socio-economic rights, equality and non-discrimination; minority rights, or a focus placing human rights into a broader context (an article could be classified in several categories). One category was also included which covered a Norwegian angle, that is human rights issues connected to asylum claims or Norwegian interests/policies of various kinds. The survey showed that over half of the articles had civil (87) and political (84) rights as their main focus, while the categories of 'Norwegian policy' (69) and 'minority rights' (65) were addressed in about half of the articles. Rather surprisingly for the evaluation team only 3 of the articles had socio-economic rights as their main focus (see figure 9.2 below).

Figure 9.2 Thematic profile of articles, multiple choice



The regional focus of the articles was also categorised whenever possible, and it was discovered that Asia was the region under focus in 39 of the 155 articles, closely followed by Africa which was addressed in 34 of the articles. Human rights in Latin American countries was only debated in 21 of the articles. Sixty-one of the articles, however, did not have any specific geographical focus as displayed in figure 9.3.

Figure 9.3 Articles per region (N=155)

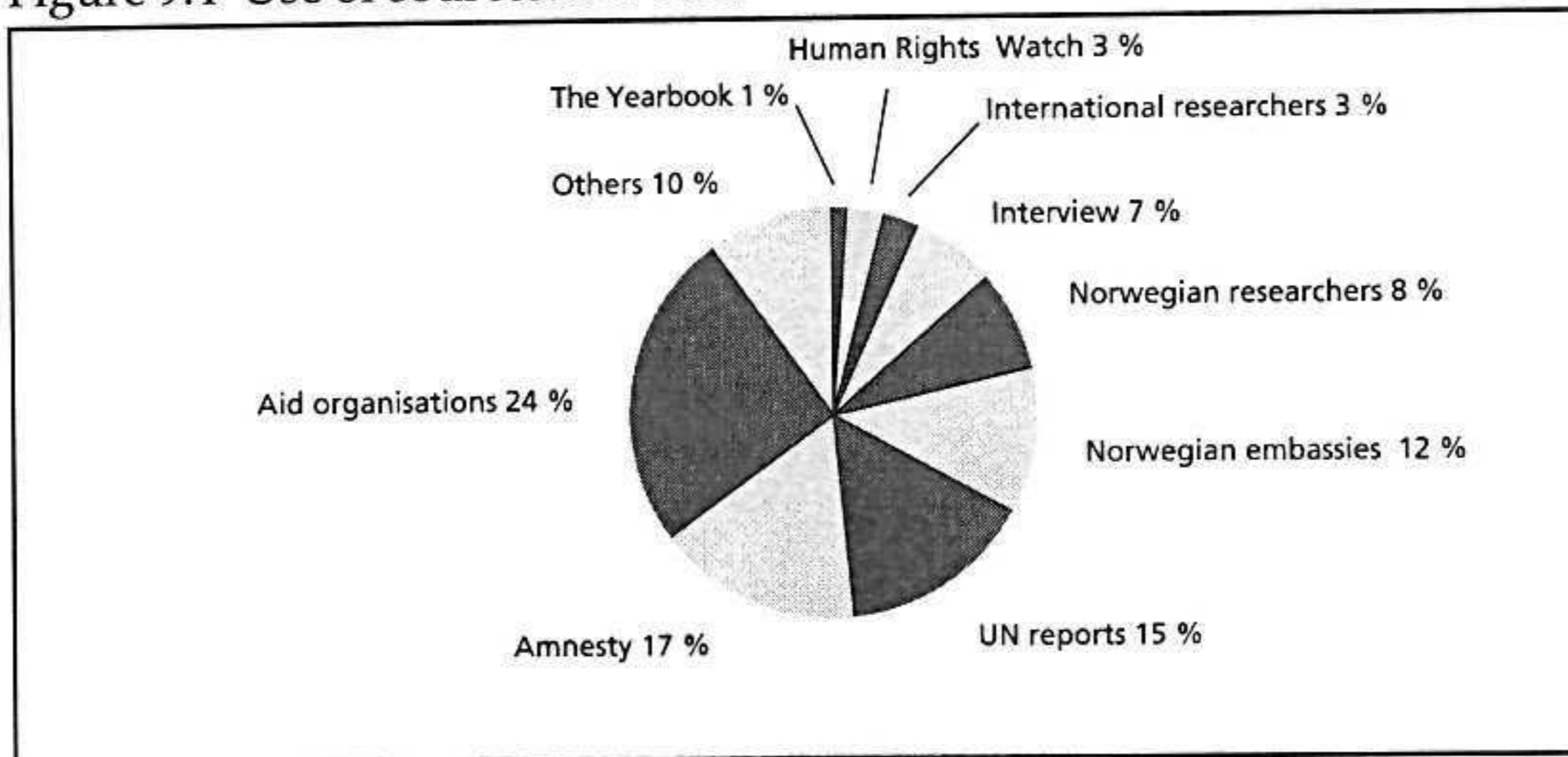


9.3 THE USE OF SOURCES IN MEDIA

The main reason for undertaking this news article survey was to assess what kind of sources the journalists used when writing about human rights in developing countries. In figure 9.4 below we have depicted their main sources of information in this connection. Development aid organisations operate as the main source of general information for the newspapers, used in 61 articles, followed by Norwegian embassies or other official Norwegian information cited in 28 articles. Norwegian researchers are used as sources in 19 articles whereas international researchers are referred to in 7 articles.

In the form of written published reports, however, Amnesty International and UN are the two major sources. In 40 and 37 articles respectively Amnesty and UN are referred to as the main information source. Human Rights Watch was used in 7 articles, and the Yearbook was only referred to in 3 of the 155 articles.

Figure 9.4 Use of sources. Per cent



9.4 THE JOURNALISTS' ASSESSMENT

The news article survey could only map sources which were explicitly mentioned in the articles. To gather more information about the reference sources used by the journalists, and to substantiate some of the information presented above, additional telephone interviews with a senior foreign desk journalist¹ from each newspaper represented in the survey were carried out. The questionnaire used was the same as in the user survey (presented in chapter 8). This very limited sample of five

¹ The respondent had covered foreign news for 15, 30, 20, 5 and 10 years respectively. The interviews were conducted 19 August 1996.

newspapers/journalists does not, of course, provide any representative sample of foreign desk journalists in Norway. Nevertheless it does help to substantiate some of the conclusions to be drawn from the media survey.

All five journalists stated that they had a high degree of need for information about human rights in developing countries, and they all used both Norwegian and foreign sources to acquire such information. Amnesty International and Human Rights Watch's annual reports were the main sources used by all newspapers. Four out of five also used various UN reports, World Development Report (WB) and the Norwegian Foreign Ministry's country reports to obtain additional information. Only two were recorded as having used the US State Department's country reports as a regular reference publication on these issues. With the exception of the journal *Mennesker og Rettigheter*, which was consulted regularly by two journalists, no other journals were actively employed as sources of information.

Four of the journalists stated that they knew the Yearbook by reputation, and two of them confirmed that they had a copy(ies) at their work. Three had used the Yearbook in their work. However, for one of them this was such a long time ago that he had forgotten, or was too uncertain to be able to answer any of the questions related to the content of the book.

For the two journalists who were familiar with the use of the Yearbook, they evaluated the quality and relevance of the country profiles as good and average respectively. They had not read the thematic articles well enough to give any assessment of their content and relevance. Both stated that if the focus of the Yearbook has to be concentrated in one specific direction, they wanted social and economical rights to be emphasised. They did not see a need for any drastic changes in the Yearbook concept. However, they both favoured an opportunity to access the Yearbook by Internet, when considering alternative channels of information should be considered.

The two journalists who were familiar with the Yearbook agreed strongly or partly, that the information in the Yearbook was trustworthy, and that it is an important instrument of information which should be further developed.

9.5 CONCLUSIONS

The news article survey disclosed that the Yearbook has only been used as a source of citation in 3 out of 155 articles covering human rights issues in five major Norwegian newspapers during the last five years. Two out of five journalists had used the Yearbook in relation to their work in this time period. Amnesty International, Human Rights Watch and UN reports

were cited as the main sources of information regarding human rights problematic.

On this basis it is plausible to conclude that the Yearbook has not fulfilled its objective as a main source of information for one of its target groups, the news media. Additionally, the Yearbook has neither accomplished the aim of being visible in Norway nor influencing the public debate in Norway concerning human rights issues in the Third World.

Since the Yearbook is generally acknowledged as a trustworthy and reliable instrument among its user groups (see chapter 8), the reason for this non-use or appearance of the Yearbook in the media must primarily rest with a lack of or inadequate promotion of the book. Furthermore due to a relatively long publishing time the news value of the content of the Yearbook is low. However, it is also obvious that the issue of human rights and development assistance held a higher news value in the 80s than the 90s, thus resulting in a lower interest in covering such issues in the newspapers in the latter years. Another factor which also influenced the use of the Yearbook as a reference source is the fact that alternative sources on human rights conditions in developing countries have evolved in recent years, and are today easily accessible on Internet or via ad hoc reports.

IMPLEMENTING HUMAN RIGHTS MONITORING: *VOICES FROM THE SOUTH*

by
Kjetil Tronvoll

Abstract

The last main objective of the evaluation effort, as it is stated in the TOR is to assess the "possible future role of the Project with regard to institution-, competence- and capacity building in aid recipient (partner) countries."

To acquire information about such an issue, the evaluation team believe it is of vital importance, to let the Southern research environments themselves define what is relevant and important in facilitating and enhancing the human rights research in developing countries. Thus, a project trip was undertaken to the countries of Ethiopia, Tanzania and Botswana to interview relevant actors from the research environment, bureaucracy and local NGOs.

Even though the political and developmental context vary greatly between these three countries, the opinions of the people concerned were unanimous: human rights monitoring should primarily be conducted by domestic organisations or bodies in cooperation with Northern institutions. Purely Northern based monitoring projects, such as the Yearbook, were rejected for several reasons, mostly due to inadequate knowledge of local conditions and perceptions of human rights.

The African researchers interviewed in general favoured a stronger contextualisation of human rights problematics and heralded a stronger emphasis on local knowledge and perceptions for the understanding of the development of human rights issues in Africa.

The relevant actors in Ethiopia, Tanzania and Botswana believed that the best possible way to exert influence on local human rights conditions is to support African research and monitoring on human rights. One way to facilitate this is for the participating institutes in the Yearbook Project to engage in cooperation with relevant organisations and institutions in the South. Such cooperation would then include capacity building in the South and a transfer of knowledge both from North to South and vice versa. In this way, a deeper knowledge of social, economic and cultural rights and how to assess and monitor them, may also be obtained.

The research environment in the three countries visited also championed the objective of the Yearbook to provide information about human rights in developing countries to a primarily Northern audience should be reconsidered, and emphasis should be put on a Southern audience.

10.1 INTRODUCTION: CONTEXTS OF HUMAN RIGHTS MONITORING

The project *Human Rights in Developing Countries* originated in Norway in the mid-1980s, and during the first four years roject expanded to encompass research institutions in five European countries and Canada. Since its beginning the Project has been a purely Northern-based research programme, only including third world researchers on an individual and rather sporadic basis. For instance, if some of the participating institutions had scholars from developing countries as guest researchers, or as part of their network, they were offered the chance to contribute articles to the Yearbook on an occasional basis. No official, continuous institutional linkages to southern research institutions or individuals have been pursued, nor even seriously debated among the project participants.²

Therefore, as part of the evaluation effort and to establish a basis for making relevant and feasible recommendations for the future organisation of the Project, the evaluation team deemed it necessary to let the voices from southern research environments be heard in this report. Against this background a project visit was made to Ethiopia, Tanzania and Botswana to hold discussions on how to implement human rights research and monitoring in developing countries. Discussions were held with relevant representatives from the research and university environments, with human rights activist organisations, and representatives from the national governments. In addition, talks with local Norwegian diplomatic staff and development aid representatives were undertaken to assess their view of the relevance of human rights monitoring and research.

The three countries of Ethiopia, Tanzania and Botswana were chosen as case examples since we believe they illustrate the various contexts of conducting human rights research and monitoring - both in political and in developmental terms - within the broad spectrum of developing countries. Ethiopia, being a country which recently has ended a three decade armed conflict within its borders, seems to emerge once again as a haunted scene in relation to human rights abuses. Basic civil and political rights are, reportedly, continuously violated and impeded. Tanzania has recently conducted her first national competitive multi-party elections according to fairly adequate standards, and today the country represents a context where political and civil rights are in general not violated. Consequently, the socio-economic rights are most in focus here. Botswana, on the other hand, is often described as the African success story in relation to human rights protection and mature political development. In the Botswanan context human rights focus is put on issues which are

² Information given to the evaluation team in interviews with CMI and NIHR.

rather similar to the debate going on in Northern countries, that is gender equality and minority rights, in addition to socio-economic rights.

Ethiopia, Tanzania and Botswana will thus facilitate insights and provide examples which are comparable to many other developing countries, also outside Africa. Thus, the voices of the researchers and activists presented here are, in this respect, representative beyond their own local setting.

10.2 HOW TO CONDUCT HUMAN RIGHTS MONITORING: THE SOUTHERN POINT OF VIEW

It is obvious that different political and developmental conditions in the countries concerned influence the conduct of human rights monitoring, both in terms of analytical focus and organisational implementation. However, on one issue the voices from the South were quite unanimously united: *Human rights monitoring should be primarily conducted by domestic organisations or bodies, in cooperation with Northern institutions.* Purely Northern based monitoring programmes, such as the Yearbook Project, were rejected for several reasons, mostly due to inadequate knowledge of local conditions and perceptions of human rights. However, there was an implicit argumentation against its neo-imperialistic approach of excluding Southern environments from taking part in such endeavours.

We now like to present the three cases of Ethiopia, Tanzania and Botswana and mediate local representatives' views of the state of human rights monitoring in their own countries, and their ideas for how it should be conducted in the future.

Ethiopia: The case of "classical" human rights monitoring³

The current political context in Ethiopia is extremely complex and polarised. Both local human rights organisations, such as the Ethiopian Human Rights Council, and international organisations, such as Amnesty International, have reported grave violations of political and civil rights in the country. A number of reports from international as well as domestic human rights and democratisation monitoring missions have also reported violations of democratic principles related to the political process, which culminated in the opposition boycotting the regional and federal Elections in May 1995. Particularly worrying is the situation in the rural areas of Oromo Region, where an authoritarian and totalitarian government approach prevails.

All parties interviewed in Addis Ababa in July welcomed a stronger need for human rights monitoring in the country, both from domestic and

³ Ethiopia will be covered for the first time in the forthcoming 1996 edition of the Yearbook.

international organisations. They were all worried about the grave violations of basic civil and political rights by the authorities. Such violations and impediments more or less overshadowed questions and issues related to socio-economic rights.

A common feature in the activist organisations' description of the conditions of human rights monitoring is the restrictions created by the political atmosphere in the country, obstructing local organisations in carrying out their tasks adequately. Abraham Abebe, director of the Ethiopian Congress for Democracy (ABuGiDa) stated that, "Northern institutions should be more involved in human rights monitoring in Ethiopia. They will open the doors for local organisations, since foreigners often appear to have more leverage than domestic NGOs, both with the people and the government. In this respect a cooperation model between North/South is the best model for conducting human rights monitoring."⁴ Such a view was also supported by a spokesman for the Ethiopian Human Rights Council, saying that, "As the situation is in Ethiopia, foreign organisations should also monitor human rights conditions. This will put greater pressure on the government than we alone can achieve."⁵

Although the national NGOs favoured a stronger involvement from Northern organisations in monitoring human rights in Ethiopia, they were not entirely uncritical of such external monitoring. Jalal Abdel-Latif, director of Inter Africa Group, an Addis Ababa based regional human rights organisation, stated quite clearly that, "The responsibility of human rights monitoring should be placed in the country. Not only with the NGOs, but also embedded in a governmental human rights commission." He was open to Northern participation in human rights monitoring in a model of cooperation with national organisations, explaining that: "Northern organisations should play a supportive role in human rights research and monitoring. However, a 'code of conduct' should be developed on the Northern side, since political influence comes with money."⁶

A similar view was also advocated by the university based research environment in Addis Ababa. Professor Merera Gudina at the Department of Political Science and International Relations, explained this in terms of "donor's democracy": "We have what we call donor's democracy in Ethiopia, meaning that the donor countries are allowed to implement projects which domestic institutions may be denied. Thus, when foreigners are involved it is much easier to do research. In Ethiopia today, accordingly, monitoring programmes should be made in cooperation between northern and local institutions."⁷ The chairman of the

⁴ Interviewed in Addis Ababa, 3 July 1996.

⁵ Atnafu Bogeli, executive council member, interviewed in Addis Ababa, 4 July 1996.

⁶ Interviewed in Addis Ababa, 4 July 1996.

⁷ Interviewed in Addis Ababa, 3 July 1996.

