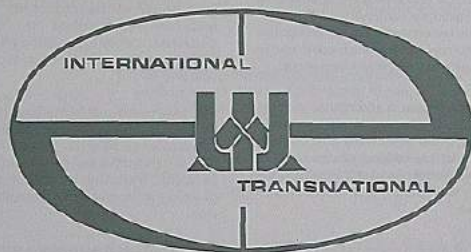


TRANSNATIONAL

# ASSOCIATIONS

TRANSNATIONALES



The Work of NGOs in the  
Worldwide Promotion of Human Rights

A Non-Governmental Point of View on  
UNCTAD VIII

1992 - n° 4

The review of international  
associations and meetings

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des réunions internationales

# TRANSNATIONAL ASSOCIATIONS TRANSMATIONALES

43<sup>rd</sup> year

This publication, produced by the UAI, appears six times a year.

The purpose of the studies, surveys and information included in this periodical concerning the international and transnational networks of nongovernmental organizations is to promote understanding of the associative phenomenon in a human society which continues to grow and evolve regardless of the consequences.

The programme of the review, in accordance with the principles of the UAI, is intended to clarify general awareness concerning the associative phenomenon within the framework of international relations and, in particular, to inform associations about aspects of the problems which they tend to share or which are of common interest to them.

The columns of this review are open to association officers, research workers and specialists of associative questions. The articles do not of course necessarily reflect the point of view of the publisher.

Cette publication, éditée par l'UAI, se présente à ses lecteurs sous la forme d'une revue de période bimestrielle.

Son objet associatif d'études, d'enquêtes, d'informations, au service des réseaux internationaux et transnationaux d'organisations non gouvernementales, s'attache aux idées et aux faits d'un phénomène de société humaine en expansion continue et en évolution hâtée.

Son programme, conforme aux principes et aux méthodes de l'UAI, vise, en général, à éclairer les connaissances du grand public sur la vie associative dans la perspective des relations internationales et, en particulier, à informer les associations des divers aspects de leurs problèmes propres et d'intérêt commun.

Les colonnes de la revue sont ouvertes à la fois aux responsables d'associations, chercheurs, spécialistes des matières associatives, dont les articles n'expriment pas nécessairement le point de vue de l'éditeur.

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## ASSOCIATIONS TRANSNATIONALES

1992 - N° 4

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# The role of NGOs in human rights standard-setting

by Niall MacDermot \*

The work of non-governmental organizations (NGOs) in the field of human rights which attracts most attention tends to be their reports on serious violations and denials of civil and political rights. There is, however, another field, less well known, where NGOs can make an important contribution, namely standard-setting. This term relates to the drafting and implementing of international conventions, declarations and other international instruments which result in binding obligations on States which are parties to conventions, or in guidelines for all States in the case of declarations and other international instruments. Moreover, human rights conventions usually create special procedures and organs for their enforcement.

This tends to be a slow and laborious process. It may be of interest to those not familiar with standard-setting to have an account of the stages by which the International Commission of Jurists (ICJ) has been able to contribute to :

- The entry into force of the African Charter of Human and Peoples Rights;
- The European Convention on Torture;
- The reform of the Japanese Mental Health Law;
- The first international instrument on the Independence of the Judiciary.

First, the African Charter. In 1961 the ICJ convened the first ever Conference of African Jurists. That Conference, held in Lagos, for the first time called upon the newly forming independent African States to establish an African Convention on Human Rights. This was followed up by two ICJ seminars in Dakar, Senegal. The second of these seminars in 1978 appointed a working group of leading African jurists under the chairmanship of Judge Kéba Mbaye, our then President. It was asked to visit francophone African Heads of State and urge them to support a recommendation for an African Human Rights Convention establishing an African Human Rights Commission. The ICJ raised the necessary funds and organized these visits to 11 countries. President Senghor asked the delegation that met with him to draft a resolution he could put to the next Heads of State meeting. This resulted in a unanimous resolution of the Heads of State to appoint a Committee to draft such a Con-

vention, with Kéba Mbaye as the Rapporteur. At a subsequent meeting in 1981 their draft was approved by the Heads of State and opened for ratification. The Convention required ratification by 50 per cent of the States of the organisation of African Unity to bring it into force. Such a large number was unparalleled. After three years 15 of the 52 States had ratified, but there then followed a long pause without any further ratifications.

The ICJ then decided to combine with its Nairobi Commission Meeting in December 1985 a Conference on the Implementation of the African Charter.

Participants were invited from among influential African jurists, governmental and non-governmental, from countries which seemed to be most likely to respond to an appeal for ratification. The meeting strongly supported the proposal and committees were formed in each region of Africa to lobby their Governments. Within six months, the necessary further 11 ratifications had been made enabling the Charter to come into force, and, by the time it did, an additional three ratifications had been deposited.

The next crucial step was the drawing up of the Rules of Procedure of the Commission, a task given to the Commission itself in the Charter. The ICJ organized a seminar in Dakar in June 1987 some months before the Commission was elected, to which were invited leading African jurists to discuss the appropriate procedures. Experts from the Council of Europe and in particular from the Inter-American Commission, made valuable contributions based on their experience. When the African Commission was elected, it was found that half of them had been participants at this seminar.

When the Commission was formed, the Chairman invited the ICJ to comment on the draft rules prepared by the Secretariat of the organization of African Unity. We submitted a long document with over 40 additions and amendments. All but two were adopted by the Commission.

Some time later Judge Kéba Mbaye, in addressing the African diplomats' club in Geneva on the African Charter, began by asserting that without the ICJ there would be no African Charter, and he then spoke at length spelling out in detail the ICJ's contribution which I have briefly summarized.

The second successful promotion, the European Convention on Torture, is one we shared with the Swiss Com-

\* Secretary-General, International Commission of Jurists.  
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mittee against Torture. Its President, the late Jean-Jacques Gautier, had conceived the idea that the only way to prevent torture was to have a confidential procedure which would not embarrass Governments. His proposal was modelled on the confidential prison visits carried out by the International Committee of the Red Cross. A committee of persons serving in their individual capacity would be able to arrange visits by delegates to any place of detention they chose in member States, and to interview in private the persons detained. The difference from the ICRC procedure would be that States parties would be bound to allow the visits to continue under all circumstances, especially under a state of emergency, and the visits could be made to all places of detention, including interrogation centres and mental hospitals.

Any practices of torture or cruel or inhuman treatment or punishment would be reported by the Committee to the Government concerned. Providing action was taken to stop the practices, the whole matter would remain confidential and reported to no one. Only if the Government refused to co-operate would the Committee be entitled, as a last resort, to publish its findings.

We were attracted by the realism of this proposal and together with the Swiss Committee we prepared a draft convention and circulated it to over 100 Member States of the United Nations. Favourable comments were received from some countries. One of them, Costa Rica, formally proposed to the United Nations Commission on Human Rights that, when the drafting of the United Nations Convention against Torture was completed, it should consider drafting an optional protocol on the lines of our draft convention.

The drafting of the United Nations Convention took an inordinately long time, with the result that the Legal Committee of the Council of Europe invited us to submit to them a draft European convention embodying our proposal. This we did and, to cut a long story short, this led to the adoption of the European Convention against Torture which came into force on 1 February 1989. Again together with the Swiss Committee, in Strasbourg in November we organized and held a promising seminar of experts from the member States of the Council of Europe to discuss the implementation of this Convention.

Our two organizations are now trying to interest the Latin American and Caribbean States of the organization of American States in adopting an American Convention on similar lines. We have held promising seminars on the subject in Uruguay and Barbados, and a committee has been created to promote the proposal.

The third example relates to the mental health reforms in Japan. Before the Second World War, it was the responsibility of families in Japan to look after their mentally ill relations. There was then, and still is, a widespread but mistaken belief that mental illness is hereditary. Consequently, it became the practice for families to hide away their mentally ill, even to the point of chaining them up in basements. They feared that if it became known that one of the family was mentally ill, their sons and daughters would be unable to marry.

After the war a Mental Health Act was passed encouraging the development of mental hospitals, with substantial State support both for their construction and their operation. There were, and still are, no professional qualifications for psychiatrists in Japan. Under the Act any two medical doctors could establish a mental hospital, and

patients could be admitted with the consent of their family for an indefinite period. The patient had no right of appeal, no one to represent his interests, and there was no system of medical inspection. Mental hospitals thus became a profitable growth industry. In 1988 there were over 330,000 involuntary patients admitted to hospitals where they were detained for an average of 8 years. With modern medical skills the average mental patient can be released from mental hospitals within a few months, provided the doctors are skilled psychiatrists and there are adequate mental health facilities in his community. Such facilities were, however, lacking in Japan.

A group of Japanese psychiatrists and lawyers sought to have the Mental Health Act amended in order to provide proper treatment and protection for mental patients. They succeeded in persuading the parliamentary opposition, but the vested interests in the system were too powerful and the Government party could not be persuaded to alter the law. This group then decided to raise the matter at the international level, and approached us as well as some other NGOs.

We gave publicity in our Review to some of the abuses that had developed under the system. We then decided to send to Japan a mission composed of two internationally renowned psychiatrists from the United States and Britain and an American judge with 20 years' experience in presiding over a special tribunal for mental cases. They produced a powerful report describing the defects in the system and making detailed recommendations for their reform. Their report was translated into Japanese and widely distributed with extensive press publicity.

The Government still could not be persuaded. We then approached the Ministry of External Affairs and pointed out that Japan was in violation of its obligation under Article 9 of the International Covenant on Civil and Political Rights, which Japan had recently ratified. This article says that any person deprived of his liberty shall have a right of appeal to a court. This proved to be the turning point, and the Minister of Foreign Affairs was able to persuade his colleagues that the Mental Health Act had to be amended.

From then on the whole atmosphere changed. While the law was being drafted a conference was convened at Kyoto to which lending psychiatrists and legal experts from the United States, Canada, Europe and Australia were invited and which was attended by representatives of governmental and nongovernmental organizations concerned with the mentally ill. A concluding statement drafted by an American expert and the ICJ Secretary-General was approved unanimously.

The new law was approved by the parliament in 1987 and came into force on 1 July 1988. The ICJ was asked by the same group of psychiatrists and lawyers to send again its team of experts to visit hospitals and other facilities both public and private in a number of prefectures, and to discuss with them and with the prefectural authorities their plans for implementing the new law. On this occasion the ICJ Secretary-General accompanied the mission. The new law did not, of course, meet all the recommendations made in our report, but it was an important first stage. A shorter report was made by the mission with a number of recommendations, stressing in particular the need for adequate communal services. This also was translated into Japanese and widely distributed. During our visit, two seminars with the members of the mission were organized. One was with representatives of the central government and prefectural

officials responsible for implementing the new law. The other was with representatives of the hospitals and all other medical, nursing and auxiliary services as well as representatives of the bar associations and of the association of mental patients. The attitude of all the participants at these seminars was very positive.

The Government has indicated that it will review the working of the new Act at the end of five years. The ICJ has already been invited to send a third mission to Japan after the Act has been in force for three years.

I have described this remarkable development at some length to illustrate the scope and potentiality of international human rights, and to show the use that can be made of international instruments in the enforcement of human rights.

While on the subject of mental patients I should mention that in 1988 a working group of the United Nations Sub-Commission on Human Rights drew up a document outlining the rights of mental patients which is now being revised by a working group of the United Nations Commission on Human Rights.

The ICJ and other experienced NGOs are making an important contribution to the drafting of the principles, and the document promises to be a significant and important one in this field. When the Chairperson of the Sub-Commission's working group, Professor Claire Palley, presented the text to the Sub-Commission, she commented upon the fact that most of the articles that had been adopted found their origin in two international seminars held in Sicily in 1980 and organized by the ICJ.

The fourth subject is the United Nations Basic Principles on the Independence of the Judiciary.

At our Commission Meeting in 1977 a decision was taken that we should concentrate more of our work on promoting the independence of the judiciary and of the legal profession. This led to the formation of our Centre for the Independence of Judges and Lawyers, usually referred to as the CIJL in English or the CIMA in French and the CIIA in Spanish. As is well known, every country claims to have an independent judiciary, but in many if not most cases there are serious limitations to this independence. It seemed to us that the only way to overcome these limitations would be to study the ways in which the independence of judges is undermined, and the procedures needed to safeguard their independence.

Shortly afterwards we persuaded Dr. L. M. Singhvi, the Indian member of the United Nations Sub-Commission on Human Rights and a distinguished advocate, to raise in the Sub-Commission the issue of the independence of the judiciary. This he did with such good effect that in 1979 he was appointed Special Rapporteur for a study on the Independence of the Judiciary, Jurors and Assessors and the Independence of Lawyers.