Department, Professor Tafesse Oliko, substantiated this by saying, "Joint projects are the best way to conduct research in Ethiopia at the moment. It will not only give strength to the project scientifically and funding wise, but also politically. We may be allowed to do things we otherwise could not do. That is why it is the best, and may be the only solution, for carrying out critical research. In this concern all research should aim at strengthening the democratisation process."⁸

There is no doubt that human rights monitoring is a necessity in contemporary Ethiopia, a point which was stressed by all respondents. On the other hand, one lecturer of law at the University explained his department's non-involvement in such an activity by saying: "We have decided not to monitor human rights. It is too touchy an issue, and since we are an academic institution we do not aim at the grass-roots. We present human rights aspects to the students and the academic environment, this to later influence the state bureaucracy. However, more organisations like the Ethiopian Human Rights Council (an independent NGO) should engage in monitoring since there are grave violations of human rights in the country."⁹

Professor Ibrahim Idris of the Faculty of Law at the University, and the director of Human Rights and Peace Centre which is connected to the Faculty, also championed a joint model of research and monitoring. "The best way to implement human rights projects is to have cooperation between Northern and Southern based organisations. In this lies also the very important element of transfer of knowledge. Such cooperation will not only have the spin-off effects of enhancing human rights awareness among the people whose work is related to the project, but also among a wider audience."¹⁰

*Tanzania: Human rights focus in transition*¹¹

Tanzania has traditionally been considered as one of the least repressive single-party regimes in Africa. In 1992, as a response to pressure both from within and from donors, a process of establishing a multiparty system was initiated. This resulted in the first multiparty elections in October 1995 for a federal parliament and an union president. In addition, Zanzibar held elections for a separate, regional parliament.

Although some critical comments were raised at the conduct of the elections, for example the logistical and organisational chaos in Dar es Salaam which led to a re-election in the affected city constituencies, the overall impression of the mainland performance was positive. The situation on Zanzibar, however, turned out completely differently.

⁸ Interviewed in Addis Ababa, 5 July 1996.

⁹ Interviewed in Addis Ababa, 4 July 1996.

¹⁰ Interviewed in Addis Ababa, 4 July 1996.

¹¹ Tanzania has been included with country profiles in the Yearbook editions of 1985, '86, '87, '89, '90, and '94.

According to international observers, the accumulation and tabulation of votes were rigged in such a manner that the incumbent president managed to stay in power with, it must be assumed, a minority of the votes. In the aftermath of the elections the political conditions on the islands have been deteriorating and violations of basic human rights have been reported, especially against supporters of the opposition party Civic United Front.¹² However, since Zanzibar and the mainland, the old Tanganyika, is a union, the violations on Zanzibar only affect the political environment on the mainland to a limited degree. Most domestic and international observers agree that political and civil rights are generally not violated in a systematic manner, although individual cases occur.

All parties interviewed in Tanzania during the project visit stated that the basic civil and political rights, with the exception of Zanzibar, were fairly well protected. However, everyone still saw a need for a human rights monitoring program to follow up individual violations and to act as a control mechanism over the government. In this respect the focus on human rights was shifted towards the broader aspect of socio-economic rights. Equality, poverty, and governmental accountability were all issues raised as the central problems for human rights in contemporary Tanzania. Professor Chachage at the Department of Sociology at the University of Dar es Salaam explained that, "In light of human rights issues, Tanzania needs to strengthen the civil society, to separate the state from organisational life. In this way the government will be accountable to the people in politics,"¹³ an issue which also was strongly supported by Dr. Anna Tibaijuka, the leader of the women's organisation BAWATA, who stated, "The whole issue of human rights in Tanzania is linked to strengthening the civil society."¹⁴

Regarding the conduct and implementation of human rights research and monitoring, all parties interviewed held a strong united view that this should be a joint effort between Northern and local institutions. Professor Chachage commented in general that, "Human rights must be seen in both an African and international perspective. That is, there are no European rights or African rights, since human rights are universals. Thus, the study of such must include institutions both from North and South."

However, in light of the Tanzanian context, a specific reasoning was put forward to explain the need of joint projects, as in the words of Dr. Anna Tibaijuka: "The first phase of human rights monitoring, where only northern institutions participated, is over. Due to the changes in Tanzanian society and politics, we have now entered the second phase where local researchers should be included. The third and future phase must lead to self-monitoring. Ideally human rights research and

¹² Cf. interviews with CUF representatives in Dar es Salaam, 9 July 1996.

¹³ Interviewed in Dar es Salaam, 8 July 1996.

¹⁴ Interviewed in Dar es Salaam, 7 July 1996.

monitoring in Tanzania should be conducted by local institutions. In an intermediate period, however, a cooperation between Northern and Southern institutions is preferable." Such a procedural view of human rights monitoring implementation was also shared by Professor Kapinga at the Faculty of Law at the University, "When we have reached a stage of fulfilment, we should take care of such monitoring and human rights research ourselves. Today, however, we do not have that capacity, so we need to join in a cooperation model. But it should be systematic and continuous data gathering in such respect. This is difficult when Northern institutions are conducting this research on their own, since they do not have any local representatives and are only visiting the country for a few weeks."¹⁵ Also Professor Othman of the Department of Development Studies at the University agreed about a final stage of self-monitoring when he said that, "Cooperation and assistance is good, but it should be the responsibility of us to conduct the monitoring."¹⁶

The aspect of capacity building, on both sides, was pinpointed as a crucial factor behind the advocacy of joint projects. Professor Chachage stated quite clearly that, "Northern human rights monitoring is out-dated. There should be joint projects. That would be mutually beneficial for both research environments." However, improved scientific quality of the research would also substantiate this viewpoint. Professor Othman expressed, "Human rights monitoring should be conducted in joint projects. It is very important to have an institutional linkage with Northern institutions, through which to have capacity building and strengthening monitoring efforts. When it comes to research as such there should also be a very close contact and cooperation. Not like these tourist-approaches as we have seen been done, that is a short visit and then go home north and write an article. Northern institutions come and observe, and then they are gone. But we are present here all the time. That is why it is important to cooperate with local institutions, since a continuous study may be established."

Professor Mukandala at the Department of Political Science at the University, and chairperson of TEMCO (a national election monitoring program), also stressed a joint model of monitoring and research in terms of capacity building on both sides. He added that this will be beneficial for the cause of promoting human rights in Tanzania, since, "Including local researchers will be better in terms of influencing the politicians, since human rights issues then will not be presented as some new Northern agenda."¹⁷ This is a point which several of the Tanzanian scholars emphasised. Dr. Anne Tibaijuka, as a representative for an activist organisation also stressed this by saying that, "If Africans participate in human rights monitoring, the work will be much more credible." Professor

¹⁵ Interviewed in Dar es Salaam, 8 July 1996.

¹⁶ Interviewed in Dar es Salaam, 8 July 1996.

¹⁷ Interviewed in Dar es Salaam, 9 July 1996.

Othman also followed up this same theme by stating, "Research conducted by and published in the North only will not have any influence on the national politicians. They do not have time to read and follow that up. That is why it is important to link up with local institutions which can pressure them the year around."

Here we touch a vital point concerning human rights monitoring in Tanzania, and in other comparable countries: *the legitimacy of Northern researchers to carry out human rights monitoring in the South*. Professor Kapinga at the Faculty of Law, rhetorically pinpoints this issue, "There is an imbalance between North and South regarding human rights monitoring. We should go to the North and do the same as you do here. North conducts human rights monitoring as a control mechanism for development aid, as a kind of carrot and stick mechanism. You should decide what the purpose of the project is more carefully: Is it for the use of North in political issues, or should it be for the advancement of human rights in the South? If you carry out research, you must follow up towards the decision-makers. This kind of applied research is not only for the bookshelves and the researcher's own career."

Professor Othman, who has read and commented on draft Tanzania country reports for previous editions of the Yearbook, gives an answer to this by explaining his standpoint on the legitimacy for human rights monitoring, contrasting the one of the Yearbook: "You definitely should change the concept of the Yearbook. Human rights research in developing countries is applied research, not academic as such. It must be targeted and specially designed to influence the decision-makers. Academic life must try as best it can to feed the activist world. Thus, in Africa an academician must per definition be an activist." Professor Mukandala also backed this view, "Do not tell us only that things are not right. Tell us how to do them right. Research should aim at giving recommendations for improving the current conditions. Then the politicians will have an instrument for discussions and for the implementation of strategies for change."

*Botswana: Equal Partnership Monitoring*¹⁸

Botswana is generally praised for its fine human rights record and advanced political culture. The country has had a functioning multiparty system since independence in 1966. However, the absolute majority of the seats has been won in each election by the ruling Botswana Democratic Party. In terms of protecting the basic civil and political rights Botswana has been the leading example in Africa, and still is. Because of their good record in this respect, the human rights focus in the country has been shifted to aspects of society other than the political sphere. Dr. Athaliah Molokomme, senior lecturer at the Faculty of Law at the University of

¹⁸ Botswana country profiles have been included in the Yearbook editions of 1986, '87, '89, '90, and '95.

Botswana and the leader of the women's organisation Emang Basadi, explained the Botswanan case in these terms: "The shining example of Botswana as a leading star in Africa in terms of political maturity has been based on our standards of civil and political rights seen in a comparative perspective. In a way, since we are successful, we take human rights for granted. We have them, so why bother to discuss it further. We were commended as the best in the class, and thus we did not put our efforts into coping with the socio-economic rights. The government has done quite well in many aspects, such as infrastructure, health care, education, etc. But the gap between the haves and have-nots has increased, and this must be addressed."¹⁹

Even though political and civil rights are well protected in Botswana, the national research and activist environment strongly emphasised the need for a continuous human rights awareness in the country, and research into and monitoring of the broader aspects of human rights. Elsie Alexander, senior lecturer at the Department of Sociology at the University stated, "We are at a stage of our development which faces a more complex society, government structures, etc. We now have to sustain the democratic process and our human rights record. Thus, there is room for more research in human rights and democracy to facilitate policy reports to the government. We have developed a base of understanding in various research issues. But we need to go further and elaborate on this research and to see what individuals and the community can do, and what the responsibility of the government is." She continued by explaining that, "Certain areas of human rights have become more visible over the last five years because of our advanced development. This include minority rights regarding the Basarwa people, equality rights regarding the position of women, and the poverty question in terms of socio-economic rights."

The view that human rights issues in Botswana must necessarily go beyond political and civil rights was commonly shared by all parties interviewed. In addition to minority rights related to the case of the Basarwa people, it was the socio-economic differences within the country which drew attention. Professor Frimpong at the Faculty of Law at the University stated: "Focus on human rights in Botswana should concentrate on socio-economic rights. The very wide gap between the rich and poor really put a question mark on the Botswana success story," a statement also shared by T. Bogatsu, spokesperson for Ditshwanelo Human Rights Centre, "Socio-economic rights need a strong focus in Botswana. The very wide gap between the rich and poor needs to be addressed, since the poverty gap contains a conflict potential."

Such a view on human rights, which goes beyond basic political and civil rights is not necessarily accepted at face value by the authorities. Mr. Selepeng, the Permanent Secretary for Political Affairs at the Office of the

¹⁹ Interviewed in Gaborone, 12 July 1996.

President stated, "The minority issue is not an issue in Botswana. That has been created as an issue by the Scandinavian countries. This is not a human rights issue, but a question of development. You are telling us not to disturb their lifestyle; 'Let them live as they have done the last 1000 years.' We want to develop them since they are backward. So we want to see them within that perspective. The right to development is also human rights. If they remain as hunters and gatherers they are denied access to education, health care, etc. Thus, this is not a minority issue, but a question of development." In this perspective Athaliah Molokomme's position on human rights research is thrown in relief: "Research conducted outside government control by independent research institutes focusing on human rights is necessary and important, because research is a strategy of empowerment for discriminated groups such as minorities, women, etc."

Do the scholars of Botswana hold a different view from their counterparts in Ethiopia and Tanzania of how to organise and implement human rights research and monitoring, because of their more advanced political development? Dr. Gaborone of the Department of Adult Education at the University, who has a special interest in the Basarwa question explained, "Human rights research is very much applied research in Africa. Northern institutions should participate by supplying an outsider's perspective, and filling various capacities we do not have ourselves," and he added in relation to the Botswanan context, "A purely Northern research and monitoring project is not needed anymore. We have come to another stage of our development when we need to localise the research."

Professor Frimpong at the Faculty of Law supported a similar view, "Joint projects are the best solution to conducting political research as human rights research is. In this way it may strengthen the focus of research. If it is left to locals only, they might not dare to be as critical as they should. On the other hand, a purely Northern based project might overlook the local context, or be put under doubt by the government which regards human rights as a Western idea, and they might reject the findings. To go around this problem, it is better to have joint projects. In this way it cannot be rejected as a foreign idea. Human rights are international ideas, and human rights monitoring should be implemented in such a respect."

The Botswana scholars stressed the point that human rights research from an African perspective is fundamentally applied, political research. The main orientation of such research must be to change existing power structures within society to the betterment and empowerment of the weak. Elsie Alexander at the Department of Sociology explained, "The priority should be put on applied, relevant research into human rights to push the development of Botswana further. Local partnership models are the way to go to pressure the government. The university may conduct the research, but the NGO sector has the capacity to implement change. The national research institutes need to take the lead in such projects, and they

need to define the terms of partnership they want with international institutes. Purely international research may be discredited by the government by saying it is conducted by foreigners with hidden agendas. Thus, it is vital that local institutions take the lead in such projects to give it more credibility than the foreigners can provide. Cooperation may be done on theoretical, methodological and comparative issues. In this way we may exchange views on these issues, and both partners will benefit from such a project." Elsie Alexander believed that development in Botswana had reached such a stage that Northern based research might interfere with a constructive development of human rights. "We have reached a stage that outsiders may hinder and jeopardise the actual research in a way that the government might stop the project, because foreigners should not tell them what to do. Thus, a lot of thinking must be put into defining the partnership model. We must define the roles so as not to come into a position where Northern research institutions tell us what to do. We must focus on long term sustainability. How can our partners help us to strengthen our capacity in research?," and emphasising again the crucial point, "We must remember that human rights research is political research which should be done by locals."

These views were substantiated by Mr. Selepeng from the Office of the President, "Northern institutions should not work independently in Botswana. That is convoluted and neo-imperialistic. They should join with local research institutions and work together. This will benefit the results, and also function in capacity building for local institutions, both financing and educating local researchers."

Criticism against Northern based research projects such as the Yearbook was raised by several scholars and activists because of its distanced academic profile with little emphasis influencing local conditions of human rights through applied research. Athaliah Molokomme states: "Northern scholars just come here and do their study as their "hobbies". But in human rights research one must establish partnership with locals, so the relevant agenda of research is fulfilled. In that way the government may not discredit it as a foreign "thing" or "idea". Human rights research today is so applied and political that it must be used as an instrument of change." The aspect of joint projects to improve the scientific standards of a research/monitoring project was also emphasised. Mr. Bogatsu from the Ditshwanelo (Human Rights Centre) explained: "Research into human rights should be a joint project. If a research project needs a follow up study, the availability of the results is much better achieved using local institutions. But in many respects we also need a capacity/resource input which may be facilitated by connections to Northern institutions. A cooperation model is the best in such respect." Professor Ansu Datta, director of the National Institute of Development Research and Documentation at the University, supported such an explanation, "Ultimately human rights research should be done by ourselves. The

initiative should come from within. But we still do not have the financial capacity and the scientific competence needed."

10.3 HUMAN RIGHTS FOCUS IN THE SOUTH: THE NEED FOR CONTEXTUALISATION

The Yearbook editorial committee has developed a set of guidelines which all country profiles must reflect.²⁰ The authors have been told that they must adhere strictly to the guidelines since the country profiles shall hold a quality of comparability, both between the respective countries and over time. Some of the contributing authors have voiced a certain reluctance to writing an article within such a relatively rigid framework, which does not have sufficient room to capture the current topicality of politics and the particularities of the country under investigation.

Such a debate reflects to a certain degree the fundamental controversy about human rights research, where one side advocate the universality of human rights standards. Thus a uniform scientific methodological concept must be employed, whereas advocates of a more relativistic understanding of human rights will seek to have a contextual approach in human rights research. Both these concepts, to one or the other degree, were favoured by various researchers interviewed in Ethiopia, Tanzania and Botswana. However, in general the research environment favoured and heralded a stronger emphasis on local contexts and perceptions, for understanding the development of human rights issues in Africa.

Jilal Laftif, director of Inter Africa Group in Ethiopia stated, "All human rights problems are tied together in Ethiopia. Political and socio-economic rights are all under pressure. What comes first? Human rights must necessarily be viewed in a broader political context, since everything feeds into each other. You cannot analyse one point disassociated from the broader concept." In Tanzania Dr. Anna Tibaijuka, leader of the women's organisation BAWATA held a similar view. "Tanzania has just reached a cross-roads, a vital stage with a new political awareness. We have achieved the basic political platform, and now we must focus on the civil society and address sectors such as women, peasants, trade unions, youth, etc. This should be strengthened by relevant human rights research. Many specific issues have become relevant in today's context which should be scientifically explored. We must use methodological considerations linked to local context. This will show the sequence of subjects to be studied. Consequently, this will also tell us if it is interesting to, for instance, focus on Northern aid policies and human rights. Since there are some common traits between countries, but also many peculiarities, it is the cultural context and the state of development reached which must be explained, to

²⁰ See appendix D.

achieve a wider understanding. One cannot use 100 per cent the Western values to analyse Tanzania. We must include local perspectives."