We then arranged two seminars in Sicily, one in Syracuse in 1981 on the independence of judges and one in Noto in 1982 on the independence of lawyers. Each of these seminars brought together distinguished judges and lawyers from all regions of the world. Dr. Singhvi attended both seminars. Meeting in private, the participants spoke frankly about the abuses and pressures to which they were subjected, and proceeded to formulate principles for protecting the independence of the two branches of the legal profession.

The conclusions of these two seminars were submitted to the United Nations Sub-Commission and figured promi-

nently in Dr. Singhvi's report. He expanded them in the final version of his report which was approved in 1988 by the Sub-Commission and accepted by the Commission on Human Rights in 1989.

Meanwhile, on the initiative of Mr. Justice Jules Deschênes, the then Chief Justice of Quebec, an important conference was held in Montreal in 1983 with participants from all regions to formulate draft Principles of Justice to be submitted to the United Nations. He consulted at the outset with the ICJ, in particular as to the participants to be invited. The Syracuse and Noto principles proved to be the basic working papers for the conference and nearly all these principles were embodied in the final text of the Montreal conference.

Judge Deschênes submitted the report of this conference to the United Nations Committee on Crime Prevention and Control in Vienna which was then preparing draft Basic Principles on the Independence of the Judiciary for consideration at the Seventh United Nations Congress on the Prevention of Crime and Treatment of offenders meeting in Milan in 1985. The then Director of our Centre for the Independence of Judges and Lawyers attended the Milan Congress and, together with the Canadian representative, worked intensively lobbying the delegates and negotiating a refined text which was acceptable to them all. For this document to be acceptable to experts from many different legal systems, it was inevitable that it should be of a more general nature than some of the documents I have referred to. However, all the most essential principles were maintained. The resulting document was submitted to the United Nations General Assembly which unanimously approved the Basic Principles and called upon all Governments to respect them and take them into account in their national legislation and practice.

This was a very important development. The Basic Principles set forth general guidelines on the independence of the judiciary and the freedom of expression and freedom of association of judges, as well as principles regarding their qualification, selection, training, conditions of service, tenure, immunity, discipline, suspension and removal.

Consequently, those who are striving to improve the independence of the judiciary now have a most useful tool to enable discussions to take place with Governments as to the extent to which they are applying the principles to which they have already given their assent in the General Assembly resolution. A brief comparison of the Basic Principles with the principles agreed at Syracuse, Sicily, will show why we can claim credit for having been the first to formulate these principles and then work to have them adopted as the first and only international instrument on this subject. We have been in touch with the United Nations staff in Vienna preparing for the next Congress in August, where they hope to achieve agreement on a similar document on the independence and role of advocates.

So on these four matters, one at the universal level, two at the regional level in Africa and Europe, and one at the national level in Japan, we have seen brought to fruition work in which we had been engaged for many years.

These are by no means the only standard-setting activities we have been involved in. Let me mention a few.

First of all, the Limburg Principles. In some countries, and in particular in the United States, scant attention has been given by lawyers to the International Covenant on Economic, Social and Cultural Rights. They mistakenly think that the Covenant only lists a series of aspirations

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without imposing any binding obligations on States parties. Accordingly they describe it as "soft law". Not sharing this view the ICJ, together with the University of Limburg in Holland, and the Urban Morgan Institute of the University of Cincinnati, held a seminar in Maastricht in 1986 of distinguished international lawyers to examine the obligations imposed on States parties to the Covenant. Their conclusions were in two parts. The first dealt with the definition of the obligations in parts 1 and 2 of the Covenant; the second made recommendations concerning States parties' reports and on co-operation between the new ECOSOC Committee on Economic, Social and Cultural Rights and the Specialized Agencies. The principles were submitted by the Netherlands Government, to the Third Committee of the General Assembly, and to the United Nations Commission on Human Rights where they were favourably commented upon by several Governments.

Two years earlier, in 1984, we organized two meetings of experts in Syracuse, Sicily, to consider the limitation and derogation provisions in the International Covenant on Civil and Political Rights. In examining these provisions the participants sought to identify their legitimate objectives and to formulate interpretative principles in accordance with inter-

national law. The resulting principles were submitted to the United Nations General Assembly and the United Nations Commission on Human Rights where they received general approval.

Other subjects on which we have been engaged in standard-setting debates within the United Nations are the rights of indigenous populations; principles for the protection of persons under any form of detention or imprisonment; enforced or involuntary disappearances; administrative detention; the elimination of racial discrimination; the right to development; and discrimination against AIDS victims.

All these activities are directed to helping to define and develop human rights, to promoting respect for them, to preventing violation, and to coming to the assistance of victims, but the contribution made by non-governmental organizations in this field is not generally known. I hope to be forgiven for illustrating this work by the activities of the International Commission of Jurists, but these are the ones I know about in detail. There are, of course, many other international non-governmental organizations which bring their expertise to bear upon standard-setting in the United Nations and in regional intergovernmental organizations.

# The role of the non-governmental organizations in the promotion and protection of human rights

by C. M. Eya Nchama \*

## Introduction

As the twentieth century draws to a close, the non-governmental organizations (NGOs) are being used increasingly by individuals and groups as a channel for direct involvement in national and international affairs. This means that, in contrast to the conduct of affairs in past centuries, the involvement of States alone in matters of major importance to the world is not enough. Nowadays, in making any assessment of the credibility of a political system, the viewpoint of the non-governmental organizations must be heeded.

This involvement by individuals and groups through the NGOs is reflected in the desire shown by these organizations to play an active role in tackling the major issues of contemporary society: combating underdevelopment, poverty and disease; promoting and protecting human rights and fundamental freedoms; opposing the arms race and, in particular, nuclear, chemical and bacteriological weapons; protecting the environment; maintaining peace and collective security throughout the world, etc.

The many activities in which the NGOs are involved explain their continuing evolution and development. In the course of this study we shall see that in the middle of the last century there were not more than a dozen or so NGOs.

In order to participate effectively in addressing the major issues confronting the world, the NGOs have developed systems of co-operation among themselves and with the various intergovernmental organizations, such as the United Nations, the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Children's Fund (UNICEF), the Council of Europe, the Organization of American

States, the Organization of African Unity and the League of Arab States.

Until the present time NGOs represented in the main individuals and groups in Europe and North and South America. Regrettably, individuals and groups in Africa and Asia are very poorly represented in non-governmental organizations; a few non-governmental organizations working in Africa are exogenous, others are grass-roots organizations of the one-party system that govern that continent and therefore cannot be regarded as non-governmental organizations, since the role of a single-party grass-roots organization is to serve as a vehicle for the ideas of the ruling party. The participation of individuals and groups from Africa within the NGOs is thus poor or virtually non-existent compared with that of other regions in the world. Consequently, the second chapter of our study has concentrated on the historical role played by the NGOs in the cause of the liberation of the African continent; this means that the NGOs played an important role in the emergence of the present-day African States. African political leaders should therefore draw up laws and standards to encourage the formation of endogenous NGOs in order to consolidate the stability of these States. Africa's political, economic, social and cultural development hinges on pluralism of views among the persons and groups that live in Africa.

In concluding this introduction, I should like to thank my friend Tunguru Huaraka, Secretary-General of the African Association of International Law, who suggested that I should present a paper on "The role of the nongovernmental organizations in the promotion and protection of human rights" in a seminar organized by his organization in conjunction with the African Commission on Human and Peoples' Rights. The invitation extended to me to present this paper enabled me to give further consideration to the role of the NGOs in the field of human rights. I should also like to thank Mrs. Magda Van Malder, Secretary-General of the International Movement for Fraternal Union among Races and Peoples, who gave me a good deal of help in preparing this study. I should also like to express my gratitude to Mrs. Raymonde Martineau, NGO Liaison Officer at the United Nations Office at Geneva, who gave me very useful information for the drafting of this paper.

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### ***I. Definition and terminology***

Nowadays, the term "non-governmental organization" is used in international forums to designate "any international organization which is not established by intergovernmental agreement". (1) Such a definition, however, raises problems when it is translated into certain languages in which it takes on a negative connotation, and even the connotation of an anti-governmental organization.

However, the great majority of international organizations were not engendered by a negative motivation. They are the outcome of the personal commitment of individuals who joined together in order to defend a cause, promote an ideal or simply pursue common interests. This explains the wide variety of non-governmental organizations covering the most diverse spheres of activity. Thus, they include the International Federation of Bee Keepers' Associations, the Pan-Pacific and South-East Asia Women's Association, the International Organization for Standardization and the Latin-American Federation of Association for Relatives of Disappeared Detainees.

In this panoply of non-governmental organizations, some are more highly regarded by Governments than others, because they are less likely to challenge their policies. For instance, the non-governmental organizations that are involved in human rights are often a subject of controversy for Governments who see them as dissident, even subversive organizations. Yet these organizations merely draw the attention of Governments to the international commitments on human rights issues to which they themselves have freely subscribed, and inform peoples and individuals of their rights and of ways and means of defending them.

Organizations that deal with human rights encounter many difficulties in setting themselves up, in many countries, especially where there is no freedom of expression and of association as laid down in articles 19 and 20 of the Universal Declaration of Human Rights of 1948, and in articles 19 and 22 of the International Covenant on Civil and Political Rights, ratified by 87 countries including a

large number that prohibit the activities of human rights organizations on their territory.

In order to be able to play their role properly, non-governmental organizations concerned with human rights should be neither anti-governmental nor in the pay of Governments, i.e. helping to cover up the human rights violations perpetrated by those Governments. They should act as the watchdogs of human rights at the national, regional and international levels.

This is why they need legal recognition that allows them to carry out their activities freely both nationally and internationally. The constitutions of most countries recognize the right of association and contain articles on the terms and conditions of its application. In practice, however, and especially in the African countries, these associations are tolerated with difficulty when they are not prohibited outright. This is one of the reasons why human rights are not properly respected, defended and understood on our continent. Even when Governments demonstrate their political will to promote respect for human rights, there are always elements within the civil service, the law, the police or the army who do not always make a point of respecting human rights or who systematically infringe them. It is therefore important that each country should have non-governmental organizations that specialize in the promotion and protection of human rights. Their role is thus complementary to that of those Governments which are motivated to protect the rights of their citizens.

At the international level, recognition of the legal personality of the non-governmental organizations is equally important to enable them to develop cooperation among different national associations in the human rights field. As matters stand, the only existing international legal instrument is the Convention on the Recognition of the Legal Personality of International Non-Governmental Organizations, adopted by the Council of Europe in April 1986. Let us hope that the Organization of African Unity will consider the possibility of a similar convention to allow African non-governmental organizations to have a precise legal status.

### ***II. Historical background: NGOs from the seventeenth century to the end of the Second World War***

#### ***I. NGOs and the question of the triangular slave trade***

There are two positions in the current debate on the abolition of slavery in the nineteenth century. One is that slavery was abolished as a result of philanthropic and humanitarian efforts by individuals, associations and Governments opposed to slavery and the other, to which I subscribe, maintains that the abolition of slavery was the consequence of the industrial revolution. When machines proved to be more cost-effective than slaves, slavery began to lose its rationale and was abolished as the process of industrialization got under way in the various countries. For instance, the United States civil war was waged between the industrial and anti-slavery North and the agricultural and pro-slavery South.

Nevertheless, the role of non-governmental organizations and individuals from the seventeenth to the nineteenth centuries who advocated the abolition of slavery

must be acknowledged. For instance, in 1641, the sustained efforts of a group of people in the English colony of Massachusetts led to the Body of Liberties, prohibiting slavery in that colony, with the exception of slaves originating from "just cause" or aliens who had sold themselves into slavery for economic reasons. In 1652, in Rhode Island, other groups sponsored a law prohibiting slavery for life and stipulating that a child born a slave should obtain his manumission at the age of 24.

The very first non-governmental organization known to have militated against slavery were the Quakers (the Society of Friends) who, in 1788, organized an Assembly at Germantown, Philadelphia. It was the first large-scale demonstration against slavery organized in the United States. In 1712, the Quakers had unsuccessfully sought to prevent the introduction of new slaves into the colony of Pennsylvania. In 1761, they succeeded in putting a tax of £10 sterling on each slave imported into the colony. This brought the slave trade in Pennsylvania to an end.

*(a) The Clapham Sect*

In 1772, James Somerset, a black slave, was purchased by a West Indian planter named Charles Stewart, who intended to take him to Jamaica on the vessel Ann and Mary. Thanks to the timely intervention of Granville Sharpe, the black man was released before the vessel had left London. Invoking previous decisions taken by the courts whereby a black person, being a private possession, could be recovered, the owner instituted proceedings to recover his slave who had been abducted by Granville Sharpe, under a provision of the law known as habeas corpus.

Mr. Sharpe not only engaged a consulting barrister, Francis Margrave, to defend the black man's right to be free, but actually prepared his defence and triumphed. Lord Mansfield's finding that "a slave became free the moment he set foot on English soil" affected not only Somerset but secured the freedom of some 14,000 blacks then living in Great Britain. Nevertheless, slavery was to continue for more than 60 years in the British overseas possessions, but ceased to exist in England from that time onward.

Their sudden emancipation created new problems for the blacks, some of whom left their masters and some of whom were thrown on to the streets of London and other towns. What was to become of them? When they were slaves, they had been housed, fed and clothed by their masters, however poorly. But once free who would employ them? How would they live?

In order to resolve the many problems created by the sudden emancipation of 14,000 slaves in Great Britain, a non-governmental organization called the Clapham Sect was set up in the London suburb where most of its members lived. Its most prominent members included William Wilberforce, James Stephenson, father of the celebrated Minister for the Colonies, Edward Eliot, Henry Thornton, the Reverend John Venn, Dr. Lushington, William Smith, later Lord Teignmouth, Charles Grant, the Reverend James Ramsey, William and Thomas Clarkson, Gisborne Babington and his brother-in-law Zachary Macaulay, the father of the great historian, Thomas Babington, Lord Macaulay. However, whether they were independently minded Conservatives or Liberals, all were ardent abolitionists, fervent evangelists and great philanthropists. The abiding passion of their lives was the abolition of slavery and the deliverance of the African race from the accursed slave trade.

*(b) The Association of Saint George's Bay*

In 1786, a certain Dr. Smeathman, a naturalist who had spent years collecting butterflies in Sierra Leone, joined the Clapham Sect. He suggested that Sierra Leone would not only offer an ideal place of residence for the destitute blacks, but that such a colony set up along the western coast of Africa could also serve as a base to stop and abolish the traffic of slaves whilst spreading the principles of the Christian religion among the natives. Granville Sharpe welcomed the idea enthusiastically and began to organize a committee for the relief of the "black indigents". The Association of Saint George's Bay was immediately founded in order to organize the return of the former slaves to Africa, the national homeland.

Appeals were launched among the public and sufficient funds were soon collected to send a mission to negotiate the purchase of land on the coast of Sierra Leone as a place of refuge for the impoverished blacks. The initial con-

cession of land amounting to 20,000 square metres was obtained from a Temne leader, Chief Tom, who was a vassal of the powerful King Naimbanna, the supreme chief of the peninsula. The plot of land was named Granville Town in honour of Sharpe who persuaded the Government to meet the cost of transport and food supplies for the first contingent of returnees: 400 former slaves and 60 white prostitutes sailed from Portsmouth on 22 February 1787 for Africa.

*(c) The Sierra Leone Company*

Only a handful of the 460 people who arrived in Sierra Leone in May 1787 survived the readjustment to a tropical climate and the raids by slavers who were still operating in western Africa.

A fresh start was needed. The original Association of Saint George's Bay which had sponsored the Sierra Leone project was reorganized as the Sierra Leone Company. The influence of William Wilberforce secured a royal charter for the company, which thus became the first chartered African company. However, in contrast to those companies which were to appear on the African scene, the main purpose of the company was not profit but the "civilization of Africa" and the abolition of the slave trade.

To assist the company to realize its philanthropic programme, the British public contributed some £240,000, a substantial amount at the time. Many difficulties still had to be faced and overcome before the colony was securely established. By 1792 virtually all the "black indigents" in England had been transported to that part of the coast where they were rejoined by other blacks repatriated from Nova Scotia and the West Indies. The latter were former slaves from the southern part of the United States who had sided with Great Britain during the United States war of independence. When the war ended they were transferred to Nova Scotia in Canada whence they were shipped to Africa in 1792.

The same thing happened with the "Maroons" from Jamaica who, having made peace with the settlers on the island, were transferred to Sierra Leone in 1796.

*(d) The Society of the Friends of the Blacks*

In France, the Society of the Friends of the Blacks was formed in 1788. In 1789 it had 94 French members and 1 foreign corresponding member. The Marquis de Condorcet was its Chairman, M. Gramagnac the Secretary and M. Dufosse de Bréban the Treasurer. There were also 16 members of the Executive Committee. (2)

The Society supported the uprising of slaves in Saint-Domingue (Haiti) in 1791. Slavery was abolished for the first time in France in 1794 and restored by Napoleon Bonaparte in 1802. Slavery was abolished once and for all in French colonies on 1 May 1848.

*(e) The Anti-Slavery Society*

The Anti-Slavery Society was founded in London in 1787. In 1792, one of its founders, William Wilberforce, succeeded in collecting 312 petitions from England, 187 from Scotland and 20 from Wales addressed to Parliament and calling for the abolition of slavery. In the spring of 1807, Parliament approved the law that stipulated that no

slave ship might leave the ports of the Kingdom after 1 March of the same year and that no slave might disembark in a British possession from 1 March 1808 onwards. Slavery was abolished for good in the British colonies on 28 August 1833.

*(f) The American Colonization Society*

The example of the Sierra Leone Company gave United States abolitionists the idea of finding a national home in Africa for the 200,000 blacks freed from slavery in the United States in 1800.

The leading pioneer of a return to Africa for free black people was Paul Cuffe who himself had been a slave in New England and afterwards, when freed, had soon become rich. He owned a large shipping company. In 1811, he travelled to Sierra Leone on his own vessel to study the possibilities of bringing free blacks back to Africa. The war against England in the following year prevented him from carrying out his plans. In 1815, however, he took 28 blacks to Africa paying \$3,000 or \$4,000 out of his own pocket for their expenses. Captain Cuffe's expedition aroused great interest in the "return to Africa" movement and two years later the first American Colonization Society was organized to carry on the work he had begun. Later on societies were set up in a number of American States. Government funds were used to cover the travel expenses of free blacks to Africa.

In order to pave the way, the Society sent two whites, Samuel J. Mills, one of the founders of the Society, and Ebenezer Burgess to negotiate the purchase of land suitable for residence with the African chiefs. On the advice of the British Government of Freetown, they acquired land on Sherbo Island off the coast of Sierra Leone and the first contingent of 88 blacks led by Dr. Samuel A. Crozer, an agent of the Society, was taken there in 1820.

Despite the many fatalities among the settlers and despite conflict with the captains of European ships engaged in the illegal slave trade, the settlers gradually established themselves. Those were the early days of the black republic, which the blacks called Liberia, the country of free people. In a gesture of gratitude towards James Monroe, the President of the United States who had extended his protection to the "founding fathers", the capital was named Monrovia.

After obtaining the approval of the directors of the American Colonization Society, 12 black representatives from the three or four towns in existence, Montserrado, Grand Bassa and Sinoe, met in Monrovia on 26 July 1847 to sign the declaration of independence and adopt a Constitution modelled on that of the United States.

*2. Development of NGOs in the nineteenth century and early twentieth century*

In the nineteenth and early twentieth century, the development of communications had in turn led to a new phase in international relations and several very different non-governmental international organizations came into being. The following were engaged in human rights activities:

- The Anti-Slavery Society, founded in 1839;
- The World Alliance of Young Men's Christian Associations, founded in 1855;
- The International Committee of the Red Cross, founded in 1863;

- The Institute of International Law, founded in 1873;
- The International Abolitionist Federation, founded in 1875;
- The International Council of Women, founded in 1888;
- The Interparliamentary Union, also founded in 1888;
- The World Student Christian Federation, founded in 1892;
- The International Alliance of Women, founded in 1904;
- The World Union Catholic Women's Organization, founded in 1910;
- The Committee of Jewish Delegations, which later became the World Jewish Congress, founded in 1918;
- The International Federation of Human Rights, founded in 1922.

The organizations listed above campaigned for sexual equality, *inter alia*, in matters related to women's suffrage, for humanitarian law in armed conflicts, against prostitution and the white slave trade, for the protection of children and young people, for the defence of minority rights, for peace, etc. The history of each of these questions could be developed in a way similar to that made in respect of the NGOs that fought for the abolition of slavery in the eighteenth and early nineteenth centuries. Several of those organizations also campaigned for the abolition of slavery.

*3. NGOs as basic components of African liberation*

In the second half of the nineteenth century works demonstrating the inequality of the human race were published in Europe. The most important was that by Joseph Arthur, Comte de Gobineau (1816-1882) entitled *Essay on the Inequality of the Human Race* (1853-1855). In his book, Gobineau asserted that race was the predominant factor in human history, that a hierarchy of races existed and that the Aryan race, because of its intellectual and moral superiority, had been at the origin of every great civilization. But this race, essentially a creator of values, had been led to mingle with inferior races to satisfy its need for expansion, thus ineluctably bringing about its destruction.

Gobineau's ideas of preserving the dominance of the Aryan race were supported by Houston Stewart Chamberlain, Madison Grant, Lothrop Stoddard and Richard Wagner. In 1894, Professor Ludwig Schemann founded the Gobineau Vereinigung in Freiburg-im-Breisgau. Gobineau's racist philosophy had a considerable impact in the United States of America, in the newly acquired European colonies of Africa and in all the multiracial countries existing at the time.

In the United States, the black population was divided into those who accepted this racist theory and those who were against the racist theory of Gobineau and of others.

*(a) The Tuskegee Institute*

Those who accepted the racist theory included Dr. Booker T. Washington (1865 to 1915), a person of mixed race born of a former slave owner and a black slave and the founder of the Tuskegee Institute in Alabama in 1885. Booker T. Washington said what the whites wanted to hear. His racial philosophy was expounded publicly at the Atlanta Exposition in 1895. He summed up his thinking by saying that "in all things that are purely social we can be

separate as the fingers, yet one as the hand in all things essential to mutual progress". Booker T. Washington's speech went down in history as the "Atlanta compromise".

*(b) Universal Negro Improvement and Conservation  
Association and African Communities League*

The founder of these two organizations was Marcus Aurelius Garvey (1887-1940), a native of Jamaica who settled in the United States in 1916. Mr. Garvey had travelled a great deal in South America, Central America and in Great Britain. In London, he was in contact with the African . Duse Mohamed Ali, the editor of the anti-colonialist magazine *African Times and Orient Review*. In the course of his many journeys, Marcus Aurelius Garvey saw that black people were oppressed wherever he had been.

Marcus Aurelius Garvey summed up his thinking by saying : "I believe in a pure black race just as all self-respecting whites believe in a pure white race, as far as that can be". "It is the duty of the virtuous and morally pure of both the white and black races to thoughtfully and actively protect the future of the two peoples, by vigorously opposing the destructive propaganda and vile efforts of the miscegenationists of the white race, and their associates, the hybrids of the Negro race". (3)

In August 1920 an important meeting was held in New York in a large boxing stadium at which four important conclusions were formulated:

- The definition of the aims of the organization;
- The opening of the international campaign for the return of all blacks to Africa;
- The Declaration of Rights of the Negro Peoples of the World;

— The election of Marcus Aurelius Garvey as the Provisional President of Africa and the President of the Universal Negro Improvement Association.

The declared objectives of the Association were:

To establish a universal fraternity among the race; to promote the spirit of pride and love; to reclaim the fallen; to administer to and assist the needy; to assist in civilizing the backward tribes of Africa; to assist in the development of independent Negro nations and communities; to establish a central nation for the race; to establish commissaries or agencies in the principal countries and cities of the world for the representation of all Negroes; to promote a conscientious spiritual worship among the native tribes of Africa; to establish universities, colleges, academies and schools for the racial education and culture of the people; to work for better conditions among Negroes everywhere.

(4)

The Universal Negro Improvement Association accused the colonial powers of torturing Africans in their own continent and organizing forced labour for the benefit of European settlers. That was why as early as 1920 it called for the independence of the African continent as the only place where Africans could own their land and enjoy political and economic sovereignty. The return of all Africans throughout the world to Africa presupposed for Garvey the expulsion of the settlers from the African continent followed by the installation of all blacks who subsequently would form together with the indigenous persons of the continent an empire composed solely of Africans. All the colonial powers of the time were opposed to such a return to Africa and Garvey's plan did not succeed.

It is strange that when people talk of the various human

rights declarations there is never any mention of the Declaration of Rights of the Negro Peoples of the World.