The Tanzanian research environment was pretty much united on this issue. Professor Chachage of the Department of Sociology at Dar es Salaam University, explained that, "It is a general feeling that human rights are only individual rights. This is wrong and impossible to adopt in relation to, for example hunter and gathering communities. We must focus on socio-economic, cultural and minority rights also. But this must be seen within the development model the government is practising, for instance what kind of land tenure which is favoured, etc. The communal rights of women, children, and minorities and cultural rights are coming to the fore as the most important issues of human rights. To adopt such a perspective one needs to contextualise the research. In this way applied human rights research is important as a policy instrument for the government. This is why it is so important to understand the processes within a local context." Such a view was also supported by Professor Kapinga, at the Faculty of Law, "In Tanzania you need to focus much wider than on just political and civil rights. Socio-economic rights are very topical today because of economic liberalisation and structural adjustment programs. Human rights must be researched and presented within a political, historical and cultural context. It must be related to the grass-roots problematics. This can only be done by contextualisation, and by localising the experiences. One must consider international conventions on human rights and local instruments of justice together within a common perspective and analytical frame. Thus, you should have articles in the Yearbook which are more timely and topical."

Professor Othman at the Department of Development Studies also emphasised the importance of identifying the local agenda for human rights. "The research must be grass-roots aimed. The people at the grass-root level must be told and informed about human rights. Basic human rights are not known or relevant to them in a theoretical fashion. The 10-cell leader is more important to them.²¹ Thus, one has to include a broader frame of development when discussing human rights issues in developing countries. Human rights monitoring groups from the North should be assisted from the South. The issues you might be interested in might not appeal to us. Consequently, you should be more open towards views expressed from the south." Professor Mukandala, at the Department of Political Science, sums up the Tanzanian view of an analytical human rights focus, "Since the audience of the Yearbook is the Nordic countries, the human rights conventions make sense to them. But when you standardise, you leave out the exceptional, the unique and interesting. Thus, there should be a mix in the country reports. The study must be contextualised in a sense that what is important for the peasants, should

²¹ A 10-cell leader was the lowest level of party official in the ruling CCM party during the single-party era.

be important in the report. This is not necessarily freedom of expression or organisation, but rather basic socio-economic rights and other cultural issues."

In Botswana many of the same ideas as in Tanzania were advocated by the research environment. Elsie Alexander, senior lecturer at the Department of Sociology at the University explained, "Human rights research should be put in a broader context and focus on local agendas. Much of the research, in terms of socio-economic rights, must be evaluated and understood in local priorities and context. Thus, one needs to take both international conventions and local perceptions into consideration." Dr. Athaliah Molokomme, senior lecturer at the Faculty of Law and leader of the women's organisation Emang Basadi supported this by stressing, "Human rights research should be applied to the local context of interest. The questions must be what is under focus locally, what is important to the people?" This was also emphasised by Dr. Gaborone, at the Department of Adult Education, "You cannot talk about human rights on an empty stomach. These issues must be put in a context of development," and he continued with the crucial point of making human rights research applied, "Thus, there must be a combination of academic research and activist activities."

Professor Frimpong, at the Faculty of Law, modified the contextualisation to a certain degree by stating that: "Although they are universals, human rights must necessarily be seen in context. However, one must develop a general framework, a common standard, and evaluate countries against this." He explained the general lack of African based research into human rights issues, "Human rights from the African point of view have not been the major issue on the continent, since many African researchers are not human rights advocates." And again, the fundamental applied approach was stressed. "Because, concerning human rights, you must be committed to the cause, and not only an academician. It is impossible to separate human rights research from applied, activist research. Thus, one needs a commitment to the cause."

Mr. T. Bogatsu, spokesperson for Ditshwanelo Human Rights Centre in Botswana adopted a procedural understanding in explaining the analytical framework of human rights research. "Human rights research should, basically, be focused narrowly. Then at a secondary stage the need to take contextual considerations and socio-economic development in to consideration. The contextual view is particularly important when it comes to comparison." Such an understanding seems sound when we also take the opinions of the Ethiopian parties into consideration.

In Ethiopia a more divided opinion upon this issue prevailed. Although several of the parties interviewed advocated a contextual analytical approach to the issues of human rights, others followed the universalists idea. Professor Merera Gudina at the Department of Political Science and

International Relations explained that it is impossible to approach human rights issues in Ethiopia today without having in depth knowledge about ethnicity in the country. Because of the new federal ethnic system which is being introduced, most political and civil rights will evolve around this question, thus "human rights must be contextualised within the particular Ethiopian framework." Professor Dessalegn Rahmato of the Institute of Development Research at the University put a question mark against the methodological human rights concept in relation to a rural perspective: "Human rights research in rural areas must take another approach than in urban areas." He advocated, as did the Tanzanian scholars, that the particular cultural, social and economical conditions in rural Africa need to be understood and explained by a different analytical concept to that employed in an urban setting. "One must adopt a rural perspective in human rights research, and view rural institutions separately. From a research point of view this will be a new and interesting approach. What is actually human rights to a peasant?"

Tsehai Wada, of the Faculty of Law at Addis Ababa University, however, stood firm on the universalistic concept. "The performance of all nations should be evaluated according to the international conventions and standards. If you take a relativistic approach what are you supposed to have as a basis? If you evaluate in light of historical development, this might be used as an excuse for abuses of human rights. This is particularly relevant to Africa, saying that we have a special culture. This has time and time again been misused by the politicians." It is exactly this point which has been stressed by the Ethiopian Human Rights Council, the only organisation within Ethiopia which conducts human rights monitoring. According to its leader, Professor Mesfin, the current EPRDF regime must be evaluated according to its own actions viewed against the international conventions and standards of human rights, and not seen in relation to the gross violations of the previous Derg regime.

10.4 A SOUTHERN PERSPECTIVE ON HUMAN RIGHTS MONITORING: TAKING POLITICAL, SCIENTIFIC AND DEVELOPMENT ISSUES INTO CONSIDERATION

Taking the voices from the South into consideration, it seems clear that certain recommendations for changing the Yearbook are favoured. All parties argued that such a project should change from the concept of being a purely Northern based research project to include Southern researchers on an institutional basis. Various reasons were offered to substantiate such a change of concept, based on the political and developmental contexts in the respective countries visited. In a synthesised version the main reasons are as follows:

- Since the Yearbook Project has as an objective influencing the conditions of human rights in developing countries, the best possible way to do so is to support a strengthening of local human rights research and monitoring capacity. One way to facilitate this is for the participating institutes to engage in cooperation with organisations and institutions in the South. Such a cooperation could then contain capacity building in the South, and transfer of knowledge both from North to South, and vice versa.
- In countries where basic human rights violations occur, as in Ethiopia, local research institutions and individuals are put in danger, both physically and structurally, when focusing on human rights monitoring and research. The only way to improve this condition, and to facilitate the participation of local researchers into human rights monitoring, is to link up institutionally with Northern organisations since this will give the project an international profile and thus a degree of "immunity".
- In countries where the basic civil and political rights are well protected, and the human rights focus is on socio-economic and cultural rights, a Northern based research project does not have any substantial influence changing the local government's politics on critical issues. If the monitoring project includes local research organisation, on the other hand, this will improve the political status of the project and create stronger pressure on local governments to change their policy concerning human rights issues.
- In the ten years that has lapsed since the Yearbook was initiated and established as a research and monitoring project, drastic changes have taken place in both world politics and the carrying out of development aid from Northern countries. Today the funding governments of the Yearbook Project take human rights into consideration when forming their development policy, and to a certain degree an adequate human rights record is included as a conditionality to obtain development aid. Thus, in this regard, the main objective of the Yearbook does not so much correspond to the political reality anymore, and the organisation of the Project was considered as out-dated and politically incorrect, since it does not include Southern researchers on a regular basis.
- The participation of Southern institutions in a human right monitoring project will improve the scientific quality. Northern run research and monitoring programmes will not manage to follow the political and developmental process on a continuing day-to-day basis, but rely on short term research visits to the country and secondary written sources as newspapers, etc. Institutionalised cooperation with local research organisations will facilitate a broader understanding of local perceptions of human rights, and drastically improve the sources of information through a continuous presence in the country, or region, of concern.

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- Including Southern institutions in the Yearbook Project will help to make the articles more timely and topical. The Southern researchers have, of course, a better understanding of relevant local topics and areas of human rights than outsiders, which will improve the quality of the Yearbook when it comes to be used as policy instrument for decision-makers, both in the North and South.
 - The objective of the Yearbook to facilitate information about human rights conditions in developing countries for a primarily Northern audience should be reconsidered, and emphasis should be put on a Southern audience. This will strengthen the awareness of human rights issues in the South, which will generate change in the local government's policies.

PART IV

11

RECOMMENDATIONS FOR CHANGE: A NEW GENERATION OF HUMAN RIGHTS ANALYSIS AND MONITORING

by

Kjetil Tronvoll, Kjell Havnevik,
Nasila Rembe and Bjørne Grimsrud

You should decide what the purpose of the project is more carefully: Is it for the use of the North in political issues, or should it be for the advancement of human rights in the South?

Professor Kapinga, Faculty of Law, University of Dar es Salaam

11.1 INTRODUCTION

As a point of departure for this closing chapter we have chosen a quotation from Professor Kapinga cited earlier in this report, a citation whose content we believe is fundamental to the Yearbook Project and which must be properly addressed and reflected upon by the parties involved. We believe that this question addresses the core issue in relation to the future organisation of the Project; thus the evaluation team wishes to give its interpretation of the answer below.

We have chosen to present a two-fold set of recommendations. Firstly, we would like to put forward certain recommendations which need to be taken into consideration independently of whether or not a more radical and fundamental change to the Yearbook Project, as we will suggest below, is undertaken. These recommendations are all related to the organisation and structure of the Project and to the issue of administrative consolidation.

Subsequently, a new model of human rights monitoring is presented, and the evaluation team recommends it as necessary for the Project in order to change its concept in accordance with this suggestion.

11.2 ORGANISATIONAL AND STRUCTURAL RECOMMENDATIONS

The evaluation has uncovered certain weaknesses and shortcomings related to the structure and organisation of the Project which needs to be addressed. In this regard it would be advisable to take the following points into consideration:

- The budgeting and management structure of the Project should be thoroughly debated both within the institutes and between MFA and the institutes. The different problems seem quite interlinked, and there is a need for examining the routines from planning to publishing in order to reduce the production time.
- Recruiting writers for specific articles have at certain times failed, with the result that the whole Project has been delayed. Getting the contributors to adhere to the deadline is another problem. On this issue there may be a need for giving some real power to the deadline, like limiting the payment of late contributions. This may of course be problematic due to the fact that late arriving manuscripts may indicate that an extensive amount of work has been put into them. However, there seems to be a feeling among several of the contributors that a mismatch exists between what is expected from the authors and what is paid for. This probably reflects, on the one hand, the institutes' ambitions to maximise the Project. However, on the other it may have lead to fatigue among the regular contributors. It might be easier to recruit authors and to put more pressure on deadlines if this mismatch did not exist. This could be achieved by more generous payments and, by relaxing the guidelines or by a combination of both. In this respect, the editors should also be more ready to postpone overdue articles to the subsequent edition, or refuse it.
- The process of editing, proof reading by experts, language editing and other quality control efforts also needs improvement. If one expects experts both in North and South to proof read the articles on a regular basis, funds must be provided for this within the Project. Again one must be prepared to postpone or withdraw articles not meeting the necessary qualitative standards. In this respect, the editor, language editor and publisher must establish a closer link. By joint planning, adherence of deadlines and quality requirements, the production time could be substantially reduced.

- The distribution and promotion of the Yearbook must be radically improved. Resources have to be set aside for this both within the Project and for the publisher. The Nordic Publishing House does not seem to meet any of its objectives and may in fact today hamper the distribution of the Yearbook.
- In a fast changing world in terms of electronic communication the Yearbook Project should assess the possibility of presenting the Yearbook electronically in an appropriate format. This will also make the findings of the Project more relevant and topical for its user groups.
- The editorship must improve its abilities and act more willingly to make decisions with financial implications. This means that the institutes and MFA must be willing to accept the editor's right to make such decisions.
- A close stable long-term relationship with one dedicated publishing house must be established. This will improve the quality of the product, and in total probably not increase the actual amount of resources spent on administration.
- Several of the above recommendations will require additional funds for the Project. However, if additional funding is rejected one should still have to reconsider the Project structure and format. Maybe reports or periodicals would be more appropriate at a lower ambition level of financial support.
- In order to escape the present state of indecision., the evaluation team would recommend that the Norwegian counterparts, in cooperation with MFA, hammer out their future agenda for the Project within the overall strategy of the institutes. This should take place quite independently of the recommendations for a new Yearbook concept outlined below. Subsequently, this agenda should be presented and debated with the other participating institutes to see how it fits into their future plans for the Project. However, at some point in time it might be necessary to take some controversial decisions. Which could mean some of the present partners withdrew from the project.

11.3 RETHINKING THE YEARBOOK CONCEPT

Ten years have lapsed since the objectives of the Yearbook were outlined by the CMI and the NIHR. These ten years have brought about drastic changes to developing countries and to North/South relations in general. During this period we have also seen changes in the human rights research environment in Norway; from a modest start it has developed into a relatively broad based mature environment involving several

institutions with various research programmes focusing on human rights issues in a global context. However, the evaluation shows that more insight and competence are required to address the problematics linked with economic, social and cultural rights. Thus, the evaluation team believes that the time has come to reformulate the objectives of the Yearbook and to rethink the main target-groups in light of these fundamental changes.

The initial main objective of the Yearbook was two-fold: to monitor human rights in the recipient countries, and to enhance the awareness concerning human rights principles in Norwegian aid and foreign policy. A third and wider agenda was to strengthen the Norwegian research environment into human rights in developing countries, a logical necessity in order to fulfil the main objective.

To monitor human rights in developing countries and enhance the Northern politicians' and bureaucracy's awareness of these issues is, of course, a continuous task. However, as of today, one might say that this objective has been, more or less, achieved in particular in relation to political and civil rights. Human rights and democracy advancement is an explicit goal promulgated in official Norwegian policy (cf. NOU 1995:5 and St. meld. no. 19 1995-96), and in the policies of other Scandinavian and like minded countries.

Norwegian authorities and NGOs are being informed, as our user survey has indicated, about the human rights conditions in developing countries through a variety of sources. The Yearbook contributes as one of many sources with relevant information to the decision makers, being surpassed by Amnesty International, UN reports and Human Rights Watch as the main international information sources. These major reference sources, however, mainly emphasise political and civil rights monitoring, once more an indication to shift the emphasis in the objectives of the Project.

Consequently, some fundamental questions need to be answered by the participating institutes and the funding agencies: What is the purpose and aim of the Yearbook? What will it try to change and whom does it wish to influence by addressing human rights in developing countries? Is the purpose mainly to increase knowledge and awareness in the North concerning these issues, or should it also try to realise, in a direct manner, improvements for the people concerned in the developing countries?

11.4 A STRATEGY OF CHANGE

The evaluation team does not, however, believe that the above organisational recommendations alone are sufficient for a renewing of the Yearbook Project, and we call for more substantial changes in the

Yearbook concept. The evaluation team holds the opinion that a change in the Project will greatly benefit both the Northern research environments, the bureaucracy *and* the conditions of human rights in the South, adopting a holistic approach for implementing changes emanating from the following three factors:

- The Yearbook Project has achieved the objective of capacity building in the North, both in the bureaucracy and the research environment,
- The monitoring of political and civil rights in developing countries is covered adequately in many of the comparable publications,
- Changes in developing countries and in global relations require closer attention to rights pertaining to economic, social and cultural issues.

Analysing these issues more closely, their interlinkage and interdependence emerge. In order to capture, on the one hand, the political processes influencing the conditions of human rights, and on the other presenting the local understanding of social, economic and cultural rights in their specific context, a broad and in-depth knowledge of the society under investigation is required. In our assessment, for human rights researchers in the North to obtain that capacity, they will have to cooperate closely with Third World researchers on a continuous basis. Only through such cooperation can relevant data collection be facilitated and a foundation established for the interpretation and analysis of the complex issues related to cultural, social and economic rights. This would imply a shift of emphasis of country profiles from political and civil rights to economic, social and cultural rights. As such this involves only a re-emphasise in relation to the objectives which are already guiding the Yearbook Project.