*(c) The Niagara Movement*

Since Booker T. Washington had strongly supported the white racists of the United States of America by his Atlanta compromise, one man opposed it. He was William Edward Burghardt Du Bois (1868-1963) who, in his book *The Souls of Black Folk*, devoted a chapter to this problem entitled "Regarding Booker T. Washington and the Others". In this chapter, Du Bois concluded that "the black men of America have a duty to perform, a duty stern and delicate — a forward movement to oppose a part of the work of their greatest leader. So far Mr. Washington preaches truth, patience and industrial training to the masses, we must hold up his hands and strive, with him, rejoicing in his honours and glorying in the strength of this Joshua called of God and of men to lead the headless host. But so far as Mr. Washington apologizes for injustice, North or South, does not rightly value the privilege and duty of voting, belittles the emasculating effects of caste distinctions, and opposes the higher training and ambition of our bright minds — so far as he, the South, or the nation does this — we must increasingly and firmly oppose them. By every civilized and peaceful method we must strive for the rights which the world accords to men, clinging unwaveringly to those great words which the sons of the Fathers would fain forget : "We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness." (5)

After the publication of this book, all black Americans who were opposed to the philosophy of Booker T. Washington met in 1905 and organized a conference with the following agenda items :

1. Freedom of speech and of criticism.
2. A free and unsubsidized press.
3. Male suffrage.
4. Abolition of all caste distinction based solely on race and colour.
5. Recognition of the principles of human fraternity as a practical belief of the present time.
6. Recognition of the fact that the highest and best formation is not the monopoly of any class or race.
7. Belief in the dignity of labour.
8. Unity in the efforts made to achieve these ideals under a wise and courageous leadership.

The Niagara Movement was so called because the first meeting in 1905 was held at Buffalo, near to the Niagara falls. The black American journalist William Monroe Trotter was a participant in the meeting.

At the end of the Conference a manifesto entitled *A speech to the country* was published. It may be summarized as follows:

"In detail our demands are clear and unequivocal.

*First*, we would vote; with the right to vote goes everything; freedom, manhood, the honour of your wives, the chastity of your daughters, the right to work and the chance to rise, and let no man listen to those who deny this.

We want full manhood suffrage, and we want it now, henceforth and for ever.

*Second*. We want discrimination in public accommodation to cease. Separation in railway and streetcars, based

simply on race and colour, is un-American, undemocratic, and silly. We protest against all such discrimination.

*Third.* We claim the right of free men to walk, talk and be with them that wish to be with us. No man has a right to choose another man's friends, and to attempt to do so is an impudent interference with the most fundamental human privileges.

*Fourth.* We want the laws enforced against rich as well as poor; against Capitalist as well as Labourer; against white as well as black. We are not more lawless than the white race, we are more often arrested, convicted and mugged. We want justice even for criminals and outlaws. We want the Constitution of the country enforced. We want Congress to take charge of the Congressional elections. We want the Fourteenth Amendment carried out to the letter and every State disfranchised in Congress which attempts to disfranchise its rightful voters. We want the Fifteenth Amendment enforced and no State allowed to base its franchise simply on colour.

The failure of the Republican Party in Congress at the session just closed to redeem its pledge of 1904 with reference to suffrage conditions in the South seems a plain, deliberate, and premeditated breach of promise, and stamps that party as guilty of obtaining votes under false pretence.

*Fifth.* We want our children educated. The school system in the country districts of the South is a disgrace. In few towns and cities are the Negro schools what they ought to be. We want the national Government to step in and wipe out illiteracy in the South. Either the United States will destroy ignorance, or ignorance will destroy the United States." (6)

With the Niagara Manifesto a new kind of black man was born in the conscience of the black people of the United States of America. In other words, Uncle Tom was dethroned.

*(d) The National Association for the Advancement of Coloured People*

Five years after the Niagara Manifesto, a group of white and black liberal intellectuals met to found the National Association for the Advancement of Coloured People, whose headquarters were set up in New York. The founder members included Oswald Garrison Villard, John Dewey, William Dean Howells, Charles Edward Russell, Jane Addams and Mary White Ovington.

Once the Association had been set up, William Edward Burghardt Du Bois gave up his teaching post at the University of Atlanta in order to act as the editor of the magazine *Crisis* and to deal with other projects of the Association.

The National Association for the Advancement of Coloured People served as a permanent secretariat for the organization of the Pan-African congresses.

*(e) Pan-Africanism*

Pan-Africanism was born outside the geographical boundaries of the African continent although it was conceived by people of African origin-the black diaspora of the United States and the British West Indies. Initially no more than an expression of solidarity among black people and people of mixed race of African ancestry uprooted and moved to the West Indies or North America, Pan-Africanism reached Africa where the African political leaders found in it a source of inspiration and a method of implementation.

What has been called Africa's "long march" towards its unity actually started at the end of the nineteenth century and the dawn of the twentieth century.

The different phases of the movement may be summarized as:

An initial phase which lasted until 1957 : the gestation period which took place mainly in the United States and in Europe;

A second phase from 1956-1957 (the date of the accession to independence of the first black State, Ghana) until 1963 (the date of the establishment of the Organization of African Unity (OAU) in Addis Ababa) : the ascending phase of political crystallization and of offensive against colonialism;

A third phase from 1963 to the present day. From 1963 onwards the idea of unity marked time and sought its direction, despite positive developments in the form of the settlement of internal conflicts among the very champions of unity.

In 1981, in an inaugural speech at the Liberian College in Monrovia, Edward W. Blyden, a West Indian born of slaves from Togo said that the advancement of Africans must be achieved by their own methods, that they must have a potential different from that of Europeans and that they must show that they were capable of making progress by themselves, of making their own way. (7)

In 1895, a British clergyman named Booth who was working in Nyasaland (now Malawi) wrote a book entitled *Africa for the Africans*, in which he said, *inter alia*, that the African was inferior only in one respect; he did not have the sense of opportunism. The Rev. Booth's idea, first communicated to the nationalist John Chilembwe, took root in January 1897 at Blantyre with the foundation of an African Christian Union which adopted the slogan "Africa for the Africans" and received enthusiastic support from black South Africans like Navuma Tembula and Salomon Kumalo. They said that Africans must unite and work for their own salvation, whether political, economic or spiritual, using methods that were consonant with the law and with faith. Further expounding their thought, they said that the object was to model and guide the work of millions of Africans, in order to direct them towards the exploitation of the resources given by God to Africa and towards an improvement in the standard of life and wellbeing of the people rather than to enrich further a small number of already prosperous Europeans.

The idea of Pan-Africanism was first conceived by a West Indian barrister, Mr. Henry Sylvester-Williams of Trinidad, who practised at the English bar at the end of the nineteenth and the beginning of the twentieth century. It seems that during and after his secondary studies, Mr. Sylvester-Williams established close relations with the West Africans living in England and later acted as legal adviser to several African chiefs and other indigenous dignitaries who visited the United Kingdom on political missions to the Colonial Office.

Africa then as now was in crisis. The ancient Bantu nations of South Africa had to face a racial conflict. The ancestral lands of these Africans were threatened by the Boers and the English. The chartered South Africa Company founded by Cecil Rhodes was penetrating central Africa. Even in West Africa, the Governor of the Gold Coast, Sir William Maxwell, was trying to convert the Fanti tribal lands into Crown Property.

In order to combat the aggressive policies of the English imperialists. Mr. Sylvester-Williams took the initiative of convening an African conference at London in 1900. Acting as a forum to protest against the aggression of white colonizers, the conference was at the same time to appeal to the missionary and abolitionist traditions of the English people to protect the Africans against the depredations of the empire builders.

Between 1919 and 1945, Dr. Du Bois was largely responsible for organizing five international conferences and for the formulation of their programmes and strategies of non-violent positive action. For over 30 years, Du Bois presided over the development of the Pan-African Congress with the affectionate solicitude of a father until such time as his child found a home on African soil.

*(i) The first Pan-African Congress*

The first Pan-African Congress was held in Paris in 1919; Du Bois was already in Paris to request the Allies to enact a bill of human rights for Africans as a reward for the services they had rendered during the First World War.

The Congress took place as a result of the support of Blaise Diagne, a Senegalese deputy in the French parliament.

*Resolutions of the first Pan-African Congress*

The Congress unanimously adopted a petition calling on the victorious Allied Powers to place Germany's former African colonies of Togo, Cameroon, South West Africa (now Namibia) and Tanganyika (now Tanzania) under international control, to be held in trust for their inhabitants as countries that would subsequently become independent. This proposal, in a very much more diluted form, was subsequently incorporated into the mandate system of the League of Nations from which the peoples of the territories concerned were excluded. The Pan-African Congress also adopted a resolution containing the following demands:

— That the Allied and Associated Powers establish a code of law for the international protection of the natives of Africa, similar to the proposed international code for labour;

— That the League of Nations establish a permanent Bureau charged with the special duty of overseeing the application of these laws for the political, social and economic welfare of the natives;

— That hereafter the natives of Africa and the peoples of African descent be governed according to the following principles:

(i) *The Land.* The land and its natural resources shall be held in trust for the natives and at all times they shall have effective ownership of as much land as they can profitably develop.

(ii) *Capital.* The investment of capital and the granting of concessions shall be regulated so as to prevent the exploitation of the natives and the exhaustion of the natural wealth of the country. Concession shall always be limited in time and subject to State control. The growing social needs of the natives must be regarded and profits taxed for the social and material benefit of the natives.

(iii) *Labour.* Slavery and corporal punishment shall be abolished, and forced labour, except in punishment of a crime; and the general conditions of labour shall be prescribed and regulated by the State.

(iv) *Education.* It shall be the right of every native child to learn to read and write his own language and that of the trustee nation, at public expense, and to be given technical instruction in some branch of industry. The State shall also educate as large a number of natives as possible in higher technical and cultural training and maintain a corps of native teachers.

(v) *The State.* The natives of Africa must have the right to participate in the Government as fast as their development permits, in conformity with the principle that the Government exists for the natives, and not the natives for the Government. They shall at once be permitted to participate in local and tribal government, according to ancient usage, and this participation shall gradually extend, as education and experience proceed to the higher offices of State; to the end that, in time, Africa is ruled by consent of the Africans... whenever it is proven that African natives are not receiving just treatment at the hands of any State or that any State deliberately excludes its civilized citizens or subjects of Negro descent from its body politic and culture, it shall be the duty of the League of Nations to bring the matter to the notice of the civilized world. (8)

*(ii) The second Pan-African Congress*

The second Congress took place in London in 1921. Of the 113 participants, only 41 were blacks from Africa. It was therefore inferred that Pan-Africanism was a concern of black people coming from outside Africa. Once again the theme of the Congress was the claims of oppressed peoples in general and the black race in particular.

*Resolutions of the Second Pan-African Congress*

The Negro race, through its thinking intelligentsia, demands:

— The recognition of civilized men as civilized, despite their race or colour.

— Local self-government for backward groups deliberately rising as experience and knowledge grow to complete self-government in a self-governed world.

— Education in self-knowledge, in scientific truth and in industrial technique, undivorced from the art of beauty.

— Freedom in their own religion and social customs and with the right to be different and nonconformist.

— Co-operation with the rest of the world in government, industry and art on the basis of justice, freedom and peace.

— The return of Negroes to their land and its natural fruits, and defence against the unrestricted greed of invested capital.

— The establishment, under the League of Nations, of an international institution for study of the Negro problems,

— The establishment of an international section of the Labour Bureau of the League of Nations charged with the protection of native labour. (9)

*(iii) The third Pan-African Congress*

The third Congress was held in spring 1923, the first part taking place in London and the second in Lisbon. One sees the importance which the Pan-Africans attached to

London, because at the time a Labour Government was in power and partly supported the demands of the Africans. One also sees that the President of the Pan-African Congresses, Dr. Du Bois, had selected Lisbon for the third Congress to attract the attention of the subjects of Portuguese colonies who might be in the Portuguese capital at the time.

*Recommendations of the third Congress*

- A voice in their own governments.
  - The right of access to land and its resources.
  - Trial by juries of their peers under established process of law.
  - Free elementary education for all; broad training in modern industrial technique; and higher training for selected talent.
  - The development of Africa for the benefit of Africans, and not merely for the profit of Europeans.
  - The abolition of the slave trade and the liquor traffic.
  - World disarmament and the abolition of war; but failing that, and as long as white folk bear arms against black folk, the right of the blacks to bear arms in their own defence.
  - The organization of commerce and industry to make the main object of capital and labour the welfare of the many rather than the enriching of the few.
- In time, we ask in all the world, that black folk be treated as men. We can see no other road to peace and progress. What more paradoxical figure today confronts the world than the official head of a great South African State striving blindly to build peace and goodwill in Europe by standing on the necks and heart of millions of black Africans? (10)

*(iv) The fourth Pan-African Congress*

The Congress took place in New York, in 1927. Before discussing this Congress, and to show its impact on public opinion, it should be noted that the King of the Ashanti, Prempeh I, whom the English had exiled to the Seychelles, was released in 1924 after 24 years in exile. The New York Congress was particularly important for North American black women, who had formed a delegation the majority of whose members had participated in the preparatory committee for the Congress. Many of those women wanted to learn all about the origins of their ancestors. One of the final decisions concerned the right to hold the next Congress in an African country, and more specifically in Tunis, because of the easy means of communication available in Tunisia. France opposed that idea; it wished the Congress to be held in a town in France, rather than in a French-speaking African country, because of the nationalist interests that it might spark off later.

After the fourth Pan-African Congress, 18 years passed before another Congress was held, for the following reasons: in 1929, the economic crisis broke out in the West, and many blacks found themselves unable to subsidize the Pan-African Congresses as they had in the past; furthermore, the invasion of Ethiopia had disappointed the Pan-Africanists, because for them Ethiopia had been a kind of myth. In 1937, however, the International Office for Services to Africans was established in London, while the Pan-African Federation, the British branch of the Pan-African Congress, was also active. In 1944, during the Second

World War, the International Office for Services to Africans and the Pan-African Congress merged into a single Pan-African entity with a view to preparing the fifth Pan-African Congress. Pan-Africanism may be said to have reached maturity at that moment, for it abandoned its previous abstract theories and embarked on specific projects such as the founding of a journal, *International African Opinion* which dealt with issues such as the methods and forms of organization that colonized peoples should adopt, the tactics and strategies for the liberation struggle and the use of Gandhi's techniques (non-violence and non-co-operation). Opuscles were also published on the colonized peoples or on African history.

*(v) The fifth Pan-African Congress*

A special international conference secretariat was assigned responsibility for the preparatory work for the Congress. It was composed of: Peter Milliard, of British Guyana (Chairman), M. T. R. Makonen, of British Guyana (Treasurer), George Padmore of the West Indies and Kwame Nkrumah of Ghana, both of whom acted as political co-secretaries, Peter Abrahams of South Africa (Secretary for publicity) and Jomo Kenyatta of Kenya (Assistant Secretary).

The following countries were represented at the Conference, held in March 1945: Nigeria, the Gold Coast (Ghana), Sierra Leone, Gambia, Jamaica, Trinidad, Barbados and British Guyana. As we can see, the Pan-African movement had ceased to be a purely elitist movement of intellectuals; in particular, the Congress enabled the first contacts to be set up between English-speaking and French-speaking nationalists.

*Decisions of the fifth Pan-African Congress*

Concerning the *political situation*, the Congress observed:

That since the advent of the British, French, Belgian and other European nations in West Africa, there has been regression instead of progress as a result of systematic exploitation by these alien imperialist powers. Their claims of "partnership", "trusteeship", "guardianship" and the "mandate system", do not serve the political wishes of the people of West Africa.

That the democratic nature of the indigenous institutions of the people of West Africa has been crushed by obnoxious and oppressive laws and regulations and replaced by autocratic systems of government which are inimical to the wishes of the peoples of West Africa.

That the introduction of pretentious constitutional reforms in the West African territories are nothing, but spurious attempt on the part of the imperialist powers to continue the political enslavement of the peoples.

That the introduction of indirect Rule is not only an instrument of oppression but also an encroachment on the right of the West African natural rulers.

That the artificial divisions and territorial boundaries created by the imperialist powers are deliberate steps to obstruct the political unity of the West African peoples.

Regarding the West African *economic system*, the resolution asserted:

That there has been a systematic exploitation of the economic resources of the West African territories by the imperialist powers to the detriment of the inhabitants.

That the industrialization of West Africa by the indigenes has been discouraged and obstructed by the imperialist rulers, with the result that the standard of living has fallen below subsistence level.

That the land, the rightful property of West Africans, is gradually passing into the hands of foreign governments and other agencies through various devices and ordinances.

That the workers and farmers of West Africa have not been allowed independent trade unions and co-operative movements without official interference.

That the mining industries are in the hands of foreign monopolies of finance capital, with the result that wherever a mining industry has developed there has been a tendency to deprive the people of their landholdings (e.g. mineral rights in Nigeria and Sierra Leone now the property of the British Government).

That the British Government in West Africa is virtually controlled by a merchants' united front whose main objective is the exploitation of the people, thus rendering the indigenous population economically helpless.

That when a country is compelled to rely on one crop (e.g. cocoa) for a single monopolistic market, and is obliged to cultivate only for export while at the same time its farmers and workers find themselves in the grip of finance capital, then it is evident that the government of that country is incompetent to assume the responsibility for it.

Commenting on the *social needs* of the area, the resolution said:

That the democratic organizations and institutions of the West African people have been interfered with, that alien rule has not improved education, health or the nutrition of the West African peoples, but on the contrary tolerates illiteracy, ill-health, malnutrition, prostitution and many other social evils.

That organized Christianity in West Africa is identified with the political and economic exploitation of the West African peoples by alien powers. (11)

#### *Warning of racial conflicts in Africa*

Warning of the danger of increasing racial conflict in East Africa, especially Kenya, the Congress issued a special appeal to the Labour Government then in office to implement the following immediate demands in order to ease the growing racial tension and the frustration among politically minded Africans:

- The principles of the Four Freedoms and the Atlantic Charter to be put into practice at once.
  - The abolition of land laws which allow Europeans to take land from the Africans. Immediate cessation of any further settlement by Europeans in Kenya or in any other territory in East Africa. All available land to be distributed to the landless Africans.
  - The right of Africans to develop the economic resources of their country without hindrance.
  - The immediate abolition of all racial and other discriminatory laws (the Kipande system in particular) and the system of equal citizenship to be introduced forthwith.
  - Freedom of speech, press, association and assembly.
  - Revision of the system of taxation and of the civil and criminal codes.
  - Compulsory free and uniform education for all children up to the age of 16, with free meals, free books and school equipment.
  - Granting of the franchise, i.e. the right of every man and woman over the age of 21 to elect and be elected to the Legislative Council, Provincial Council and all other Divisional and Municipal Councils.
  - State medical, health and welfare service to be made available to all.
  - Abolition of forced labour and the introduction of the principle of "equal pay for equal work". (12)
- From 1940 to 1945 onward, national associations began to be formed in the various European colonies of Africa; these associations later became the various political parties. In these associations many future African leaders were schooled in politics. For example, the associations of the *évolués* (educated Africans) in the Belgian Congo produced the country's first President, Joseph Kasavubu, and its first Prime Minister, Patrice Lumumba.
- Beginning with the fifth Congress at Manchester, Pan-Africanism was used by the nationalist movements in their struggle for independence. From 1945 onward, the Pan-African Congresses, which had been essentially non-governmental until then, were gradually taken over by governmental associations or political parties. With the independence of Sudan, Morocco, Tunisia and above all Ghana, Pan-Africanism was to become an exclusively governmental organization, the Organisation of African Unity, was founded at Addis Ababa.

### *III. The realization of human rights in international forums and the role of the NGOs*

#### *1. The League of Nations*

After the First World War, the Allies signed a peace treaty with Germany at Versailles. During a meeting the idea arose of setting up an international organization to "promote international co-operation and to achieve international peace and security". (13) The Covenant of the League of Nations does not contain any human rights provisions in its basic principles. However, issues such as minorities, mandates and the committees on the traffic in women and the protection of children for example, provides the necessary framework for elaborating international human rights protection standards.

Several non-governmental organizations played an active role in those forums. They participated in the work of a number of committees on virtually the same footing as the governmental delegates. In 1939, there were 28 non-governmental organizations (or voluntary agencies) co-operating with the League of Nations.

#### *2. The International Labour Organisation*

The International Labour Organization, the only inter-governmental organization dealing with human rights that has been in continuous existence since 1919, has a very



extensive and very effective system for the protection of human rights. The Constitution of ILO, contained in part III of the Treaty of Versailles, contains in article 427 a declaration on workers' rights by which the high contracting parties recognized that "the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance". (14) Thus, ILO has played a pioneering role in certain areas, such as the implementation of standards in general and the protection of indigenous and tribal populations in particular.

The particularity of ILO is that it is a tripartite organization, i.e. every delegation must include representatives of employers and workers, in addition to those of the Government, in order to be allowed to vote. Thus, non-governmental organizations, representing both employers and trade unions, participate directly in the ILO decision-making process. Other non-governmental organizations have also established co-operative relations with ILO and may thus be entitled to participate in the annual sessions of the International Labour Conference and in the work of certain committees.

### 3. The United Nations

During the drafting of the Charter of the United Nations, non-governmental organizations played an important part in ensuring the inclusion of articles specifically mentioning the protection of human rights and fundamental freedoms in the Charter. Thanks to the active presence of representatives of non-governmental organizations acting as consultants in the United States delegation, "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion" (15) and the specific reference to a Commission on Human Rights were included in the Charter of the United Nations. A difficult struggle was waged on that occasion against many delegates who sought jealously to defend the prerogatives of States and their sacrosanct national sovereignty. Some States also feared that the establishment of a Commission on Human Rights would lead colonized peoples to make demands. But the victory was primarily that of peoples over States, peoples who were represented at San Francisco by non-governmental organizations.

This victory of peoples was also demonstrated in San Francisco with the inclusion in the Charter of Article 71, which provided for the participation, on a consultative basis, of non-governmental organizations in the work of the Economic and Social Council, of which the Commission on Human Rights is a subsidiary body. This article not only provides the legal basis for relationship between the United Nations and the NGOs but also gives practical expression to the desire to involve the "peoples" in the Organization's efforts to resolve "international problems of an economic, social, intellectual or humanitarian nature". (16)

This consultative status allows NGOs to participate in United Nations work in the field of human rights by providing information on human rights violations, acting as spokespersons for the unrepresented, by placing their skills and expertise at the service of the United Nations and influencing, through their presence and the pressure they bring to bear on Governments, the decisions taken on the promotion and protection of human rights.

The legal framework for the participation of the NGOs in the work of the Economic and Social Council is contained in Council resolution 1296 (XLIV) of 23 May 1968 concerning

the arrangements for consultation with NGOs. The consultations may take the form of written or oral statements.

Nowadays, a meeting of the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities with no NGO participation is unthinkable. Their participation has increased considerably in recent years. For example, according to the statistics supplied by the NGO Liaison Office of the United Nations Office at Geneva, 33 NGOs participated in the work of the Commission on Human Rights in 1970, 62 in 1980 and 119 in 1988.

The NGOs' contribution to other forums in the United Nations system that also deal with human rights, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) is as crucial to their activities as it is in the bodies of the Economic and Social Council as such. Those agencies have therefore established a relationship of co-operation with the NGOs.

The foregoing clearly shows that the NGOs have played an essential role in the promotion and protection of human rights since the inception of the United Nations. Without them, human rights would not have the place in the United Nations that they have today and God only knows what the contemporary world would be like without the Commission on Human Rights, which represents the international conscience in this area.

### 4. The Council of Europe

In 1951, the Committee of Ministers of the Council of Europe, recognizing the potential contribution of NGOs to the work of the Council, adopted a resolution providing for consultations with NGOs on matters falling within the Council's competence. Guidelines were elaborated in 1954 for granting consultative status to a number of NGOs, thereby enabling them to participate actively in the Council's activities and to provide useful and constructive opinions on the questions dealt with. The co-operation between the NGOs and the Council of Europe has developed steadily.

NGOs play an important role in human rights activities. Thus, article 25 of the European Convention for the Protection of Human Rights and Fundamental Freedoms makes provision for the European Commission on Human Rights to receive petitions addressed, *inter alia*, by a non-governmental organization, thus conferring upon them a right of petition unfortunately denied them under the Optional Protocol to the United Nations International Covenant on Civil and Political Rights.

### 5. Organization of American States

One of the main OAS bodies is the Inter-American Commission on Human Rights. The Commission has not established formal consultative relations with the NGOs. However, it co-operates with the NGOs through the OAS secretariat. An ongoing exchange of information has developed between the Commission and the NGOs engaged in human rights activities. The information provided by the NGOs is crucial to the Commission's work.

NGOs may also submit complaints under the American Convention on Human Rights. Article 44 of the Convention stipulates that "Any person or group of persons, or any non-governmental entity legally recognized in one or more member States of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this convention by a State party".

#### 6. Organization of African Unity

The main instrument for the promotion and the protection of human rights in Africa is the African Charter on Human and Peoples' Rights and, more specifically, the African Commission on Human and Peoples' Rights. Articles 55, 56 and 57 refer to communications other than those of States parties to the Charter. The articles read as follows:

##### Article 55

1. Before each session, the Secretary of the Commission shall make a list of the communications other than those of States parties to the present Charter and transmit them to the members of the Commission, who shall indicate which communications should be considered by the Commission.

2. A communication shall be considered by the Commission if a simple majority of its members so decide.

##### Article 56

Communications relating to human and peoples, rights referred to in article 55 received by the Commission, shall be considered if they:

1. Indicate their authors even if the latter request anonymity;
2. Are compatible with the Charter of the Organization of African Unity or with the present Charter;
3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organization of African Unity;
4. Are not based exclusively on news disseminated through the mass media;
5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged.
6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter; and
7. Do not deal with cases which have been settled by the States involved in accordance with the principles of the Charter of the United Nations, of the Charter of the Organization of African Unity or the provisions of the Present Charter.