Through the establishment of closer ties to Southern institutions and researchers a transfer and constructive encounter of knowledge and competence will take place between North and South that will establish the possibility to draft country profiles which adequately reflect the international and local political processes which influence social, economic and cultural rights in the country of concern. Such a perspective will also meet the wish by a majority of the users, brought out in the user study, of contextualising the problematics of human rights. More emphasis should be put on understanding local perceptions of human rights and analysing local priorities and agendas for development within a human rights framework. This does not represent a move towards a more relativistic human rights understanding, but rather a change of perspective and a methodological re-focusing, emphasising local experiences and perceptions for attaining relevant knowledge and understanding which would allow the Yearbook research environment to act as an authority on these questions for both Southern and Northern governments.

However, in order for the analysis of economic, social and cultural rights to be complete and to establish a legitimate relationship between North and South, the impact of Northern policies, institutions, investments and trade on the human rights situation in the South must be incorporated into the analysis. The information and knowledge emerging may contribute to the modification of the policies and strategies of the North in the direction of a more global responsibility and greater sensitivity to human rights concerns of the South. The user survey as well shows that many user groups in Norway want more information and knowledge about Northern trade and development policies and how they impact on human rights issues in the South.

The establishment of close continuous cooperation between Northern and Southern research institutions will require a shift of the present profile of the Yearbook towards a more applied research perspective as well making the value context of the research more explicit. This is particularly important in the area of economic, social and cultural rights where no such clear cut definition of rights abuse can be established as in the area of political and civil rights. The international Covenant on Economic, Social and Cultural Rights constitutes only a vague framework within which research and monitoring of these rights can occur. Any research aiming at a specification of rights in this area cannot claim objectivity because the concretisation has to relate to a cultural context for which no single uniform value framework of reference exists.

Thus, the researchers require to become more aware of subjective features associated with the research, such as the researcher's own attitudes and inclinations which are likely to emerge from their own cultural context and values. Rather than denying these subjective features they should be taken into account. By so doing an open and constructive process of cooperation between Northern and Southern researchers can be established, which can facilitate the meeting of different perspectives. This can create a new level of objectivity, showing awareness for cultural diversity. Important advances in this area have already materialised, e.g. in the shift of emphasis of the specification of poverty from being defined in relation to certain minimum monetary income levels to one that emphasises meaningful livelihoods, including economic, social and cultural elements. To become relevant the poverty concept in a developing country context, where no social security system exist, must necessarily emphasise these important extra-pecuniary elements.

Positing human rights research in a value context also implies the need to emphasise the relation between the actual research and its findings and their role in shaping and improving human rights consciousness throughout society. We believe that it is this relationship that African human rights researchers stress (refer to chapter 10), in their wish for more activist oriented research. The evaluation team shares this view, implying that the particular nature of human rights research and monitoring is

associated closely with the objective of enhancing the human rights situation by influencing and pressing for improved conditions in human livelihoods. The acceptance of this particular type of human rights research has important implications for choice of target groups and the channels of distribution of the research results.

11.5 MAIN RECOMMENDATIONS

The evaluation team strongly recommends the continuation of the Yearbook Project although in a different form. The proposed changes relate both to the objectives and the structure so reflecting the fundamental changes underlined above.

- The original objective of the Project to provide policy makers with regular and reliable information on the human rights situation in the countries concerned should be widened from including primarily Northern governments to encompass Southern governments on an equal footing.
- As to the content of analysis and monitoring the emphasis of activities should be shifted from civil and political rights to economic, social and cultural rights. This will provide a basis for conducting serious analyses of the connection between structural adjustment, international financial institutions, trade, the activities of multinational corporations and development assistance and human rights. This implies a widening of the original objectives, which have not been fulfilled to any large degree, of linking development assistance and human rights. The other elements cited above are new, but they are of increasing importance for human rights conditions in Third World countries and thus should be included in the analysis. The widening of the target groups and the shift of emphasis from political and civil to economic, social and cultural rights and the incorporation in the overall analysis of the impact of major external Northern and globally based activities and actors are elements required to address human rights in developing countries in a relevant way with the additional aim of influencing the conditions of human livelihood in a positive direction.
- To bring about these changes fundamental alterations are required in the organisation and structure of the Yearbook Project. Most importantly it will require the establishment of genuine cooperation with development and human rights researchers and institutes in the South. It is imperative that such cooperation is established at an early stage so that the formulation of the new project within the broad framework presented above can emerge from mutual cooperation. This implies that the planning for a horizontal expansion of the project in the North should be

discontinued, and instead Norway and a few other countries, possibly the Scandinavian ones, should enter into frank and open discussions with relevant institutions in the South with the aim of establishing long term cooperation. It is impossible for the evaluation team at this stage to outline the organisational and administrative model of such a project, since it is essential that the model decided upon is developed *jointly* by Southern and Northern institutions, thus creating a genuine model of equal partnership.

- Cooperation with the South is imperative for various reasons. In order to have an impact on Southern governments, investigations into and analysis of human rights issues have to have a base in the South. To enhance the quality and relevance of the monitoring and analysis of economic, social and cultural rights, Southern and Northern researchers must cooperate in the long term on a continuous basis. Such a cooperation will allow for the healthy encounter of different perspectives, perceptions and attitudes which will help break new ground for the human rights analysis of complex issues e. g. related to culture and ethnicity. Such cooperation will contribute to a learning process among Northern based researchers which will help improve the overall monitoring and analyses of human rights issues available to Northern governments.
- The inclusion in the analysis of a wide range of activities and actors primarily with a base in the North, such as trade, aid, structural adjustment etc., will give the North a better picture of the impact of these activities on human rights conditions in the South for which they have a great deal of responsibility. This provides much potential for the North to affect these instruments, if they so desire. The inclusion of such activities in the overall analysis will enhance the legitimacy of the human rights demands of the North on the South and will help create a foundation for genuine cooperation on human rights research and monitoring between the North and the South.
- A reliable monitoring presence through local institutions in specific developing countries and a continuous cooperation between Northern and Southern institutions to interpret the data collected and analyse the political processes of change will offer a unique opportunity for the funding agencies, i.e. the MFA, to acquire policy relevant data for their long-term planning of development assistance and country strategies. A long time monitoring and research project has the flexibility and capacity to focus on specific geographical and thematic areas of interest for the policy planners in both North and South if so desired, thus providing applied data relevant to the decision making process.
- The Yearbook is currently organised into a thematic part consisting of unarranged articles and a section containing the country studies. The thematic part needs to be revisited so that a proper theme for each

Yearbook is adopted having relevance and bearing on the country studies in the same issue or which is organised around a topic that needs special attention or focus.

- As an alternative to the recommendation above, separate issues could be prepared for the thematic section and the case studies. This may enable the Yearbook to address short term concerns at more regular intervals and thereby also reach a wider audience. However, since we are suggesting a procedural change of the Yearbook, it is impossible, at this stage in the process, to give concrete recommendations as to the content of the forthcoming publication(s). This must be decided by the new partners in cooperation in due course.

- To establish a new focus and structure, will demand time, efforts and resources. It can not run parallel with the regular Yearbooks editions. We therefore recommend that the annual character of the Yearbook Project, at least in an interim period, is substituted by a "Human Rights in Developing Countries" publication series which reports on the methodological, theoretical, analytical and monitoring issues that emerge from the process of establishing the new foundation for the Project. Such a publication should be administered jointly by the participating Northern and Southern institutes.

- When the new project form has progressed substantially, discussion on the more permanent form of reporting should be initiated. Should the project return to the Yearbook format, one must reconsider the balance between thematic and country profiles, and assess other options for publications and the distribution of the information emerging from the project. Such a discussion will necessarily have to be conducted in the light of the experiences of the cooperation between the institutes and the potential for reaching the target groups most effectively with the most relevant and reliable information and analyses. We envisage that such an interim period will last for three to five years.

- The new project that emerges will, in addition to providing more relevant and reliable analyses about the human rights situation, also contain an element of institutional and capacity building in the South and the further enhancement of knowledge in the North. The new project will be of direct interest both to Ministry of Foreign Affairs, bilateral aid organisations, trade unions and other interested institutions and organisations in the North and should consequently have a wider funding potential, which should be actively capitalised on by the participating institutes to avoid being dependent on state donorship only.

- The new project should in addition to its publications aiming at informing and influencing government and concerned bodies in the North and the south, think through how the basic thrust of its findings could also

be made available to a broader audience. This would possibly require the establishment of other publication outlets aimed at reaching the press, media and the general public. In the final analysis it is only an enlightened general public striving for a human based development on a global scale that will enable the focus on these issues to be introduced or to remain on most governments' agenda.

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APPENDICES

PART I

APPENDIX A

EVALUATION OF CASE STUDIES

The general assessment of the country reports authored by researchers with a Norwegian connection has been presented in chapter 7 of this report. Below follows the evaluator's comments on each article.

AFRICA

(A) The Sudan, presentation in Yearbook 1995

The report on the Sudan is perhaps the most elaborate and detailed country study in the Yearbook. The author is able to capture and contextualize various problems that have afflicted the Sudan, making its record and image on human rights a matter of serious concern to Africa, the international community and donor agencies.

Since its independence in 1956, the Sudan has had no period of relative peace. Except for a relatively short period, there has been an almost uninterrupted period of war between an Arab Islamic dominated government led by the North and a predominantly black non-Muslim population in the South. The civil war, declaration of state of emergency, attempts to arabicize and islamicize the South, and a succession of military regimes have created a fertile ground for gruesome violations of human rights and principles of humanitarian law in the Sudan. The resultant conditions together with natural disasters precipitated an influx of displaced persons and refugees, which in turn has created a formal dependence on aid.

Sudan has been under investigation by the UN Human Rights Commission. Similarly, the continental African Commission on Human and Peoples' Rights adopted a declaration expressing its concern over the human rights situation in the Sudan. Numerous reports by Amnesty International and other human rights pressure groups have also voiced concern about the deteriorating human rights situation in the Sudan.

The complexity of existing human rights conditions in the Sudan is to a large extent a result of the implementation of Islamic Shariah law in the

most orthodox fashion, which, when combined with the wiles of undemocratic military regimes, adversely affected the enjoyment of civil and political rights as much as social and economic rights. The position of women and children, minorities and the non-Muslim populations of the South remains exceptionally vulnerable.

It is unlikely that a fundamental change in such deep seated attitudes rooted in religion will give way the easily to desired social transformation based on democracy and human rights, even with intensified international pressure and condemnation. Therefore, dialogue may hold the key towards creating a positive response and acceptance of value systems otherwise perceived as undermining the cultural and religious foundation of that society.

The presentation gives a very detailed account, well documented and researched, of the magnitude of the human rights situation facing the Sudan. Among others, the author is able to present, without bias, the place of Islamic *Shari'a* Law, and the deep consequences it has had for that society. However, little analysis is given on the way forward. It is unlikely that fundamental changes of such deep seated attitudes rooted in religion and tradition can give way, without resistance, to desired social transformations based on democracy and human rights, even with intensified international pressures and condemnation. It might also have been useful if the author had offered a comparative perspective of other countries more or less in the same position as the Sudan, so that the problems could not be seen as peculiar (though of serious concern) only to the Sudan. Therefore, dialogue may hold the key towards creating positive responses and acceptance of value systems otherwise perceived as undermining the cultural and religious foundations of that society.

(B) Namibia, presentation in Yearbook 1991

The Namibian case study follows closely the profile taken in the article on South Africa (above), although, unlike South Africa, the article on Namibia was written after the latter's independence in 1990. Having just emerged from the process of dismantling apartheid and racial discrimination, after many years of concerted international effort, the constitution of Namibia, and indeed its government policy, adopted a proactive approach with a strong commitment to human rights, democracy and economic reforms. Indeed it would be difficult to have taken a different approach bearing in mind the disruption and instability that could have been unleashed both from within and externally.

On the positive side, the government is seen to be taking measures that enhance or strengthen human rights in Namibia, ranging from ratification of international instruments, human rights education and support for

NGO initiatives, development of a human rights culture within the public administration, the judiciary and police service, etc. Having regard to the many years of apartheid rule in Namibia and the ensuing consequences for political, economic and social life of the majority of Namibians, the task of the new nation in building democracy and human rights on the ruins of apartheid is a formidable one.

The economy especially the level of poverty among the rural populations, the prevailing rural-urban imbalance, refugee problems, illiteracy, unemployment, the need for affirmative action and the restitution of land rights, the expectations created for a SWAPO led government and checks and balances from the opposition parties - all these factors are bound to generate challenges to the Namibian government and they will also serve as the basis for criticism of its human rights policy.

It is appropriate that the NGO community, and other actors concerned with human rights take a positive approach to drive a process which is already on course so that a stable foundation is laid at an early stage. In this way, the tendency of unleashing selective criticism only when pitfalls result and thereby preventing constructive dialogue, can be averted.

The article is well written and presented, much of it is narrative and descriptive because the assessments were made within a relatively short period after Namibian independence. Nonetheless, it has sufficiently identified areas of concern for the Namibian government, the donor community and various human rights actors.

(C) Tanzania, presentation in Yearbooks 1987, 1990 and 1994

Tanzania is one country which has been reported on at regular intervals, having three case studies featured in the 1987, 1990, and 1994 issues of the Yearbook. This gives a good basis upon which to measure improvement or deterioration of the country's socio-economic performance, including progress of human rights and democratisation. Tanzania has also been at the centre of major initiatives, whose goals and philosophy concerned the mobilisation and upliftment of the quality of life of the most impoverished sector of the population, although the implementation of this policy has not been without conflict with the greater pursuit of democracy and human rights. Tanzania has enjoyed and continues to enjoy a relatively peaceful stable government, despite the fact that the economy and living conditions have worsened over the last two decades.

Over thirty years of independence Tanzania was dominated by a one-party state, and although certain political freedoms were curtailed under the constitution, respect for individual dignity and freedoms was to a large extent promoted. The socialist oriented philosophy of *ujamaa* that

was at the centre stage of Tanzania's political, social and economic policies aimed at rapid transformation of the rural areas, building on traditional values of family, brotherhood and kinship solidarity, and also active government intervention in key sectors of the economy.

On the positive side, development of the public service sector and social infrastructure in education, rural water supply, health, transport, and values and attitudes that relate the self to the higher community gave the population a sense of wellbeing and esteem which made Tanzania a model for admiration, despite the shortcomings. This was also made possible by a government that was honest in the pursuit of its goals, with an ethic that severely punished corruption, motivated performance, and put accountability at the centre of public affairs.

On the negative side, the pursuit of development was pushed as a priority which had no room for other equally important goals in the process of social and economic development, and tensions started to emerge both from within and without. Ad hoc experimental measures which Tanzania adopted from time to time and the effects of the resultant setbacks created room for debate and criticism from within, even under the one-party state machinery. Such self reflection enabled a culture of tolerance to grow among the people, respect for the judiciary, and progression to a constitution that embraced human rights and ultimately a multi party state. The growing strength of the media, peoples organisations and NGOs will be a useful ally for a population which is politically sensitive and easy to mobilise. Tanzania, more than any other African country, has had consistent acrimony with the IMF and other donor agencies concerning its economic policies and the conditionalities which were imposed on Tanzania by the latter.

Over the years, conditionalities and outside pressures imposed on Tanzania for economic reforms and democratisation have not registered improvement in the social conditions of the people, but instead Tanzania has witnessed the gradual decay of its public sector, abandonment of the rural transformation programme, reduction in expenditure on and deterioration of health, education and other social services, decline in food production, price controls and soaring unemployment. With annual aid pledge standing at over \$1.2 billion and the debt burden at a staggering \$7.7 billion Tanzania's foreign dependence is exceptionally high. These conditions provide fertile ground for future instability and interventionist policies by the government which may not auger well for human rights, and which may also be exacerbated by the political problems over Zanzibar.

The developments in the economic sector have also been felt on the political front, with increased maladministration, corruption, alienation of people from their traditional lands, and worsening conditions for the marginalised rural populations, especially women. The economy will

therefore continue to drive the policies of Tanzania on a range of issues, including human rights and democratic governance.

All the three presentations on Tanzania capture well the salient features of Tanzania's socio-economic and political system and her attempts to institutionalise social progress and democratisation. However, given the uniqueness of Tanzania in its approach to aid and social transformation, more emphasis should have been placed on the following:

Firstly, the one-party state in Tanzania, much as it may be seen as negating the goals of democracy and human rights, has had a tremendous impact on Tanzania's social and economic life, which it has dominated for over three decades. This poses a challenge to the democratisation process, a challenge which is made real with worsening social and economic conditions and the absence of a culture of familiarity with multi-party politics.

Secondly, Tanzania's dependence on foreign aid and external financing of its national budget is exceptionally high, accounting for as much as 70 per cent. The role and place of aid, foreign investment and conflicts with the IMF has for a long time been at the centre of Tanzanian academic and political debate.

A feeling has been created that the worsening economic and social conditions are largely attributed to the imposition of conditionalities from outside, to further new forms of political and economic domination and dependence. Not only for Tanzania, but for other Third World countries as well, will this be a recurring theme requiring to be addressed in its proper context.