##### Article 57

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

### IV. Specific role of NGOs

#### i. Préparation of standards

##### (a) The International Bill of Human Rights

When the Charter of the United Nations was drawn up in San Francisco, a proposal was made for the drafting of a Declaration on Human Rights. However, time constraints precluded a more detailed study of the proposal. At its first session in December 1946, the General Assembly examined a draft Declaration on Fundamental Human Rights and Freedoms and referred it to the Economic and Social Council which in turn requested the Commission on Human Rights, which had been established early in 1946 pursuant to Article 68 of the Charter, to deal with the draft. At its first session in early 1947, the Commission asked its officers to formulate a preliminary draft international bill of human rights. Later on, the task was entrusted to a Drafting Committee chaired by Mrs. Eleanor Roosevelt with Charles Malik as Rapporteur.

From the outset, NGOs participated actively in the drafting work and submitted draft texts and written and oral proposals. Some 30 NGOs participated in the various meetings held in 1947-1948 culminating in the adoption of the Universal Declaration of Human Rights. International public opinion, represented by the NGOs, provided a powerful incentive to the drafters, who could not fail to meet the hopes raised in San Francisco.

Among the NGOs that participated in the work were trade unions, religious, women's and parliamentarians' organizations. They contributed primarily to the articles on freedom of belief, freedom of association, right of asylum,

social rights, equality of the sexes and the rights of minorities and aliens.

After discussion, the Drafting Committee decided to prepare two working papers: one containing a declaration and the other one or more conventions. In late 1947, the Commission decided to call the set of documents as a whole the "International Bill of Human Rights" and to set up three working groups: one on the declaration, one on the one or more covenants and a third on measures of implementation.

At its spring 1948 session, the Commission was able to consider only the draft declaration, and therefore only that text was submitted to the General Assembly, which met in Paris in autumn 1948. The General Assembly adopted the text of the Universal Declaration of Human Rights on 10 December 1948. However, it requested the Commission on Human Rights to give priority to the preparation of a draft covenant on human rights, which the Commission tackled immediately. In 1951, the General Assembly requested the Commission "to draft ... two Covenants on Human Rights ... one to contain civil and political rights and the other to contain economic, social and cultural rights

That undertaking was to continue until 1966 and to mobilize the energies of numerous non-governmental organizations, which made an invaluable contribution to the work of the Commission on Human Rights throughout the process of the preparation of those two instruments, which were adopted by the General Assembly in 1966 and entered into force in 1976 when the required number of ratifications (35) had been attained. There again, NGOs played

an important role in putting pressure on Governments to ratify the two Covenants, which, unlike the Declaration, are legal and binding in nature.

(b) *The Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (2 to 5 July 1951, Palais des Nations, Geneva)*

During this Conference, non-governmental organizations such as the Coordinating Board of Jewish Organizations, the World Jewish Congress, the International Union for Child Welfare and the League of Red Cross Societies submitted some very important commentaries that addressed nearly all aspects of the refugee question.

Other NGOs also submitted relevant commentaries on various aspects, including the following :

*Mr. Ruegger (International Committee of the Red Cross):*

Viewing the refugee problem as it did from a strictly humanitarian angle, the International Committee of the Red Cross considered that the following principles should be adopted : all persons compelled by force of circumstances to seek asylum outside their usual country of residence had a right to be received, subject, of course, to reservations similar to those included in article 14 of the Universal Declaration of Human Rights, denying the benefits of that provision to common criminals. Moreover, if such persons could not lead a normal life where they found themselves, they should be entitled to assistance from the authorities of the territory concerned. If the resultant expense proved to be beyond the pocket of those authorities, the international community should assume some responsibility in the matter, for reasons of human solidarity, that responsibility being discharged through the competent political authorities. Finally, humanitarian institutions should be entitled to support the action of the public authorities so far as their means permitted. Those were the principles on which the International Committee of the Red Cross had based its appeal of 1 May 1950, when it had drawn the attention of the responsible Governments and institutions to the paramount importance of not restricting the status of refugees by defining too narrowly who was to benefit by it, but on the contrary, of adopting wide and universal definitions which took full account of the sad fate of all human beings who might stand in need of that status now or in the future. (17)

*Mr. Rollin (Inter-Parliamentary Union) :*

In the case of article 4, on exemption from reciprocity, the Inter-Parliamentary Union considered that the second subparagraph of paragraph 2 might give rise to misunderstandings. It provided that other refugees (that was, those not enjoying at the date on which the Convention came into force the rights and benefits laid down in the first subparagraph of paragraph 2, would enjoy those same rights and benefits, without regard to reciprocity, when they had been resident in the territory of the Contracting State for a certain period. By "the same rights and benefits" was therefore meant rights and benefits which certain refugees had been enjoying without regard to reciprocity, which was tantamount to promising to refugees the status of the aliens most favoured by the reciprocity clause. The results would accordingly be different in each country, according to the rights and benefits granted to aliens in virtue of such a clause.

Furthermore, the Inter-Parliamentary Union considered it essential to draft the reciprocity clause in the most liberal spirit. In the draft Convention, provision has been made for three different regimes according to the rights in question : in respect of the protection of artistic, industrial and scientific rights, refugees would have the same treatment as articles 10 and 12 on the right of association and wage-earning employment respectively), they would receive the most favourable treatment accorded to aliens. Finally, they might also have the treatment accorded to aliens generally. Moreover, certain provisions mitigated those conditions by specifying that refugees would be granted treatment as favourable as possible, and at the very least, the same treatment as aliens generally. (18)

*Abbé Haas (Caritas Internationalis) :*

... Even before legal relationships were established, the taking-in of a refugee by a State able to grant him its protection set up and of mutual confidence between the person thus entrusting another country with the protection of his life and liberty and the State which was prepared to safeguard it by granting him asylum. That meant that on both the spiritual and the human plane the right of asylum assumed an amplitude which admitted of no other limitations than those best fitted to safeguard it...

His organization appealed to the Conference to consider the exceptional position of the refugee. In whatever country or continent he found himself, the refugee always remained someone who had suffered more than could ever be imagined from his being uprooted, someone who no longer had the support of his native land behind him and who, being often forced by those circumstances to take clandestine and illegal action, could never be as other aliens. The special rights granted to refugees by earlier Conventions and by the conscience of mankind were consequently not privileges in the legal meaning of the word; they were the natural outcome of the refugee's very situation.

Caritas Internationalis therefore hoped that concern for the material, economic, social and political interests of receiving countries would not lead Governments to enter reservations incompatible with the noblest form of hospitality. (19)

*Abbé Braun (Caritas Internationalis) :*

... It must be borne in mind that a refugee could not return to his country of origin, that the territory in which he found asylum implicitly undertook not to deliver him up, and finally, that a refugee might sometimes be treated more severely than his case deserved, owing to his ignorance of the language and customs of the country of refuge, and owing to the distrust with which he might be regarded. If an expulsion order was made against him, he would be unable to find any country that was prepared to grant him the necessary entry visa. He would thus have to choose between staying in the country from which he was being expelled and going underground, and returning to his own country and facing the certain death that awaited him there...

Nevertheless, the proviso contained in article 27 relating to "national security" and especially that relating to "public order", seemed to his organization to be far too vague, and consequently harmful to the interests of refugees. Those provisos should be very clearly defined. Moreover, the

Commission on Human Rights had on several occasions noted that the term "public order" was vague and general, and-as indeed history testified-capable of serving as justification for glaring abuse... (20)

*Mr. Rees (Standing Conference of Voluntary Agencies working on behalf of refugees) :*

... Its decisions had at times given the impression that it was a conference for the protection of helpless sovereign States against the wicked refugee. The draft Convention had at times been in danger of appearing to the refugee like the menu at an expensive restaurant, with every course crossed out except, perhaps, the soup, and a footnote to the effect that even the soup might not be served in certain circumstances.

Even those who had constantly attended the Conference's discussions might easily have gathered the impression that the average refugee was a black marketer in currency, a bankrupt, a dangerous criminal, an enemy agent, a menace to the labour market and a person unfit for higher education.

Such persons certainly existed, as they did in every cross-section of society, but those who worked with refugees felt impelled to remind the Conference that refugees were men and women with like passions and the same qualities as any others, and that experience both in Europe and, especially, in the countries of resettlement had shown that the vast majority of them were a potential asset to any community.

The Conference had legislated for the worst type of refugee living in the most liberal country. He would urge representatives also to take into account the average refugee living in the most reactionary country... (21)

*Mr. Habicht (International Association of penal Law):*

... said he had noted with some concern the further attempt to restrict the number of persons who would benefit from the Convention, and that the United Kingdom representative was virtually the only speaker who had opposed the inclusion of the words "in Europe" in the definition of the term "refugee". The International Association of Penal Law had hoped that the Conference would endeavour to elaborate a world-wide convention that would become a Magna Charta for the persecuted. He would respectfully draw the attention of representatives to the disadvantage at which the further restriction contemplated would place thousands, and, in the future, perhaps even hundreds of thousands, of persons. A convention with the scope of a Magna Charta containing minimum conditions for the readjustment of refugees would be in the interests not only of the refugees themselves, but of all the countries of asylum. He would therefore urge careful consideration of that important aspect of the problem... (22)

*Statement submitted by the International Confederation of Free Trade Unions:*

— Definition of the term "Refugee"

The most important point in the working of the Convention relating to the Status of Refugees which requires some improvement is the definition of the term "refugee". The definition chosen by the fifth session of the General Assembly (see 428 v), Statute of the Office of the United Nations High Commissioner for Refugees) sets a limitation on assistance to refugees by mentioning "as a result of

events occurring before 1 January 1951". The present world situation, however, does not justify this clause. There can be no guarantee that people will not have to escape from threats to liberty or life in the future; they will hence still require special protection. There is no reason why these possible victims should be deprived of the protection which has been extended to others who became refugees before a certain date.

— Principle of Non-Discrimination

... The ICFTU has stressed in a previous statement that the definition of the term "refugee" should include a provision for persons who, although in a country which from the ethnic point of view is not unlike their own, have the characteristics of refugees (German and Greek refugees, for instance). The lack of provision for these groups seems to be an arbitrary measure, especially in cases where their expulsion has been supported by Member nations of the United Nations.

Justice requires a broader approach to the question. The humanitarian reasons for the protection of refugees should not be ignored in elaborating the details of the High Commissioner's functions. By applying the principle of non-discrimination, the term "refugee" should be made to include refugees who, although in a country of their own ethnic origin, are homeless and unable to adopt the nationality of the country sheltering them; and possible future victims who qualify as refugees if no arbitrary deadline were stipulated... (23)

*Statement submitted by the Friends Wold Committee for Consultation (Quakers) :*

— Chapter If. Article 10

The phrase "non-profit-making associations and trade unions" gives the impression of a rather narrow orbit of thinking in connection with the Right of Association. It is strongly urged that this article be reworded to acknowledge the Right of Association for religious worship and for cultural and artistic activities of a non-political nature. (24)

*Statement submitted by the World University Service :*

World University Service is of the opinion that the wording of article 17, paragraph 2, in the Draft Convention on the Status of Refugees and Stateless Persons is not satisfactory as it would not afford a refugee "equality of opportunity" in respect of education, other than elementary education.

The present wording places a refugee on a par with nationals of a foreign country. This puts the refugee at a disadvantage as most countries assist foreign students under bilateral agreements which clearly could not apply to refugees... (25)

*(c) Convention on the Elimination of All Forms of Discrimination against Women*

Both the declaration on the Elimination of Discrimination against Women, adopted by the United Nations General Assembly on 7 November 1967, and the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979, which entered into force on 3 September 1981, came about as a result of the efforts made by a large number of NGOs, in particular women's NGOs. While the majority of interna-

tional human rights instruments were adopted after national or international conflicts, this Convention was the result of an age-old struggle for the recognition of equality between men and women.

Among the NGOs that were instrumental in the adoption of this Convention were, in particular, the International Council of Women, the International Alliance of Women, the Women's International Democratic Federation, the Associated Country Women of the World, the Friends World Committee for Consultation (Quakers), the World Union of Catholic Women's Organizations, the International Council of Jewish Women, the World Young Women's Christian Association and the Conference of African Women, now called the Pan-African Women's Organization, whose headquarters, originally at Algiers, was transferred a few years ago to Luanda, Angola.

In June 1976, the last of these organizations submitted a draft convention containing 25 articles to the United Nations Commission on the Status of Women; the draft had major repercussions on the drafting of the final text of the Convention. While recognizing the importance and usefulness of the work performed by this organization in the process of elaborating the Convention on the Elimination of Discrimination against Women, and while agreeing with their aims, which are:

- To bring together all the organizations of African women for the purpose of exchanging views and undertaking joint activities;
- To promote human rights;
- To support the political, economic and social liberation of the African continent;
- To secure the complete integration of women into economic and social development;
- To promote genuine unity among African States;
- To establish lasting relations of friendship and co-operation between the women of Africa and women throughout the world.

I cannot but regret that this organization is composed mainly of national organizations of women members of various one-party systems in our continent.

#### (d) Elimination of racial discrimination

Even before the United Nations adopted the instruments aimed at eliminating all forms of racial discrimination: the Declaration on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly on 20 November 1963, and the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly on 21 December 1965, the Economic and Social Council adopted on 3 August 1953 resolution 502 C (XVI) in which it:

1. *Appeals* to non-governmental organizations active in the field of eradicating prejudice and discrimination, or having as their objective the promotion of social progress generally, to co-ordinate their endeavours in this work;

2. *Requests* the Secretary-General, in collaboration with competent specialized agencies, to consult the non-governmental organizations in consultative relationship with the Council or the specialized agency concerned, in order to determine if it would be advisable to convene the interested non-governmental organizations in a conference in order that they may:

- (a) Exchange views concerning the most effective means of combating discrimination;

- (b) Co-ordinate their endeavours in this work if they find it desirable and feasible;

- (c) Consider the possibility of establishing common objectives and programmes.

Following that resolution, two NGOs conferences on the subject were held in Geneva, one from 31 March to 4 April 1955 and the other from 22 to 26 June 1959.

At the first conference 91 NGOs were represented and at the second there were 84.

Both conferences adopted resolutions concerning:

- The reaffirmation of the human rights principles contained in the international instruments thus far elaborated;
- The mobilization of NGOs and public opinion in favour of the elimination of all forms of discrimination;
- The teaching and information methods to be used in combating prejudice and discrimination.

This is one example of how NGOs helped to pave the way for the adoption of international instruments.

## 2. Implementation of standards

In order to protect and promote human rights, it is not enough for the United Nations and the regional bodies to adopt legal instruments; those instruments have to be ratified and implemented by States. This is perhaps the area in which NGOs play their most important role, which is to remind States of their commitments.

Below are some examples of the considerable work accomplished by NGOs in the field of human rights.

### (a) Ratification of international instruments

To enter into force, the instruments adopted by the General Assembly have to obtain a sufficient number of ratifications. Many Governments, despite having voted in favour of a particular instrument in the General Assembly, are in no great hurry to ratify them. Without the pressure brought to bear by the NGOs, these instruments would frequently be consigned to the archives of the various ministries of foreign affairs. International NGOs call on their national affiliates to make contact with Governments in order to get the ratification procedure under way when it has not yet begun. Thus, the NGOs took concerted action to secure the ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; their campaign took 10 years of effort to secure the 35 ratifications needed for the instruments to enter into force.

### (b) Monitoring the implementation of standards

Once the instruments have come into force, their implementation must be ensured. At the United Nations level, some monitoring mechanisms have been established under the various instruments. There again, NGOs play a capital role. Despite the fact that virtually none of the supervisory bodies assign a formal role to them, the NGOs are present and active. When States parties present their reports, many NGOs send information on the actual situation in the countries concerned to the experts entrusted with considering the reports. This information is extremely valuable to the experts.

Also through their national affiliates, the NGOs inform the citizens of the international commitments made by their respective Governments in the field of human rights.

so that the citizens can use this information to back their efforts to secure better protection of human rights in their country.

For example, many Latin Americans have made considerable use of international and regional machinery to report human rights violations in their continent and thus to put pressure on various military and dictatorial Governments. In contrast, very few African citizens avail themselves of the opportunities offered by the international commitments entered into by numerous African countries. This is mainly because African citizens are unable to form organizations for the defence and promotion of human rights.

### 3. Promotion and protection of human rights

#### (a) Promotion

International thinking on the basic rights of all the citizens of the world can best be communicated through education. It is important that the African countries should introduce the relevant courses in their education systems. If all the African Governments had the political will to introduce the teaching of human rights, through instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in their national educational systems, I am convinced that by the year 2000 considerable progress would be made in respect for human rights and fundamental freedoms in our continent.

There are non-governmental organizations that specialize in the teaching of human rights, such as the World Association for the School as an Instrument of Peace, founded by my great friend, Jacques Muhlethaler. Every year, for example, it organizes an international training session on the teaching of human rights for teachers in training colleges and secondary schools, in which teachers from different countries, including some African countries, participate. Further, a special session was organized at Conakry (Guinea) in the summer of 1988.

#### (b) Protection

The NGOs collect information on violations in a specific country, either from individuals who have been victims of these violations or their families, from their local contacts, from newspapers or from missions they have conducted in the countries concerned.

They then verify the information to make sure it is reliable. Once the necessary checks have been made, they establish a plan of action depending on the case and the country. This information is usually transmitted either to the parliaments of the various countries, the regional bodies (Council of Europe, Organization of American States) or the United Nations.

In the case of widespread and gross violations occurring in a country that has not yet been the subject of specific United Nations action, the information will be processed under the confidential procedure established in Economic and Social Council resolution 1503 (XLVIII) of 27

May 1970, which authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities "to consider all communications ... which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms". It may be said that this procedure is kept going almost exclusively by the information supplied by the NGOs.

For example, it was through this procedure that the Commission on Human Rights was seized with the human rights violations in Equatorial Guinea and the Commission, in March 1979, acted to protect human rights in that country.

In the case of a country which is the subject of specific United Nations action, the information is transmitted to the committee or to the special rapporteur dealing with that country. Cases in point are South Africa, the Arab territories occupied by Israel, Chile, Iran, etc.

For a specific type of violation, such as torture, mass executions or enforced or involuntary disappearances, the information is transmitted to the rapporteurs or working groups dealing with those questions.

As we have already stated, NGOs having consultative status with the United Nations Economic and Social Council may participate as observers in the discussions of the Council's subsidiary bodies, such as the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities.

This participation may be either oral or written in nature. In their statements, NGOs may report human rights violations and propose measures for preventing or ending them. For instance, the NGOs were responsible for the establishment of working groups on indigenous peoples who do not enjoy their right to self-determination and on enforced or involuntary disappearances.

### Conclusion

An attempt to make a detailed examination of the role played by the NGOs in the field of human rights is an undertaking which might require several studies. In this modest work, I have tried to show the important role played by NGOs in the promotion and protection of human rights and peoples' rights. My conclusion is that the NGOs are the moving spirit in the promotion and protection of these rights.

Any governmental or inter-governmental agency, whether at the national, regional or international level, that excludes the activities of the NGOs, will have difficulty in dealing with the promotion and protection of human and peoples' rights. The political, economic, commercial, strategic or ideological considerations of States prevent governmental organizations from taking charge of individuals and peoples.

For all those reasons, we say to the Organization of African Unity that the only way of promoting and protecting human and people's rights is to prepare laws and standards that allow NGOs involved with human rights to operate legally in its member States; in this way, human rights and the rights of the peoples of Africa will be fully promoted and protected.

# Notes

- (1) Paragraph 7 of Economic and Social Council resolution 1296 (XLIV) concerning the arrangements for consultations with non-governmental organizations, of 23 May 1968.
- (2) *La Révolution française et l'abolition de l'esclavage*, vol. VI, Paris, 1968.
- (3) Amy Jacques-Garvey, *Philosophy and opinions of Marcus Garvey of Africa for the Africans*, London, 1967, vol. I, p. 29.
- (4) *Ibid.*, vol. II, pp. 37-38.
- (5) W. E. Burghardt Du Bois, *The Souls of Black Folk*, Atlanta 1903, pp. 42-43.
- (6) George Padmore, *Pan-Africanism or Communism ? The Coming Struggle for Africa*, Dennis Dobson, London, pp. 113-114.
- (7) Joseph Ki-Zerbo, *Histoire de l'Afrique noire*, Paris, 1978, p. 644.
- (8) George Padmore, *op. cit.*, pp. 124-125.
- (9) *Ibid.*, p. 131.
- (10) *Ibid.*, p. 140.
- (11) *Ibid.*, p. 163-165.
- (12) *Ibid.*, p. 166-167.
- (13) The Covenant of the League of Nations - Preamble.
- (14) Constitution of I.L.O., article 427.
- (15) Charter of the United Nations, Article 1, para. 3.
- (16) *Idem*.
- (17) A/CONF.2/SR.2, p. 24.
- (18) A/CONF.2/SR. 10, p. 5-6.
- (19) A/CONF.2/SR.14, p. 6.
- (20) A/CONF.2/SR. 15, p. 4-5.
- (21) A/CONF.2/SR. 19, p. 5.
- (22) *Ibid.*, pp. 26-27.
- (23) A/CONF.2/NGO/5, pp. 1-2.
- (24) A/CONF.2/NGO/7, p. 2.
- (25) A/CONF.2/NGO/9, p. 1.

# The work of non-governmental organizations in the world-wide promotion and protection of human rights

by Nigel S. Rodley \*

The publication of this issue of the *Bulletin of Human Rights* evidences the importance traditionally attached by the United Nations to the work of non-governmental organizations (NGOs) in the human rights field. It is appropriate that it appears during a period in which a working group of the Commission on Human Rights is engaged in drafting a declaration on human rights defenders. Indeed, the draft declaration holds out the prospect of offering solemn legitimation of the activities that it is the purpose of this article to describe. After a presentation of the work of human rights NGOs and how they co-operate with the United Nations, I shall therefore conclude with some thoughts on the possible content of the eventual declaration. This article naturally reflects my experience as head of the legal office of the International Secretariat at Amnesty International 1974-1990.

There are thousands of voluntary organizations around the world that could be said to be concerned with advancing human rights at the national or international levels. Many of them are interest groups — professional, industrial, religious, ethnic or political — whose involvement is restricted to, or at any rate focused on, the human rights of their own members. This article considers primarily the much smaller group of NGOs set up to deal with human rights for their own sake, working to defend the principles of human rights by acting to protect others from human rights violations. Of this smaller group, it is the *international* human rights NGOs that are the principal object of our attention, for it is they that have assumed responsibility for promoting respect for human rights universally. Nevertheless, much of what follows will apply to national, as well as international, human rights NGOs. Moreover, several international human rights NGOs have associations working for human rights at the national and local level among their

membership. Nor can we overlook the work of the national NGOs in providing valuable and timely information to the international NGOs, often at great risk to their individual members of the most grievous persecution and repression.

The purpose of human rights NGOs is to stop human rights violations. I make this seemingly obvious statement because all too often NGOs are accused of committing all manner of sins, such as being anti-government or pro-opposition (whether that opposition be lawful or unlawful, peaceful or violent), pro-minority or anti-majority, revolutionary or counter-revolutionary, socially or politically insensitive or naïve, part of a conspiracy against the particular class of government, and so on. Yet it is Governments or other entities exercising government-like power that commit human rights violations, because human rights are precisely limits on the exercise of official power and human rights violations are transgressions of such limits. If NGOs are sometimes perceived as being nuisances to Governments, it is because that is their role. This is also a timely point to make. Sometimes after a period of repression in a particular country, a new Government will come to power and acknowledge the very human rights violations that NGOs were denouncing, and which the previous Government was denying while aggressively levelling some of the typical accusations against those NGOs. Recent developments in Eastern Europe offer a contemporary region-wide example of this.

As in the spheres of economic activity or public service, most of the work of NGOs can be broadly conceptualized under the headings of *organization*, *information*, the chief product, and *action*, the delivery of the product. These headings imply a hypothetical chronological model. As will be appreciated, however, many of the activities in question may be relevant to more than one heading, so the headings are an aid to description, not absolute notions.

## Organization

There are probably as many organizational structures as there are human rights organizations. However, three

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general models may be identified : (a) a group of individuals form and control the organization, with provision for self-renewal; (b) a number of organizations federate to combine their activities; (c) a centralized "democratic" structure is created, with the constituent units both controlling the organization and carrying out its activities. The national/international mix may vary. Most will have permanent secretariats.

Thus, the ICRC and the Anti-Slavery Society fall into the first category, with their controlling membership coming from nationals of one country-Switzerland and the United Kingdom respectively. The International Federation of Human Rights falls into the second category, since it is composed of national leagues working to defend human rights in their various countries and electing an international board. Amnesty International (AI) falls into the third category, having national sections which elect an international executive and work against human rights violations in any country but their own. The International Commission of Jurists (ICJ) and the International League for Human Rights (ILHR) reflect different combinations of models 1 and 2 : the ICJ comprises distinguished lawyers from around the world, but recognizes national sections and affiliates which work for human rights in their own countries, but do not control the organization; the ILHR is governed by a United States-based executive, but has as affiliates national associations working for human rights "at home".

What all these organizations have in common is their work to defend human rights internationally. Their financing will also generally reflect their non-governmental nature, though some will take substantial sums of Government money, especially if, like the ICRC, they have governmentally assigned responsibilities, while others, such as AI, will not accept government donations.