Tanzania, despite its stand on external dictates and influences on its policy, has nonetheless adopted various models and strategies of development which, though inward-looking incorporated ideas from outside. The results achieved have, however, not been meaningful. A sense of betrayal looms large to the extent that the transformations so urgently needed in Third World countries are vetoed, if the policies and strategies pursued ran counter to Western interests and philosophies.

Lastly, there are a number of instances in the reports where, for example, isolated contested occurrences like judicial executions, are presented as if they are rampant violations on the part of the state. The same can be said of handling of witches, which is not matched with the steps taken by party functionaries and the judiciary against perpetrators.

(D) Zimbabwe, presentation in Yearbook 1991

The Zimbabwe report adheres to the 1990 guidelines and contains alongside a detailed and well-founded analysis of the main conflict dimensions, a rather thorough coverage of economic, social and cultural rights.

The political analysis shows how from the late 1980s, ZANU shifted from emphasising the introduction of a one-party state to that of promoting a multi-party system. The analysis and documentation of human rights violations, however, clearly show as well that a de-facto one party system remained in the country into the early 1990s. After the repeal of the 25 year long state of emergency in July 1990 and multi-party elections, various Acts gave the government wide powers which were used to effectively curtail the unfolding of political freedoms.

The regional diversity, ethnic problems and the economic disparities existing are documented, factors that clearly contribute to the tense political situation. The land issue is highlighted indicating the strong economic role of the some 4000 commercial farms, mainly owned by white people. They control one third of the agricultural land, most of good quality, while more than 5 million people, or half the population of the country, have to survive in the so-called communal areas covering barely 40 per cent of the arable areas, most of poor quality. The social dynamite in this situation is unavoidable. While the investigation refers to the improvement in agricultural production in the communal areas in the late 1980s, it is not mentioned that most of this increased commercial production originated in only a small part of these areas. Social and economic differentiation is thus under way in the rural areas adding fuel to an already tense social situation.

The documentation and analysis appear solid, major areas and examples of relevance are covered and reported upon, and a fairly good analysis is presented of economic, social and cultural rights. The report has a substantial list of reference literature which supports the empirical material. Overall the report commands good quality.

ASIA

(A) Pakistan, presentation in Yearbooks 1990 and 1994

There are two case studies reporting on Pakistan in the Yearbook, one in 1990 when the government of Benazir Bhutto was dismissed, and the second in 1993. The first report is very brief, and lacks depth of content

and source references while the second study presents a very detailed yet critical account of the period between 1990 and 1993.

Pakistan had been under military rule for 11 years, and following a democratically elected government led by Benazir Bhutto, there was hope for improvement in human rights and social welfare. This expectation was also a challenge to the new government which did not enjoy a clear majority in Parliament and also had to deal with uncompromising opposition as well as difficult problems such as the stigma of human rights stemming from many years of military rule; the poor state of the economy including large military expenditure, large debt service ratio, low expenditure on physical and social infrastructure; escalating ethnic violence, growing disparities in incomes and extreme inequality; and more importantly, problems arising from Islam as the official religion and mode of life of Pakistanis.

With a declared commitment on human rights from the new government, the situation regarding civil and political rights showed signs of improvement: The government showed greater openness and willingness to cooperate with human rights NGO's; a number of international conventions were ratified (with the intention also to ratify the International Covenant on Civil and Political Rights (CCPR) and the international Covenant on Economic, Social and Cultural Rights (CESCR) at a later stage); the ban on trade unions, and political and students' organisations was lifted, including restoration of a number of freedoms hitherto abrogated. There was also commitment on government policy for improvement in the social and economic conditions of the population through education, health as well as improved conditions for women, children and ethnic, linguistic and religious minorities.

These measures were, however, of limited effect given the weak state of the economy, bitter political rivalries on the ground, Islamic dictates, and the long years of undermining by military rule, corruption and high handedness within the police, the judiciary and the public service in general. Although the study alluded to a secret pact on the eve of the elections between the caretaker government and the IMF together with conditionalities imposed by the latter on Pakistan, it falls short of addressing itself to the impact of same on human rights and socio-economic transformation in Pakistan. This could also be said of the land tenure system which is referred to in passing. Any attempt to bring about an improvement of the human condition in Pakistan must focus on how to change or influence religious and other attitudes entrenched in Islam. This pertains, among others, to the judicial system and the administration of justice, the position of women, children and minorities.

The second study was undertaken between the dismissal of the government of Benazir Bhutto and her subsequent resumption of office in 1993. During this time, the study revealed that there was no substantial

improvement or progressive change in human rights, but rather the contrary. There seems to have been a reversal of some of the gains made during the previous years.

The quota of seats guaranteed for women in the National Assembly was considerably reduced, from 20 to 4, as was expenditure on health (1 % of GNP) and education (2,5 % of GNP) with literacy rates for certain areas falling as low as 2 % for women. Official statements and policy documents seem to be at variance with conditions on the ground. Despite earlier indications to ratify CCPR, CESCR, this has not been the case nor is Pakistan a party to the Convention on Elimination of All Forms of Discrimination against Women or the Convention against Torture. The Convention on the Rights of the Child was ratified with reservations and worse of all, Pakistan's first report to the supervisory body under the CRC was rejected.

The study pointed to a worsening record of human rights, high handed police action, torture in prisons, extension of capital punishment offences, religious intolerance and prosecution of Christians and non-Muslim populations, including escalating conflicts between different Islamic sects. Taking into account institutional, political and social factors together with the prevalence of many laws that abrogated human rights, the existence of procedures and practices rooted in Islamic religion but incompatible with human rights, it has not been easy for Pakistan to register progress in democratization and development, driving her to pursue stability before legality and accountability.

In addition to unquestionable scholarship and very penetrating analysis, the study draws comparisons from the experiences of India and Sri Lanka as well as UN investigatory bodies.

(B) Cambodia, presentation in Yearbook 1991

In the report the author presents Cambodia as a battle ground devastated by war which has raged on for over three decades with the involvement of various national factions and international actors. The intensity of the war coupled with internal struggle for political control unleashed genocide conditions, influx of large populations, internally displaced persons and refugees, and uncontrolled violations of human rights. The country was pushed to the verge of economic collapse, and this condition was exacerbated by the destruction of the infrastructure, hindrances from engaging in agriculture as a result of the war and land mines, and on internationally imposed embargo on trade and development aid.

After many years of political stalemate, continued bloodshed and international uproar, the warring factions reached an internationally guaranteed settlement to restore peace and national reconciliation. The

Peace Accord signed in Paris in 1991 assigned a formidable mandated role to the United Nations Transition Authority in Cambodia (UNCTAC) together with the national leadership to work together towards a continuing process of creating an environment under which the rehabilitation and reconstruction of Cambodia, restoration of political activities and respect for human rights can take place. Much therefore depended on the outcome of the progress registered in executing the above mandate and also the honest commitment to the process by the foreign powers that support various internal factions involved in the conflict.

However, the stability and the survival of the transition process is threatened by the power vacuum that exists coupled with a high level of corruption, banditry, worsening socio-economic conditions and deep seated traditions of many years of totalitarian rule. Given these experiences, the author rightly points out that the restoration of political freedoms and human rights may therefore take a long time to be felt more so in a society where political factions hold in contempt the ethos of human rights and democracy. However, the author fails to explore how reconciliation and mutual trust can be restored internally, and similarly how external support and sympathy for the various internal factions can be deployed in a manner consistent with the settlement laid out in the Paris Accord. Reference to similar well known experiences would also have placed the Cambodian case study in a better perspective.

(C) India, presentation in Yearbook 1991

The India report is primarily based on a variety of Indian sources. The analyst has shown good judgement in the use of these sources which reflect as well the high scholarly level of Indian writers and observers.

The reporting includes relevant, well analysed examples about issues such as main conflict dimensions (secessionist forces in Cashmere, Assam and Punjab), administration of justice (Bhopal and the backlog in judiciary system) and adequate standards of living (Integrated Rural Development Programme and the Employment Guarantee Scheme in Maharashtra). As to the latter issue it is of great interest to note that major hunger incidences occur no longer in India, this in contrast to developments in Africa.

On health issues, the link is noted between the low levels of female literacy and high levels of infant mortality. This is parallel to correlations found in most developing countries, and it underlines the critical importance of female education. As to education facilities, nearly 30 per cent of primary schools are in "the open" with around 2600 lacking a teacher.

The report deals with the important issue of the marginalisation of tribal people, showing that major dam projects, such as the Narmada, will

displace among one million tribal people. World Bank support for this project was withdrawn due to massive protests and when the Indian state could not guarantee that environmental consequences of the project would be acceptable to the Bank.

In the area of economic rights, the structural adjustment process is well described, but is lacking in terms of analysis. However, overall social and economic rights are treated extensively, and the analysis manages as well to integrate the economic and political analysis. At times the investigation becomes a bit too dependent upon comments made by various UN or ILO investigative committees.

On the issue of equality and non-discrimination, a separate sub-section on children is added to that of women which provides a good picture of the problematics of child labour.

Altogether the report is of high quality and the investigation is based on a broad , relevant list of references.

(D) Nepal, presentation in Yearbook 1993

Nepal experienced more than thirty years of monarchical rule and following its overthrow in 1990 restoration of constitutionalism and multiparty democracy was made with the first election held in 1991. This set the scene for improved enjoyment of civil and political rights, many of which were adopted in the constitution, and also spearheaded ratification of a number of international human rights instruments.

Although there is no governmental human rights body, a human rights NGO community operates with effective monitors and support from the government even when the latter is in disagreement with the substance of the findings or report of the former.

Other positive features in the new constitution relate to a requirement for regular elections every five years, a 5% quota for women, and an attempt to recognise linguistic, religious and ethnic minorities coupled with measures against attempts to return to exclusionary politics based on same.

Given the long period under monarchical and undemocratic rule, violations continued to be registered in such areas as torture, extra-judicial executions etc. Deep seated gender bias against women and children, differential access to land, wealth and social services, and bonded labour founded on the Indo-Aryan caste system, including child marriages, are among the challenges that face the government if its long-term human rights goals are to be realised for a larger part of the population. Given the above conditions and the survival of past undemocratic tendencies,

together with exalted expectations of the population for accelerated development and improved welfare, the new democracy may remain a fragile one for some time.

Nepal is land-locked and one of the poorest among the LCD countries with a high population growth rate, poor socio-economic and service infrastructure. The capacity of the government to provide social services and welfare, and also to carry out its international obligation such as training in law enforcement and in the administration of justice are significantly limited.

The article is written in a simple and yet penetrating style with some comparisons drawn from the experiences of neighbouring countries, although too much effort is placed on narrating of the history and constitution-making process. There is little discussion of the impact of aid and aid conditionalities. The author merely dismisses the Structural Adjustment Programme (SAP) of the 80's as only relevant to the monetized sector of the economy with little effect on the welfare of the majority of the poor and rural population who operate in the informal sector. This conclusion is unfounded for a country like Nepal, neither is it empirically supported nor substantiated. One would also have expected more focus on the positive role that international involvement can play.

(E) Sri Lanka, presentation in Yearbook 1994

The Sri Lanka report adheres strictly to the 1990 outline. It focuses, understandingly, on the dramatic human and human rights effects of the internal war between the government and the separatist LTTE.

The Sinhalese dominated government has, according to the report, pursued policies of ethnically preferential treatment since independence in 1948. Under the heading civil and political rights a sound analysis of this conflict dimension is supported by empirical documentation and good discussions of relevant cases and incidences. The report is relatively strong throughout in terms of empirical documentation supported by a wide list of references.

On social and economic rights the report provides an overview of the economic structure and developments in agriculture where the expansion of agri-business and the declaration of conservation areas have led to marginalisation of the original dwellers. In this process villagers lose their traditional rights to access to resources and land and consequently become outlaws.

An extremely low population growth rate, 0.9 per cent in 1992, alongside a relatively low share of the population under 15 years of age, will put

pressures on the productive sphere of the economy in order to maintain the levels of social service delivery. The intensification of internal war, however, seems to be throwing society into deeper economic, social and ethnic crises.

The reporting on Sri Lanka had last occurred in the 1990 edition of the Yearbook. The present investigations manage well to fill the information gap of the early 1990s by presenting an analysis which puts emphasis on continuity. Overall the entry is of good quality.

(F) Bangladesh, presentation in Yearbook 1995

The report provides a good overview of the major issues related to the various types of human rights and manages to some extent to fill the information gap which has occurred from the time of the last coverage of Bangladesh in the 1990 edition of the Yearbook.

The structure and changes of government and the Constitution and the political situation are analysed well and the focus in the area of conflict dimensions is relevant. It appears that much of the political, social and cultural tension in Bangladesh is related to the penetration of Muslim fundamentalism into the Bengali cultural setting. The report notes that the influence of Muslim fundamentalism was accentuated in 1992/93, but in addition it could have been emphasised that the present situation is the outcome of a long term process of Islamic penetration. The analysis, however, shows great awareness of the cultural and religious aspects of the major conflict dimensions.

The reporting on economic background and development appears a bit brief, not enabling the investigation to provide an analysis of the processes of change and development associated in particular with the growth of the garment industry and the exodus of migratory workers. A striking situation is the high level of poverty in the urban areas. The land issue is addressed, but the drastic inequality in land distribution and its implications for urban poverty and exploitation of female labour in the garment industry could have been brought out better. The report rightly points to the extremely high aid dependence of Bangladesh.

Under economic, social and cultural rights the investigation contributes very good points on the relevance of education and in the section on equality and non-discrimination, in particular as regards women and children. The discussion of the situation in relation to the various human rights in this area is competently executed.

The investigations are well supported by an extensive list of references. Overall the report is of good quality, but the impression remains that the analysis on some counts could have been deeper. This is particularly felt

maybe because a long period of time has occurred since the last entry on Bangladesh, appearing in the 1990 edition of the Yearbook.

LATIN AMERICA

(A) Nicaragua, presented in Yearbook 1990 and 1992

Nicaragua featured in the Yearbook in 1989, 1990 and 1992. This review concerns the Norwegian contribution to the last two country studies in the Yearbook.

Nicaragua has been a country torn by competing political ideologies and ravaged by protracted internal war and conflict. The political history and deep involvement of the US together with the constant shift of political and military forces have tended to breed conflicting situations among loyalists from the political parties, and this has added another difficulty to the development of a civic culture.

Following the defeat of the Sandinista government in a widely monitored free and fair elections, the elected government of the National Opposition Union (UNO) reached an agreement with other political parties for peaceful change and the demobilisation of the contra forces. The UNO led government adopted a national constitution which limited state power and proclaimed Nicaragua's adherence to human rights. Other measures included the repeal of legislation which limited civil and political rights, ratification of international human rights instruments, including acceptance of the jurisdiction of the Inter-American human rights system, cooperation with local and international human rights NGO's and international monitoring and investigatory bodies.

There is no doubt that the electoral system coupled with the wide participation in the process by the international community ensured a competitive and peaceful campaign and general acceptance of the electoral result by a population readily poised to align itself with any move that brought an end to the war and the instability caused by the trade and aid embargo on Nicaragua.

However, despite the advances made earlier by the Sandinista government on such areas as education and health, existing social and economic conditions deteriorated and visible human rights violations continued to be registered. A wave of state of emergencies was declared under which rights were derogated, summary executions held and relations with minority indigenous populations continued to be conflictual. Some of the violations registered however, are attributable to the various internal groups rather than only to the Nicaraguan government itself.

The 1990 report does expose the strength and limitations of external influences as well as the dangers of human rights NGO's initiated and driven by the government or political parties. The references given at end of the report are sketchy although the text is rich in information and statistics from a variety of sources.

The second case study was undertaken barely a year after the first and in many respects, therefore, recounts the latter. During this period, political instability arose from the activities and the weakening base of the ruling coalition of UNO parties which did not enjoy the backing of the army or police as the latter two had remained in the hands of the Sandinistas. The wave of violence was fueled by information about armed bands of recontra and recompas, and this together with increased strikes, made it difficult to draw a line between politically motivated activities and banditry. Measures adopted by the government for politically peaceful solutions registered a degree of success and this paved the way for the backing of the government by the international community as well as increased aid.

Nicaragua's record of human rights seem to have registered improvement with intensified activities of human rights NGO's together with government initiative for human rights education in schools. However, the reporting obligation under international instruments was not always met, and government expropriation and privatisation action resulted in widespread resentment, fear and apprehension which created a potentially violent political climate.

The report addressed the instability and decline in the economy together with intervention measures adopted by the government to secure donor support, such as liberalisation of trade, privatisation, fiscal measures and taxation. However, a decrease in social spending, reduction in employment coupled with a decline in agriculture and export earnings brought in their wake considerable hardships for vulnerable groups and minorities. The report is generally well presented and balanced.

(B) Honduras, presentation in Yearbook 1994

The report provides a pointed analysis of the economic and political situation in the country. The analysis includes the important role of the military and US involvement, identification of social forces and the relation between the state and labour unions on one hand and peasant organisations on the other. Structural adjustment and its impact on economic and social consequences are well documented. In addition the analysis is able to address the important linkages between structural adjustment and political change.

As to civil and political rights the investigation strongly emphasizes the central role of disappearances and the lack of willingness by political authorities to allow investigations on this issue (the situation is parallel to that on Sri Lanka where the government rejected investigation of disappearances before January 1991). In Honduras the analysis shows, as in many other Latin-American countries, that the continuous establishment of ad-hoc commissions to investigate such matters results in a limited outcome, if any at all. The high number of killings and disappearances matched by the impunity of the army and the police have led to the judicial system lacking legitimacy.

The land question is well analysed showing the problems encountered by ethnic and minority groups in defending their access to and control of traditional lands. The analysis also points to the discrepancies between laws and actual developments on the ground, e.g. the law on modernisation of the agricultural sector which recognises equal rights to land for women appears against the context of continuing and major expulsions of indigenous people from their land.

The information provided is well backed by a wide list of references. The analysis is thorough and shows a good perception of the integration of the economic, social and political spheres. Altogether this entry is of high quality.

(C) Colombia, presentation in Yearbook 1995

The report is the first and only on Colombia in the Yearbook's ten year history. It is therefore of great benefit that the report provides a good analysis of the historical development of the political system. Of great relevance to human rights concern is the provision of information about an undeclared civil war between political adversaries which raged from 1948 to 1964 and about a state of emergency which has been in effect in the country for 35 of the last 42 years.

The analysis of the investigation is knowledgeable and manages to place the human rights analysis in the wider economic, political, social and cultural perspective.

Of particular interest is the analysis showing the emergence of a two party monopoly system during the 1960s. When the former traditional political parties were confronted with threats of organised social forces external to them, they joined hands and fought these contending forces with brutality in close alliance with the military.

While the drug trade dominates the international community's perception of Colombia, this in fact obscures the broader situation of state political

violence. International organisations report that drug cartels were responsible for only 1.8-4 per cent of the total number of reported human rights violations between 1991 and 1993. Between early 1993 and mid-1994 about 65-70 per cent of the human rights violations where the perpetrator was known, was reported to have been by agents of the state, military and paramilitary groups. The remaining violations were linked to the various guerrillas.

The political situation emerging in Colombia, has, according to the analysis, provided the ground for the militarisation of all levels of social conflict. Decades of civil conflict have given the armed forces significant political influence over government policy with regard to public order. The delegation of the management of public order to the military has given it influence and autonomy in defining and managing the country's central political problems. This has undermined the political legitimacy of the state which is reflected in a very high abstention rate in elections.

The government is criticised by human rights groups for having a cynical with double standards policy on human rights - failing to show the political will to improve the situation. The government's human rights policies are seen to be promoted mainly to attract foreign investments or to accommodate external structural adjustment conditionality, rather than being based on a genuine will to bring about profound changes.

The empirical information is well documented by an extensive list of references. The report is of high quality showing great competence both in the historical and contemporary phases.

APPENDIX B

Human rights in developing countries: a selected bibliography of periodicals, yearbooks , and reference material covering the human rights situation in developing countries.

by

Astrid Anderson

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Introduction

This bibliography of periodicals, yearbooks, publication series and reference material focusing on human rights in developing countries is based on searches in the various databases available at the University Library in Oslo, different sources available through the Internet, and on information found in the two social science directories referred to below. The searches have been limited to the terms “human” and “rights” (other terms, such as “civil” and “develop,” were used without success in attempts to extend or limit the searches), and the entries to this bibliography have been selected, according to the descriptions found in the various sources, from among the vast number of titles obtained from the searches. The bibliography is restricted to literature in English, German, French, Spanish and the Scandinavian languages. The comments and descriptions following the entries are not original but based on the annotations in the different bibliographies and descriptions found on the Internet, in *Ulrich's International Periodicals Directory* and in *Walford's Guide to Reference Material*. The comments have, however, been cross-checked and compared with the different sources and, as far as possible, narrowed down to what the different descriptions have in common. The quality of the publication data for the different entries varies and is not always satisfactory as far as information about frequency and date of publication, as well as ISSN/ ISBN codes, are concerned. It is also possible that some of the periodicals/ yearbooks have ceased, as it has been difficult to get up-to-date information about the current state of publication.

The first part of the bibliography covers periodicals, yearbooks and other publication series. The entries have been sorted into two categories according to areas of concern, primarily and secondarily by organization/institute of publication. The first category contains entries on human rights around the world, not limited to specific regions or countries (excluding those not dealing with human rights in developing countries). In order to indicate the availability of the literature from Norway, the entries have been sorted by countries and regions of publication, with UN as a separate category. The second category presents yearbooks and periodicals covering human rights in the regions of Africa, Asia, Latin and South America in particular, sorted by region of concern. The entries concerning the human rights situation in the particular countries have been limited to the countries covered by the yearbook and to titles available through searches from Norway (although without any assessment of the actual availability of the literature).

The second part of the bibliography contains references to directories, bibliographies, handbooks and other reference material on human rights. Directories of human rights organizations are not included. The entries are sorted by author or the publishing organization/institute when the author is not given.

The last part of the bibliography contains addresses and short descriptions of 8 major human rights resources on the Internet, obtained through the process of searching for information for this bibliography. Several such sites can be found on the Internet, and different sites frequently contain the same links and information. This presentation has therefore been limited to those sites that contain the most useful information, such as reports, news, and updates, important human rights documents, bibliographies, and links to other such sites on the Internet.

Part one: periodicals, yearbooks and publication series.

Human rights throughout the world:

Sorted by countries of publication within the regions of Africa, Asia/Oceania, Europe (Excluding Scandinavia), North America, Scandinavia and UN.

Africa

Arab Organization for Human Rights.

Newsletter. Giza, Egypt: Arab Organization for Human Rights. (Description based on no. 2, 1986).

University of Natal, Howard College School of Law.

South African human rights yearbook. University of Natal, Howard College School of Law, 1972 – (annual). ISSN 1354-3903.

University of the Witwatersrand, Centre for Applied Legal Studies.

South African journal on human rights. Johannesburg: University of the Witwatersrand, 1985 – (3/year). ISSN 0258-7203. (Covers human rights from a legal perspective).

VerLoren van Themaat Centre for International Law.

South African yearbook of international law. Pretoria, S.A.: VerLoren van Themaat Centre for International Law. 1975 – (annual). (Covers Issues relating to international law and South African foreign policy).

Asia and Oceania

Asian-African Legal Consultative Committee Secretariat.

Asian-African legal consultative committee. New Dehli: Asian-African Legal Consultative Committee Secretariat. (3/year).

Australian Council for Overseas Aid (ACFOA), Human Rights Office.

Research and information series. Melbourne: ACFOA Human Rights Office.

Soka Gakkai International (SGI).

S G I. Tokyo: Soka Gakkai International, Nichiren Shoshu International Center, 1993 – (quarterly). ISSN 0288-2930. (News from SGI. Advocates peace, environmental protection, human rights and cultural exchange. Text in English).

Third World Communications.

Thirdworld. Karachi: Third World Communications, 1977 – (monthly). ISSN 1018-8991. (Formerly *Third World International*, ISSN 0253-9527 and *Third World quarterly*). (Covers all aspects of developing countries' affairs, including political and economic analysis, international assistance programs and human rights issues).

Europe

Anti-Slavery Society for the Protection of Human Rights.

Anti-slavery reporter. London: Anti-Slavery International, 1840 – (quarterly).

Human rights and development working papers. London: The Society, 1979 – (irregular).

Human rights series. London: Anti-Slavery International.

Amnesty International.

Amnesty International newsletter. London: Amnesty International Publ., 1971 – (monthly). ISSN 0308-6887. (Formerly *Amnesty International review*). (Brief articles relating to Amnesty International's current human rights concerns).

Amnesty International report. London: Amnesty International Publ., 1962 – (annual). ISSN 0309-068X. (Formerly *Annual report*). (See also publications from the local Amnesty International groups).

Asociacion Pro-Derechos Humanos de Espana.

Derechos humanos. Madrid: Asociacion Pro-Derechos Humanos de Espana, 1986 – (quarterly). ISSN 1138-3812. (Concerned with the defence of human rights and freedom world wide).

Centre National de la Recherché Scientifique.

Human rights journal: international and comparative law. Paris: Editions A. Pedone, (quarterly). (Text in French and English).

Commission of the European Communities.

Courier. Brussels: Commission of the European Communities, 1975 – (bi-monthly). ISSN 1013-7343. (International law, development and assistance with a focus on Africa, Caribbean, Pacific and the European Union).

Defence for Children International.

International Children's right monitor. Geneva: Defence for Children International, 1983 – (quarterly). ISSN 0259-3696. (Attempts to foster awareness about, and efforts in favour of, children's rights around the world).

Dutch Human Rights and Foreign Policy Advisory Committee.

Report. The Hague: The Committee, 1985 – . (Periodic reports on foreign affairs, development cooperation and human rights).

Human Rights and International Law, Martinus Nijhoff Publishers.

Annual on terrorism. Dordrecht, Netherlands: Martinus Nijhoff Publ., 1987 – (annual). ISSN 0921-352X. (Ceased).

Basic legal documents on regional environmental cooperation. Dordrecht, Netherlands: Martinus Nijhoff Publ., 1991 – (irregular). (International law and environment).

Comparative law yearbook. Dordrecht, Netherlands: Martinus Nijhoff Publ., 1978 – (annual). ISSN 0169-0728.

Developments in international law. Dordrecht, Netherlands: Martinus Nijhoff Publ., 1979 – (irregular, monograph series). ISSN 0924-5332.

International Centre Against Censorship.

Article 19 bulletin. London: International Centre Against Censorship, 1987 – (3/year). ISSN 1011-3983. (Examines the fundamental right to freedom of expression around the world).

International Centre for the Legal Protection of Human Rights.

Interright bulletin. London: International Centre for the Legal Protection of Human Rights, (quarterly). ISSN 0268-3709.

International Commission of Jurists.

The review. Geneva: International Commission of Jurists, 1969 – . ISSN 0020-6393. (Reports and articles on human rights development in selected countries).

International Committee of the Red Cross (ICRC).

Annual report. Geneva: ICRC.

Bulletin. Geneva: ICRC, 1976 – (monthly). (Highlights of activities).

Panorama. Geneva: ICRC, (annual). (Report on ICRC's activities, including operations to protect victims of conflict).

International Federation of Red Cross and Red Crescent Societies.

Red Cross, Red Crescent. Geneva: International Federation of Red Cross and Red Crescent Societies, 1985 – (3/year). ISSN 1019-9349.

International Helsinki Federation for Human Rights.

Annual report of activities. Vienna: International Helsinki Federation for Human Rights. (Description based on 1988).

International Institute of Human Rights, Strasbourg.

Human rights law journal. [Strasbourg] Kehl, Germany: N.P. Engel Verlag, 1980 – (monthly). ISSN 0174-4704. (Formerly *The human rights review* (1976 – 1981) ISSN 0308-0765). (Articles, decisions, reports and documentation on Constitutional and Supreme courts decisions including texts of resolutions, declarations, case reports etc.).

International Institute of Humanitarian Law.

Yearbook of the International Institute of Humanitarian Law. San Remo: International Institute of Humanitarian Law, – 1988.

The Secretary General's report for the year San Remo: International Institute of Humanitarian Law, (annual). (Description based on 1984).

International Juridical Organization for Environment and Development.

IJO newsletter. Rome: International Juridical Organization for Environment and Development, 1988 – (quarterly). ISSN 1022-3878. (Environment, development and human rights).

Internationale Gesellschaft für Menschenrechte.

Human rights worldwide. Frankfurt a. M.: Internationale Gesellschaft für Menschenrechte, 1990 – (bi-monthly). ISSN 1015-5945.

Menschrechte. Frankfurt a. M.: Internationale Gesellschaft für Menschenrechte, 1976 – (5/year). ISSN 0171-5976.

Kluwer Law International.

International journal on children's rights. The Hague: Kluwer Academic Publishers, 1993 – (quarterly). ISSN 0927-5568. (Covers critical scholarship and practical policy development in all fields relating to children's rights).

International journal on group rights. The Hague: Kluwer Academic Publishers, 1993 – (quarterly). ISSN 0927-5908. (Discusses legal, political and social issues related to groups distinguishable because of ethnic, religious and other cultural factors).

International studies in human rights. The Hague: Kluwer Academic Publishers, 1993 – (irregular). ISSN 0924-4751. (Monograph series).

Minority Rights Group.

Annual report. London: The Minority Rights Group.

Outsider: newsletter of the Minority Rights Group. London: The Minority Rights Group, 1978 – (3/year). ISSN 0260-6402. (Formerly *Newsletter*).

Report. London: The Minority Rights Group, 1970 – (6/year). ISSN 0305-6252. (Covers problems facing the minorities around the world).

Netherlands Institute of Human Rights.

Netherlands quarterly of human rights. Utrecht: Kluwer Law and Taxation Publ., 1989 – (quarterly). ISSN 0924-0519. (Formerly *S I M newsletter* (1983 – 1988)). (Covers the theory and practice of international human rights protection, human rights news and important documents on human rights around the world).

Oxford University Press.

International journal of refugee law. Oxford: Oxford University Press, 1989 – .

Royal Institute of International Law.

British yearbook of international law. Oxford: Oxford University Press, 1920 – (annual). ISSN 0068-2691.

Slavery and Abolition (Frank Cass & co).

Slavery and Abolition, a journal of slave and post-slave studies. Ilford: Frank Cass & co, 1980 – (3/year). ISSN 0144-039X. (Discusses all aspects of human bondage throughout the ages).

Survival International.

Ethnies, droits de l'homme et peuples autochtones. Paris: Survival International (France), 1985 – . ISSN 0295-9151. (Reports on indigenous peoples throughout the world).

Survival. London: Survival International, 1983 – (biennial). ISSN 1353-0488. (Formerly *Survival International news*).

Survival international annual review. London: Survival International, 1988 – (annual). ISSN 0308-2857. (Covers SI field projects and human rights violations the last year).

Survival International documents. London: Survival International. (Description based on new series; 3, 1986). (Reports on tribal peoples and their right to decide their own future).

Urgent action bulletin. London: Survival International, 1982 – (irregular). (Covers events affecting the rights of indigenous peoples).

T.M.C. Asser Institute.

Netherlands international law review. Dordrecht, Netherlands: T.M.C. Asser Institute. Martinus Nijhoff Publ., Human Rights and International Law, 1953 – (quarterly). ISSN 0165-070X.

Netherlands yearbook of international law. Dordrecht, Netherlands: T.M.C. Asser Institute. Martinus Nijhoff Publ., Human Rights and International Law, 1970 – (annual). ISSN 0167-6768.

Third World Quarterly.

Third World quarterly: journal of emerging areas. Oxfordshire: Carfax Publishing Company, 1979 – (quarterly). ISSN 0143-6597. (Leading interdisciplinary journal on international development and assistance).

University of Nottingham, Department of Law.

International human rights report. Nottingham, England: University of Nottingham, Department of Law, 1994 – (3/year). ISSN 1351-542X. (Aims to provide access to a range of international documents relating to human rights required by academics, students, practitioners and others).

World University Service.

Human rights bulletin. Geneva: World University Service. (Formerly *WUS and human rights*).

North America

American Association for the Advancement of Science (AAAS).

Annual report. Washington, DC: Science and Human Rights Program, AAAS.

Report on science and human rights. Washington, DC: Science and Human Rights Program, AAAS, (2/year).

American Society of International Law.

American journal of international law. Washington, DC: American Society of International Law, 1907 – (quarterly). ISSN 0002-9300. (Publishes articles and commentaries on developments and judicial decisions in international law).

Boston College, School of Law.

Boston Third World law journal. Newton, Mass.: Boston College, School of Law, 1980 – . ISSN 0276-3583. (Legal issues in the Third World and civil, human and minority rights throughout the world).

Center for International Policy.

Human rights and the U. S. foreign assistance program. Washington, DC: Center for International Policy, 1978 – (annual). ISSN 0161-6684.

International policy report. Washington, DC: Center for International Policy, 1975 – (6/year). ISSN 0738-6508. (Reports on US policy towards the Third World and its impact on human rights and human needs).

Center for World Indigenous Studies.

Fourth World journal. Olympia, Washington: Center for World Indigenous Studies, (quarterly).

Occasional papers. Olympia, Washington: Center for World Indigenous Studies, (irregular).

Center on Rights and Development.

Global justice. Denver, CO: Center on Rights and Development, 1990 – (3/year). ISSN 1060-0884.

Columbia Law School.

Columbia human rights law review. New York; Columbia Law School, 1970 – (2/year). ISSN 0090-7944. (Domestic and international issues in human and civil rights).

Cultural Survival.

Cultural survival occasional papers. Cambridge, MA: Cultural Survival, 1980 – (irregular).

Cultural survival quarterly. Cambridge, MA: Cultural Survival, 1987 – (quarterly). ISSN 0740-3291 (Formerly *Cultural survival newsletter* (1976 – 1986)).

Department of State.

Annual human rights reports. Human Rights, the Helsinki Accords, and the United States: selected executive and congressional documents, submitted to Congress by the U. S. Department of State. Buffalo, NY, 1986 – .

Country reports on human rights practices. Submitted to the Committee on Foreign Relations, U. S. Senate and Committee on Foreign Affairs, U. S. House of Representatives by the Department of State. Washington D. C.: U. S. Government Print. Office, 1979 – . (See also the *Annual human rights reports* series).

Freedom House.

Comparative survey of freedom. New York, NY: Freedom House, 1970 – (annual).

Freedom monitor. New York, NY: Freedom House, 1985 – (bi-monthly).

Freedom review. New York, NY: Freedom House, 1979 – (bi-monthly). ISSN 1054-3090. (Documenting the universal struggle for freedom with emphasis on strengthening democratic institutions).

Global Education Associates.

Breakthrough. New York: Global Education Associates, 1986 – (quarterly). (Covers world peace and security, ecological responsibility and human rights).

Harvard University, Law School.

Harvard human rights journal. Cambridge, MA: Harvard University, Law School, 1988 – (annual). ISSN 1057-5057. (Formerly *Harvard human rights yearbook*). (Explores issues in human rights studies).

Human Rights Advocates.

Human Rights Advocates newsletter. Berkeley, CA: Human Rights Advocates, 1982 – . (Promotes international human rights law through education and litigation).

Human Rights Internet (Human Rights Centre, University of Ottawa).

Human rights internet reporter. Ottawa: Human Rights Internet, 1976 – (2/year). ISSN 0275-049X. (Formerly *Human rights internet newsletter*). (Annotated bibliographies on new literature, articles on human rights, calendar of conferences and seminars, international developments, national measures related to human rights, and news on attacks on human rights activists).

Human rights tribune / Tribune des droits humains. Ottawa: Human Rights Internet, 1992 – (quarterly). ISSN 1192-3822, ISSN 1188-6226.

Human Rights Watch.

Human right watch. New York, NY: Human Rights Watch, 1982 – (quarterly). ISSN 0275-0392. (Investigates human rights abuses around the world).

Human right watch quarterly newsletter. New York, NY: Human Rights Watch, 1991 – .

Human right watch free expression project. New York, NY: Human Rights Watch, (irregular). ISSN 1079-2333. (Formerly *Fund for free expression*. ISSN 1057-5057).

Human rights watch world report. New York, NY: Human Rights Watch, 1990 – (annual). ISSN 1054-948X. (Merger of *Human Rights Watch, Annual report* and *Administration's record on human rights in ...*). (Monitors and promotes human rights throughout the world).

Human right watch women's rights project. New York, NY: Human Rights Watch, (irregular).

International Human Rights Law Group.

Law group docket. Washington, DC: International Human Rights Law Group, 1981 – (semi-annual). (Monitors human rights violations and promotes international human rights law).

International League for Human Rights.

Annual Review. New York, NY: International League for Human Rights, 1950 – (annual). ISSN 0363-9347. (Formerly International League for the Rights of Man, *Annual Report*).

Human rights bulletin. New York, NY: International League for Human Rights, 1945 – (semi-annual). (Formerly *Rights of man*).

Lawyers Committee for Human Rights (formerly Lawyers Committee for International Human Rights).

Annual Report. New York, N. Y.: The Committee. (Description based on Jan. 1982). ISSN 8755-1462.

Bulletin. New York, N. Y.: The Committee, 1980 – . ISSN 0897-1358.

Critique of the US State Department's country reports on human rights. N. Y.: The Committee. 1979 – (annual).

Meiklejohn Civil Liberties Institute.

Human rights and peace law docket. Berkeley, CA: Meiklejohn Civil Liberties Institute, 1993 – (biennial). ISSN 1064-4016. (Formerly *Peace law docket* (– 1992) and *Studies in law and social change* (– 1987)). (Publishes digest of national and international court cases).

Minnesota Advocates for Human Rights.

Human rights observer. Minneapolis, MN: Minnesota Advocates for Human Rights.

National Central American Health Rights Network.

Links: health and development report. New York, NY: National Central American Health Rights Network, 1983 – (quarterly). ISSN 0894-3036. (Promotes health in the Third World and works to keep the public informed of health and human rights issues in the area).

PEN American Center.

Freedom to write bulletin. New York, NY: PEN American Center, 1972 – (quarterly). (Defends the freedom of expression wherever it may be threatened).

PENewsletter. New York, NY: PEN American Center, (quarterly).

Social Issues Resource Series.

Human rights. Boca Raton, Florida: Social Issues Resource Series, 1978 – (annual). ISSN 0273-2521. (Reprints articles on worldwide human rights violations).

Studies in human rights (Greenwood Publishing Group).

Studies in human rights. Westport, CT: Greenwood Press, 1975 – (irregular, monograph series). ISSN 0146-3586.

Urban Morgan Institute for Human Rights.

Human rights quarterly: a comparative and international journal of the social sciences, humanities and law. Baltimore, MD: Urban Morgan Institute for Human Rights, John Hopkins University Press, 1979 – (quarterly). ISSN 0275-0392. (Formerly *Universal human rights* (– 1981)). (Interdisciplinary articles and book reviews related to all aspects of human rights).

Scandinavia

The Advisory Board for International Human Rights Affairs.

Publications. Helsinki: The Board. ISSN 0789-6166.

Chr. Michelsen Institute.

Annual report. Bergen: Chr. Michelsen Institute.

Report. Bergen: Chr. Michelsen Institute, (irregular). (Institute studies reports).

Working papers. Bergen: Chr. Michelsen Institute. (Formerly *Working paper. Programme for human rights studies* (– 1993)). (Development and human rights issues).

International Peace Research Institute (Norway).

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Publ., 1987. 393p. ISBN 0-905450-3. (Reports on fact finding missions sponsored
both by governmental and non-governmental organizations).

Walters, Gregory J.

Human rights in theory and practice: a selected and annotated bibliography.
Metuchen, NJ: Scarecrow Press, 1995. ISBN 0810830108.

Whalen, Lucille.

Human rights - a reference handbook. Santa Barbara, Calif.: ABC-Clio, 1989.
218p. ISBN 0874360935. (Collection of materials on human rights useful to
researchers, teachers, students, activists and others. Contains annotated
bibliographies and texts of important human rights documents).

Part three: Human rights resources on the Internet.

American Association for the Advancement of Science (AAAS)

<http://www.aaas.org/spp/dspp/shr/shr.HTM>

Contains an updated and extensive directory of human right sites and documents on the Internet and numerous links to all kinds of human rights related web resources and human rights organizations, international, regional and for the particular countries (such as Amnesty International, Red Cross, UN, Human Rights Watch, PEN, UN, etc.).

Amnesty International

<http://www.amnesty.org>

Contains Amnesty International's *Country Reports*, extensive summaries of AI's *Annual reports*, daily news releases concerning the state of human rights around the world, and a list of recent Amnesty International publications. Provides links to a number of other human rights related sites on the web.

DIANA International Human Rights Database

<http://www.law.uc.edu/Diana>

DIANA (named after Diana Vincent-Daviss and short for Direct Information Access Network Association) is a project of an association of human rights

advocates, scholars and law librarians aiming at gathering all kinds of relevant human rights information into one database; an electronic library. By July 1996 three American Universities had joined the project; University of Cincinnati College of Law, University of Minnesota Human Rights Library, and Yale University Law School. The sites contain a collection of bibliographies on human rights; on human rights in the African context, women's rights, international human rights law, indigenous peoples rights and human rights and education. Provides access to treaties, conventions and other documents by the UN, EU, The Organization of African Unity, Organization of American States, and to regional human rights documents (such as the Amnesty International country reports, etc.) as well as links to other human rights sites on the internet.

The Fletcher School of Law and Diplomacy: Multilateral Projects, Human Rights.

<http://www.tufts.edu/fletcher/multilaterals>

The Fletcher School of Law at Tuft University in Massachusetts maintains this site which contains a collection of texts of international multilateral conventions, among them, treaties of human rights such as The Geneva Convention, The Universal Declaration of Human Rights (1948), The European and American Conventions on Human Rights, etc. The site also provides several links to other human right resources.

Global Democracy Network

<http://www.gdn.org>

“A project of the Parliamentary Human Rights Foundation (<http://www.phrf.org>) to better utilise modern communications technology as tools to assist democratic institutions and to provide the Internet community with a source of information related to human rights and democracy” (from the introduction to the web-site). Contains, among others, links to a gopher site containing all the US State Department's *Country reports* since 1992 and human rights reports from the AAAS and the Human Rights Watch.

The Human Rights Gopher

<gopher://gopher.humanrights.org:5000/1>

Contains documents such as reports, newsletters, press releases, action alerts, and other information concerning human rights from, among others, AAAS, Amnesty International, Committee to Protect Journalists, Human Rights in China, Human Rights Watch, PEN, and Physicians for Human Rights.

Human Rights Web by Catherine Hampton

<http://www.traveller.com/~hrweb/hrweb.html>

A very informative site kept by Catherine Hampton, independent of any organisation (although she is a member of Amnesty International). Contains information on human rights in general, a short history of human rights movements and biographies on some prisoners of conscience. Provides links to

human rights legal and political documents, numerous human rights organizations, UN and government sites, regional and national human right resources, and to other human rights resources. Contains also addresses to e-mail lists and news groups discussing human rights.

Minnesota Human Rights Library (University of Minnesota Human Rights Center)

<http://www.umn.edu/humanrts>

Collection of the most important international human rights treaties, material on the work of the UN human rights bodies, human rights bibliographies, regional material, links to other sites, and a search function for legal information elsewhere on the web. The site is a part of the DIANA project. UMN Human Rights Center also cooperates with the Makerere University Human Rights and Peace Center in maintaining the site "African Human Rights Resource Center." The link to this site is also available from Minnesota Human Rights Library.

Sources:

Bibsys Library System. Includes the Library of Congress catalogue – 1995. (<http://www.bibsys.no/bibsys.html>).

Day, Alan and Joan M. Harvey, eds.

Walford's guide to reference material; social and historical sciences, philosophy and religion. 6th ed., vol. 2. London: Library Association Publishing, 1994.

Hampton, Catherine.

Human Rights Web (<http://www.traveller.com/~hrweb/resource.html>).

Perkins, Steven C.

Researching Indigenous peoples rights under international law. University of Cincinnati College of Law, 1992. (<http://www.law.uc.edu/Diana/ipr.html>).

Ulrich's international periodicals directory 1996. 34th edition. New Providence, NJ: R.R. Bowker, 1996.

Ulrich's Plus. CD-ROM periodicals directory. R.R. Bowker, 1987 – 1994.

University of Minnesota Human rights library:

(<http://www.umn.edu/humanrts/bibliog/biblios.html>)

– *Bibliography for research on international human rights law*.

(Based on bibliographies by Frank Newman & David Weissbrodt (1990 and 1994) and Lyonette Louis Jacques & David Weissbrodt (1990)).

– *Bibliography: human rights in the African context*. (In cooperation with the Makerere University Human Rights and Peace Center).

PART II

APPENDIX C

ARTICLES EVALUATED AND THEIR EVALUATORS

THEMATIC ARTICLES:

- *Promoting Human Rights in Poor Countries: The New Political Conditionality of Aid Policies*, by Bård Anders Andreassen and Theresa Swinehart, 1991
Evaluated by Kjell Havnevik
- *The Philosophical-Existential Issues of the Human Rights Project: Challenges for the 21st Century*, by Marek Thee, 1993
Evaluated by Nasila Rembe
- *Negotiating Democracy and Human Rights: The Case of South Africa*, by Elling N. Tjønneland, 1993
Evaluated by Nasila Rembe
- *Human Rights and Economic Efficiency: The Relationship between Social Cost of Adjustment and Human Rights Protection*, by Sigrun I. Skogly, 1994
Evaluated by Kjell Havnevik
- *Responses to Human Rights Criticism: Kenya-Norway and Indonesia-the Netherlands*, by Peter Baehr, Hilde Selbervik and Arne Tostensen, 1995
Evaluated by Kjell Havnevik

COUNTRY PROFILES:

- Kenya, 1990 by NIHR
Evaluated by Kjell Havnevik
- Nicaragua, 1990 by NIHR
Evaluated by Nasila Rembe
- Pakistan, 1990 by NIHR
Evaluated by Nasila Rembe
- Tanzania, 1990 by CMI

Evaluated by Nasila Rembe

- Cambodia, 1991 by Hanne Sophie Greve
Evaluated by Nasila Rembe
- India, 1991 by Hugo Stokke
Evaluated by Kjell Havnevik
- Namibia, 1991 by Martin Breum
Evaluated by Nasila Rembe
- Nicaragua, 1991 by Stener Ekern
Evaluated by Nasila Rembe
- Zimbabwe, 1991 by Åshild Samnøy
Evaluated by Kjell Havnevik
- Kenya, 1993 by Bård Anders Andreassen
Evaluated by Kjell Havnevik
- Nepal, 1993 by Hugo Stokke
Evaluated by Nasila Rembe
- Honduras, 1994 by Kristin Høgdaahl
Evaluated by Kjell Havnevik
- Pakistan, 1994 by Hugo Stokke
Evaluated by Nasila Rembe
- Sri Lanka, 1994 by Bendigt Olsen
Evaluated by Kjell Havnevik
- Bangladesh, 1995 by Steinar Askvik
Evaluated by Kjell Havnevik
- Colombia, 1995 by David Gardner and Eve Irene Tuft
Evaluated by Kjell Havnevik
- Sudan, 1995 by Nada Merheb
Evaluated by Nasila Rembe

APPENDIX D

LIST OF COUNTRIES COVERED IN
THE YEARBOOK (1985-1995)

	1985	1986	1987	1989	1990	1991	1993	1994	1995
Angola								x	
Bangladesh	x	x	x	x	x				x
Botswana		x	x	x	x				x
Cambodia						x			
China					x			x	
Colombia									x
Costa Rica					x				
El Salvador						x			
Ghana								x	
Guatemala					x		x		
Honduras								x	
India	x	x	x	x		x			
Indonesia					x		x		
Kenya	x	x	x	x	x		x		
Leshoto							x		
Mozambique	x	x	x	x		x			
Namibia						x			
Nepal							x		
Nicaragua		x	x	x	x	x			x
Nigeria									x
Pakistan	x	x	x	x	x			x	
Peru					x		x		
Philippines				x	x				x
Sri Lanka	x	x	x	x	x			x	
Sudan					x				x
Suriname				x		x			x
Tanzania	x	x	x	x	x			x	
Uganda						x			
Viet Nam							x		
Zambia	x	x	x	x		x			
Zimbabwe			x	x		x			



TERMS OF REFERENCE
FOR
THE EVALUATION OF THE PROJECT
“HUMAN RIGHTS IN DEVELOPING COUNTRIES”

II. INTRODUCTION

1.1 The documentation and information project *Human Rights in Developing Countries* (the Project) was initiated in 1985 with the publication of the first annual Yearbook. Whereas the Project in its first years had a tentative approach, it has gradually developed its form and improved both scientific quality and perspective with a substantial international participation. What began as a joint project between two Norwegian institutions, The Norwegian Human Rights Project (NIHR) and Chr. Michelsen's Institute (CMI), has with time developed into a much wider undertaking. The last three years (up to and including 1996) it has been administered by the Dutch Human Rights Institute (SIM), including full responsibility for editing and publishing the Yearbook.

1.2 The Yearbook's dual mandate has been to provide continuous, reliable information on the status of human rights in relevant aid - partner countries (country reports) and to present in thematic essays, discussions of essential problems related to human rights and development assistance. The publication has aimed at a broad audience, including government agencies, embassies, the media, non-governmental organisations and the academic community.

1.3 The Project has been funded by development aid authorities in the participating countries (Austria, Denmark, the Netherlands, Sweden and Norway). In the case of Norway, the Project has been developed in consultation with responsible departments in the Ministry of Foreign Affairs.

1.4 The position of human rights - issues in foreign policy and development assistance has during the last decade been significantly strengthened. Project - "clients", interest groups and number of informants have increased strongly in numbers. The access to information has thus improved considerably. Against this background, the need has emerged for an evaluation of the Project; of its content, scientific quality, and the demands for information it is meant to meet. The time perspective will concentrate on the period from 1990 to 1996, with specific focus on the Norwegian "scene".

II. OBJECTIVES OF THE EVALUATION

The objectives of the evaluation will be to assess:

1. the scientific quality of Norwegian contributions to the Yearbook, with particular emphasis on methodology;
2. the contribution of the Project in developing Norwegian competence in the human rights field;
3. the cost effectiveness of the Project;
4. the utility and impact of the Project in relation to its target groups
5. the possible future role of the Project in regard to institution-, competence- and capacity building in aid recipient (partner) countries taking into account the experiences so far;

III. THE SCOPE OF THE EVALUATION

To the extent relevant information can be collected, the evaluation shall address but not necessarily be limited to the following:

3.1 Organization, Management and Cost-effectiveness

3.1.1 assess performance, relevance and cost effectiveness of the Project's organisation, management structure and personell, also in relation to expected future trends

3.1.2 assess the degree to which cooperation under the Project between NIHR and CMI contributed to enhancing scientific quality, cost-effectiveness, competence development etc. The wider implications of this relationship should also be analyzed in terms of the Project's international partnership (the Nordic countries, Austria and the Netherlands)

3.1.3 analyse the role of Norwegian aid authorities (MFA, NORAD) in providing feedback and advice to the Project

3.1.4 assess the effectiveness and coverage of the Yearbook's distribution

3.2 Quality and Design

3.2.1 assess the scientific quality of the thematic studies, including profile (selection of themes, problems for investigation), timeliness, methodology, as well as relevance and appropriateness of the guidelines for the country reports

3.2.2 consider, with both past and future perspectives in mind, the balance between thematic studies and country studies

3.2.3 collect and analyze user groups assessments of impact and utility including form, content, timeliness and pedagogical approach

3.3 Relevance

3.3.1 Have the Yearbook's topics/guidelines for country studies been relevant for the further elaboration of human rights policies and instruments within development assistance?

3.3.2 Does the Yearbook duplicate other national, regional or international publications. Discuss how the Yearbook profile could be further developed

3.4 Competence building

3.4.1 Consider possible future roles of the Project in building Norwegian capacity and competence within the field of human rights and similarly, in relevant partner countries and regions.

IV. CONCLUSIONS AND RECOMMENDATIONS

The evaluation team shall present conclusions and recommendations with regard to improvements related to:

4.1 the scientific quality, design and profile of the Yearbook

4.2 the use of resources and organisation-, management- and personell-performance

4.3 the impact and relevance of the Yearbook in relation to users

4.4 the competence building effects of the Project in Norway and in relevant developing countries

4.5 the Project's contribution to public debate and "policy dialogue" with aid authorities, national and international non-governmental organisations and developing country authorities

V. METHOD AND ORGANIZATION

5.1 The evaluation shall be implemented during the months of May, June, July and August 1996 by a team of four. Team members shall have relevant technical and organisational knowledge and experience. One member shall represent a relevant "southern institution".

5.2 The evaluation shall be based on

- registry/document studies
- interviews and discussions
- a user-analysis
- a bibliography of relevant literature

5.3 A draft report in English shall be presented to the MFA before 15 August 1996. The assignment shall be completed before 1 September 1996.

Guidelines for the Country Reports*

Background to the Guidelines

Since the first English language publication of the *Yearbook on Human Rights in Developing Countries*, the original guidelines have formed the framework for the writing of the country reports. Over the years, these guidelines have been elaborated. In the mid-1980s, the guidelines concentrated on social and economic rights, as there was little international monitoring in this field. At the same time, it was not considered possible to obtain a full picture of the human rights situation in a specific country without reporting on civil and political rights as set forth in the relevant articles of international human rights instruments. The focus of the country reports is on trends and changes in government human rights policies and practices rather than on individual human rights violations. As a result, attention must also be paid to governments' position on human rights and systems of governance. The Universal Declaration of Human Rights (UDHR), the Covenant on Civil and Political Rights (CCPR) and the Covenant on Economic, Social and Cultural Rights (CESCR), and other United Nations (UN) and regional human rights instruments are used as terms of reference to assess human rights performance in the relevant countries. All reports contain the following parts: a Summary, Government Position on Human Rights, System of Governance and the Right to Participation, Civil Rights, Social and Economic Rights, Equality and Non-Discrimination and the Rights of Peoples and Minorities.¹

Summary

The Summary briefly describes general developments in civil, political, social, economic and cultural rights. Main trends and changes over the past three years are identified, and an indication is given to what extent improvements or deteriorations have taken place.

Government Position on Human Rights

This part identifies whether and how the Government applies human rights obligations and its reactions to allegations of human rights violations. Insight is given into the establishment of national human rights organizations. The part is subdivided into three sections, each addressing the following subjects.

This is a summary of the guidelines used by the authors for writing country reports. Authors were given discrepancy regarding the emphasis they give to the different sections, depending on the local situation in the country.

- 1) International Human Rights Obligations
 - ratification of the main human rights treaties;
 - reservations in force (their justification and implications);
 - derogations from existing human rights obligations;
 - implementation of reporting obligations;
 - methods of domestic implementation;
 - possibilities for nationals to submit individual complaints.
- 2) Basic Governmental Statements, Including Reactions to Allegations of Human Rights Violations
 - policy pronouncements;
 - governmental attitude to international, foreign or domestic demands concerning investigations of alleged human rights violations.
- 3) Establishment of National Human Rights Bodies
 - governmental and/or non-governmental.

System of Governance and the Right to Participation

The articles addressed in this part are Articles 18-21 UDHR, Articles 18-22 and 25 CCPR and Articles 8 and 15 CESC. The emphasis is on the main entities which dominate the political system, how these entities come to power and how they are controlled. Can citizens participate in the political system and are there mechanisms by which they can voice criticism about the Government and its policies? The focus in the sections is the following:

- 1) Structure of Government and Political System
 - the right of everyone to take part in the Government of his country;
 - general features of the political system;
 - prevailing ideology;
 - tolerance of alternative ideologies or power systems;
 - role of the military and the security forces;
 - the legal and factual status of political parties;
 - safeguards in one-party State for democratic procedures within the party.
- 2) Main Conflict Dimensions within Political, Social and Economic Life
- 3) Public Emergency
 - constitutional and other legislation defining public emergencies;
 - if a public emergency is in force, have the requirements of Article 4 CCPR been met?
 - suspension of democratic procedures.

- 4) Non-Governmental Entities
 - other entities besides political parties having a significant political role;
 - acceptance of social movements or interest groups.
- 5) Political Participation
 - the right to vote;
 - periodic, genuine and free elections;
 - inclusive and pluralistic political system;
 - access to public service.
- 6) Political Freedoms
 - respect for freedom of thought, expression, information, religion, assembly and association (including freedom of trade unions).

Civil Rights

This part addresses specific rights set forth in the CCPR and the UDHR. It encompasses the right to life, liberty and integrity of the person. The section is divided into a number of subsections. Furthermore, the administration of justice and freedom of movement are addressed.

1) Life, Liberty and Integrity of Person

1.1 Right to Life:

- use of capital punishment;
- is capital punishment provided for by law?
- does the law meet the requirements of Article 6 CCPR?
- is the death penalty carried out; if so, is it exercised in conformity with Article 6 CCPR and/or the regional instruments and/or national law?
- occurrences of extrajudicial executions;
- has the Government investigated reports of extrajudicial executions?
- have the results been made public?
- have any perpetrators been found and if so, have they been prosecuted?
- has the UN Rapporteur on Summary and Arbitrary Executions submitted cases to the Government? If so, has the Government responded?
- other threats to the right to life, *e.g.* starvation, wars, environmental disasters.

1.2 Enforced or Involuntary Disappearances:

- occurrence of disappearances;
- does the Government conduct investigations of disappearances?
- submittance by the UN Working Group on Disappearances of cases to the Government and the Government's response;

1.3 Torture and Ill-Treatment (concerning Article 5 UDHR, Article 7 CCPR, and the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment):

- is torture forbidden by national law?
 - occurrence of torture;
 - are cases of torture isolated or widespread and systematic?
 - has the Government investigated reports of torture?
 - have torturers been indicted/prosecuted/convicted?
 - measures taken by the Government to prevent torture by instructing police/military/security personnel;
 - submittance by the UN Special Rapporteur on Torture of cases to the Government and the Government's response;
 - prison conditions;
 - other forms of cruel, inhuman or degrading treatment, such as corporal punishment, abuse of children, medical or scientific experiments, taken place.
- 1.4 *Condition of Detention, Prison Conditions, Juvenile Delinquents* (concerning Article 10 CCPR).
- 1.5 *Right to Personal Liberty* (concerning Article 9 UDHR and Articles 9 and 11 CCPR):
- arbitrary arrest and detention;
 - detention without charge;
 - long or prolonged pre-trial detention;
 - are those arrested brought promptly before a judge or judicial officer and are they tried within a reasonable time?
 - psychiatric detention, administrative detention;
 - *habeas corpus*;
 - is there a right to test the legality of arrest or detention and can this right actually be used?
 - imprisonment on grounds of inability to fulfil contractual obligations.
- 2) Administration of Justice
- application of the principle of legality;
 - independence of the judiciary;
 - existence of military or other special courts;
 - right to effective remedies, equal access to courts (concerning Article 14 CCPR);
 - procedural guarantees, legal aid, appeal systems, fair trial, recognition and equality before the law (concerning Articles 14(1) and 26 CCPR).
- 3) Freedom of Movement (concerning Articles 13 UDHR and Articles 12 and 13 CCPR)
- movement and residence within a State;
 - banishment, internal exile;
 - freedom to leave and enter one's country;
 - expulsion and exile.

Social and Economic Rights

The articles addressed in this part are Articles 22-28 UDHR and Articles 6-13 CESC. Attention is paid to domestic laws regarding the respective rights addressed and an evaluation of whether these laws correspond to international human rights standards. Is the country a party to the CESC and appropriate ILO instruments and does it meet its reporting obligations? The focus is on equality, distribution of resources and non-discrimination among regions and social groups. Prior to accessing individual rights, a general background is given of the overall economic situation and recent changes therein. As social and economic indicators are difficult to update, the part may cover a three to five year period. The following subjects are addressed:

- 1) The Right to an Adequate Standard of Living and Freedom from Hunger (Article 25 UDHR and Article 11 CESC)
 - the general nutrition record of the country;
 - composition of the population living in absolute poverty (urban/rural, social characteristics, regional distribution). Special attention is given to the living conditions and nutritional standards of children;
 - how has the Government (and donor policies/international financial institutions) contributed to the overall improvement/deterioration of nutritional standards/poverty levels;
 - structure of agrarian systems (ownership, marketing systems, the existence and role of peasant organizations, *etc.*), and how it may have an impact on food production.

- 2) The Right of Everyone to Work and to the Enjoyment of Just and Favourable Conditions of Work (concerning Article 23 UDHR and Articles 6 and 7 CESC)
 - level and trends of employment, unemployment and underemployment, both aggregated and affecting particular categories of workers such as women, the young, the elderly and the disabled;
 - main policies and measures to ensure that there is work for all;
 - technical and vocational training programmes, and measures taken to ensure that work is as productive as possible;
 - minimum wage system and its adjustment to the increase in the cost of living;
 - distinctions, exclusions, restrictions or preferences, among persons or groups of persons, on the basis of race, colour, sex, political opinion, ethnicity or social origin. Steps taken to eliminate discrimination;
 - steps taken to improve industrial and environmental hygiene;
 - existence of provision of periodic holidays.

- 3) The Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health (Article 25 UDHR and Article 12 CESCR)
- the physical and mental health of the population, both aggregated and with respect to different groups;
 - main health problems of the country, with particular attention to children;
 - national health policy, and commitment to the World Health Organization's primary health care approach;
 - governmental spending on medical services and distribution of these spendings on regions, urban/rural sectors, social and ethnic groups, gender and age;
 - infant mortality rates, access to safe water, access to excrete disposal facilities, infant immunization against infectious diseases, life expectancy, proportion of the population having access to trained personnel for the treatment of common diseases and injuries;
 - access of pregnant women to trained personnel and data on maternity mortality rate;
 - prevention, treatment, and control of epidemics (including AIDS), endemic, occupational and other diseases;
 - measures to reduce the still-birth rate and infant mortality;
 - groups whose health situation is significantly worse than that of the majority of the population.
- 4) The Right to Education (concerning Article 26 UDHR and Articles 13 and 14 CESCR)
- literacy, enrolment rates in basic education and differences in rural/urban areas and drop-out rates (male/female);
 - promotion of literacy, with data on the scope of the programmes, target population, graduating rates at basic levels (primary/secondary);
 - percentage of budget spent on education, and structure of the education system;
 - vulnerable or disadvantaged groups with respect to literacy and education, and governmental programmes to improve the standards of vulnerable groups;
 - plans of action for the progressive implementation of the right to compulsory and free primary education;
 - role of international assistance in this area.

Equality and Non-Discrimination

This part addresses Articles 12 UDHR, Articles 2, 3 and 26 CCPR and Article 2 CESCR. Although the rights of women, minorities and children are addressed throughout the report, in this part patterns of inequality and discrimination in relation to different social groups are analyzed. These social groups are: women,

children, refugees, the disabled and the elderly, migrants, the rural poor and aliens.

Rights of Peoples and Minorities

In this part, the articles addressed are Articles 1 and 27 CCPR and Article 1 CESC. It includes information and assessments about the following issues:

- 1) Minorities (Article 27 CCPR)
 - religion, language rights, cultural rights;
 - government policies.

- 2) Indigenous Peoples
 - assertion of indigenous peoples (claims for self-determination, land rights, local autonomy);
 - governmental responses.

- 3) Self-Determination (concerning Article 1 of CCPR and CESC)
 - groups demanding self-determination;
 - basis of the demands;
 - scope of the demands (full independence, internal self-determination);
 - governmental response.



EVALUATION REPORTS

- 2.86 Mali - matforsyning og katastrofebistand
3.86 Multi-bilateral Programme under UNESCO
4.86 Mbegani Fisheries Development Centre, Tanzania
5.86 Four Norwegian Consultancy Funds, Central America
6.86 Virkninger for kvinner av norske bistandstiltak
7.86 Commodity Assistance and Import Support to Bangladesh
- 1.87 The Water Supply Programme in Western Province, Zambia
2.87 Sosio-kulturelle forhold i bistanden
3.87 Summary Findings of 23 Evaluation Reports
4.87 NORAD's Provisions for Investment Support
5.87 Multilateral bistand gjennom FN-systemet
6.87 Promoting Imports from Developing Countries
- 1.88 UNIFEM - United Nations Development Fund for Women
2.88 The Norwegian Multi-Bilateral Programme under UNFPA
3.88 Rural Roads Maintenance, Mbeya and Tanga Regions, Tanzania
4.88 Import Support, Tanzania
5.88 Nordic Technical Assistance Personnel to Eastern Africa
6.88 Good Aid for Women?
7.88 Soil Science Fellowship Course in Norway
- 1.89 Parallel Financing and Mixed Credits
2.89 The Women's Grant. Desk Study Review
3.89 The Norwegian Volunteer Service
4.89 Fisheries Research Vessel - "Dr. Fridtjof Nansen"
5.89 Institute of Development Management, Tanzania
6.89 DUHs forskningsprogrammer
7.89 Rural Water Supply, Zimbabwe
8.89 Commodity Import Programme, Zimbabwe
9.89 Dairy Sector Support, Zimbabwe
- 1.90 Mini-Hydropower Plants, Lesotho
2.90 Operation and Maintenance in Development Assistance
3.90 Telecommunications in SADCC Countries
4.90 Energy support in SADCC Countries
5.90 International Research and Training Institute for Advancement of Women (INSTRAW)
6.90 Socio-cultural Conditions in Development Assistance
7.90 Non-Project Financial Assistance to Mozambique
- 1.91 Hjelp til selvhjelp og levedyktig utvikling
2.91 Diploma Courses at the Norwegian Institute of Technology
3.91 The Women's Grant in Bilateral Assistance
4.91 Hambantota Integrated Rural Development Programme, Sri Lanka
5.91 The Special Grant for Environment and Development
- 1.92 NGOs as partners in health care, Zambia
2.92 The Sahel-Sudan-Ethiopia Programme
3.92 De private organisasjonene som kanal for norsk bistand, Fase I
- 1.93 Internal learning from evaluation and reviews
2.93 Macroeconomic impacts of import support to Tanzania
3.93 Garantiordning for investeringer i og eksport til utviklingsland
4.93 Capacity-Building in Development Cooperation Towards integration and recipient responsibility
- 1.94 Evaluation of World Food Programme
2.94 Evaluation of the Norwegian Junior Expert Programme with UN Organisations
- 1.95 Technical Cooperation in Transition
2.95 Evaluering av FN-sambandet i Norge
3.95 NGOs as a channel in development aid
3A.95 Rapport fra presentasjonsmøte av "Evalueringen av de frivillige organisasjoner"
4.95 Rural Development and Local Government in Tanzania
5.95 Integration of Environmental Concerns into Norwegian Bilateral Development Assistance: Policies and Performance
- 1.96 NORAD's Support of the Remote Area Development Programme (RADP) in Botswana
2.96 Norwegian Development Aid Experiences. A Review of Evaluation Studies 1986-92
3.96 The Norwegian People's Aid Mine Clearance Project in Cambodia
4.96 Democratic Global Civil Governance Report of the 1995 Benchmark Survey of NGOs
5.96 Evaluation of the Yearbook Human Rights in Developing Countries