The NGOs also have to determine the area of specialization that they will undertake, since the broad field of human rights covers the pursuit of justice in many forms and requires priority-setting. Most NGOs, including all those just mentioned, specialize in the area of civil and political rights. They may concentrate on a particular right or group of rights (Article 19, for example, works solely to protect freedom of expression, and even then in its socio-economic context), or by the nature of the victimization (the ICRC and AI, for example, are prisoner-orientated), or to defend the integrity of a professional role in protecting human rights (witness the ICJ's work to defend and promote the frontline role of lawyers and judges).

This orientation is understandable : it is easier to identify and prescribe a remedy for a violation of civil rights than economic rights. Nevertheless, most of the organizations recognize the interrelationship of politico-civil and socio-economic rights. Several, such as the ICJ and the ILHR, are increasingly addressing issues of socio-economic rights, by such means as seminars, segments of country reports and so on. Sometimes the nature of the violation may cause an NGO to move from one category into another: thus, the Anti-Slavery Society has moved from working against chattel slavery — the archetypal violation of civil and political rights — to working against such slavery-like practices as debt bondage, which is more in the socio-economic sphere. AI and the ICRC also make a practical contribution by providing relief assistance to victims and their families falling within their mandates. A new organization, Rights and Humanity, deals with economic and social rights as a central aspect of its mandate.

Indeed, new NGOs are formed and old ones change in response to evolving needs. For instance the rapid international expansion of multi-party competitive elections has caused NGOs to engage in monitoring such elections to ensure their fairness, a practice pioneered by the International Human Rights Law Group.

### **Information**

By far the most important product of human rights NGOs is information, particularly information about human rights violations. This is because Governments tend to deny, or at least seek to conceal, such behaviour. It follows that a crucial aspect of the NGOs' work is accurate fact-finding. Lies and obfuscation by Governments can be no justification for factual negligence by NGOs. Their credibility depends on the reliability of their information and their credibility is their most important asset, in terms of their ability to achieve their purposes - it is their "goodwill".

Fact-finding is a sort of cat-and-mouse game : the NGO seeks to uncover what the Government seeks to hide. Yet the techniques of discovery must nevertheless avoid even seeming to resort to the clandestine : however much Governments themselves abuse doctrines of official secrecy, NGOs must not be seen to be engaged in jeopardizing legitimate official secrecy. Generally, therefore, they rely on the same range of techniques as do reputable investigative journalists. Where possible, the most direct source of information will be tapped: on the one hand, the alleged victims, their lawyers and families; on the other, relevant government officials and public official documents. The more Governments place obstacles to access to these sources, the more it becomes necessary to canvass sources more remote from the facts at issue : local human rights organizations, religious or student groups, journalists, trade unionists, refugees and indeed anyone who can cause information to travel across frontiers. The mass media of communication, if used properly, may also be informative; paradoxically, the more the media of the country in question are under official control, the more reliable their evidence may be. Of course, the further the source from direct access to the information, or the more it may be perceived as favouring one side or the other, the greater the scepticism needed to evaluate it.

Visits or missions to the country under examination are usually helpful as a means of developing new information, corroborating or amplifying existing information and disarming the allegation that the "foreign" NGO does not know the local reality or is relying on "rumours". Such visits cannot always be relied upon to produce the first-hand information that is usually expected of them. This may be so, for example, in cases where the local population is, or believes itself to be, under threat of reprisal for contact with the visit, especially when the visit is, if not orchestrated, then constantly escorted, monitored or followed by local officialdom. Nevertheless, even in cases where a visit has been offered by a Government, and may be subject to the above restrictions, it may be appropriate to accept, since useful information from the official sector may be obtained, despite the risk of propaganda abuse (for the Government the visit can be used as a demonstration that it has nothing to hide; for the opposition the visit may be seen as part of a "whitewash").

Of course, fact-finding can also be a means of

influence. A letter to a Government asking for information at its disposal is also a sign of disquiet at a possible human rights violation; a trial observation mission means that the proceedings in question will be externally evaluated for compliance with national and international norms; a general country visit may result in a report on a range of human rights violations. Each of these initiatives may cause the authorities to review those of their activities that are the subject of the inquiries.

To be useful, the information must not only be reliable, it must be accepted as reliable. In addition to the internal consistency of the documentation produced, and the record of reliability of the NGO in question, it is generally important that the NGO be seen to be impartial by defending the principles of human rights, rather than a particular group of people. It must also, of course, be prepared to document human rights violations by any Government, not just particular kinds of government (regional, ideological, confessional).

### **Action**

Most NGO action is aimed at disseminating information and is determined by strategies followed by the particular NGO, which may be general or country-specific. For example, the International Committee of the Red Cross operates under a principle of confidentiality. Its reports, generally the product of visits to prisoners within its mandate, are addressed to the Government in question, not to the public. The Government is free to publish the reports, but if it does so selectively, the ICRC retains the right to publish them in full. Even NGOs that tend to publish as a normal technique may well first send a text intended for publication to the authorities concerned. This gives them a chance to correct the information, give their own point of view, or act to change the facts reported in the text. It is also the practice of some NGOs to provide such an opportunity for Governments in respect of texts that result from a visit to the country.

Most NGOs see publication of their documentation as the principal means of putting an end to the human rights violations they record. The form of such publication will be determined by two main factors: one, the nature of the material, and two, the perceived efficacy of the available modes of publication. For urgent situations a news release or press conference may be used. For specific country studies, a book or monograph-style format can be appropriate, sometimes accompanied by news releases alerting the media to the report. Periodical newsletters, bulletins or reviews can cover a range of problems, pertinent to the period of coverage, from different countries. Some NGOs issue annual reports which permit overview in geographic and substantive breadth of their continuing concerns over the year.

Much work is done by issuing brief documents on individual cases. Some NGOs use their own membership and the networks of other NGOs to make urgent appeals on behalf of people detained in circumstances where their lives or physical or mental integrity may be at risk. Analogous activity can be helpful in more stable, long-standing cases, when an NGO's membership or that of other NGOs is provided with documentation to serve as a basis for sustained campaigning action on behalf of prisoners of conscience, persecuted lawyers or judges, or political oppo-

nents seeking to flee or return to their countries. The information may then be communicated by correspondence with relevant officials of the Government in question, not all of whom are necessarily aware of the facts at issue. It may also be provided to the communications media in the country where the alleged violation is taking place, especially if those media are free to publish such material; and finally it may be generally distributed by means of any channel to international public opinion.

Not all activities will necessarily be directed at the executive authorities, even though the latter are commonly those most directly involved in human rights violations. Some times it may be appropriate to address the judiciary, although it is important to avoid appearing to bring extraneous influence to bear on a specific court considering a specific case (this assumes that the judiciary is independent, often a politically necessary assumption, however far from reality it may be). In particular, the legal system may sometimes permit outsiders to play a formal role, for instance, in initiating habeas corpus actions in some Latin American countries or submitting *amicus curiae* briefs in some common law countries.

Some activities may also be directed at the legislature, particularly where legislation seems directly responsible for a specific category of human rights violation. Thus, with a view to encouraging what the Human Rights Committee has called "progress in the enjoyment of the right to life", NGOs have approached parliamentarians to urge abolition of the death penalty, drawing their attention to studies, including those of the United Nations, indicating the absence of any proven special deterrent effect of this extreme punishment.

Increasingly, NGOs are becoming interested in short- and long-term preventive work. For instance, they may seek to oppose the sending of people from one country to another where there is the risk of a human rights violation occurring in the receiving country. They may also promote human rights awareness in the general population, in formal education, or in the education of particular professional sectors, such as lawyers, judges, the police and the armed forces.

Nevertheless, the executive arm of government will remain the main addressee of NGO activities, for the executive is the branch of government most involved in human rights violations and the one most likely to be sensitive to public opinion. And public opinion, both national and international, is the main forum in which human rights violations may be judged. Theoretically, public opinion may have no power, or even standing, to call Governments to account. Yet we have recently witnessed stark evidence that even the most powerful of Governments cannot forever withstand the corrosive, demoralizing impact of a reputation for being unjust to its own people. Most Governments know, whether or not they admit it, that their international reputation is a factor in their longterm legitimacy. Were it otherwise they would not go to the lengths they do to conceal those of their activities that may be expected to incur public disapproval. One reason for the importance to Governments of their reputation is that this may also affect their relations with other Governments. For, increasingly, Governments that are seen to deal with other Governments regardless of the latter's non-respect for human rights are becoming aware that their own reputation may be adversely affected, in both domestic and international terms. Accordingly, NGOs may well target their information on

one Government towards other Governments. International NGOs are particularly well placed to do this: their national affiliates are a means of communication to their own Governments, and often the very fact that they represent part of the domestic constituency may oblige those Governments to take the information in question into account. This does not mean that NGOs necessarily advocate "sanctions" against Governments accused of violating human rights: some do, usually selectively; others do not. Nevertheless, the more excessive a Government's resort to human rights violations, the harder it becomes for other Governments to maintain the "atmosphere" necessary for business-as-usual.

### NGOs and the UN

Intergovernmental organizations (IGOs), especially the United Nations, have long acknowledged the contribution that NGOs can make to their own programmes. NGOs, in return, have not hesitated to co-operate, seeing the IGOs as important partners both in seeking to stop actual human rights violations and in preventive work. It is perhaps in the latter area that the United Nations has been most productive. Standard-setting was the first area of United Nations activity when it embarked on the elaboration of the Universal Declaration of Human Rights. The United Nations publication *Human Rights — A Compilation of International Instruments* reveals how extensive the process of standard-setting has been, in terms both of treaty instruments articulating specific legal obligations and of more hortatory instruments recommending rules by which States may more effectively ensure respect for broader human rights norms.

NGOs have been able to be actively involved in these norm-creating exercises. Indeed, it has sometimes been their public activities that have demonstrated the need for the United Nations to take action. As I have documented elsewhere, this was manifestly the case with regard to the problem of torture, the United Nations first having taken up the issue in response to a 1973 NGO campaign aimed at abolishing the practice. (1) Furthermore their consultative status has permitted NGOs to participate, without vote, in the drafting discussions. They can propose ideas for inclusion and can explain, on the basis of their experience, why those ideas need to be incorporated in the text. They can also approach the drafting Governments at the national level with a view to influencing the instructions given to their representatives in the drafting body. Prominent recent examples of such NGO participation are that of Amnesty International, the International Commission of Jurists and the International Association of Penal Law in the drafting of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that of a NGO group led by Defence for Children International in the drafting of the Convention on the Rights of the Child.

Another facet of United Nations preventive work is its programme of advisory services and technical assistance, which in recent years has undergone major expansion, especially since the establishment of a voluntary fund to finance it. The fund can, among other things, help Governments acquire the necessary training and resources to assist them to respect human rights. This can be useful to NGOs which are often asked by Governments for such assistance, or at least advice in obtaining it. At the same

time, NGOs have pointed to the need to ensure that the advice and assistance programme is not exploited by Governments engaged in extensive human rights violations. There is room for greater co-operation between the United Nations and NGOs in this field. For instance, advisory services could be offered to national human rights NGOs. Also, both national and international NGOs could be more closely associated with the devising and execution of services provided to Governments and to NGOs.

NGOs have long been conscious of the need to promote public awareness of human rights. Their work in the public documentation of human rights violations is a major contribution to this, but they also engage in the dissemination of more general material such as international human rights standards and information about implementation machinery. The United Nations World Campaign for Human Rights initiated by the Centre for Human Rights promises new progress in this area, especially if it can harness the forces of other parts of the United Nations system, such as its network of information centres. The active involvement of United Nations specialized agencies, notably UNESCO, could also enhance the impact of the campaign. There is clearly room here for collaboration with NGOs, both in the development of relevant materials and in sharing distribution networks.

The area of United Nations human rights activity of most concern to NGOs has come to be that of protection or implementation. Until some 20 years ago, such activity was virtually non-existent. The United Nations did not take up individual cases, ignored most situations of human rights violations, however serious, and did not even permit NGOs at United Nations meetings to document human rights violations, either orally or in writing. This is not the place to set down the arguably revolutionary recent developments in United Nations human rights procedures and proceedings, but it may be noted that there are now confidential and public procedures for considering serious situations (despite a regrettable absence of political will to ensure that all such situations attract the same degree of scrutiny). There are also thematic procedures for annual reporting on types of grave human rights violation, such as enforced or involuntary disappearances, summary and arbitrary executions, and torture, as well as for intervention on individual cases where such violations are threatened. Further, NGOs are now able to draw public attention to human rights violations at meetings of the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Successive heads of the Human Rights Centre (and its predecessor Division) have acknowledged the preponderant role played by NGOs in furnishing the information on human rights violations that constitute the subject-matter of the various procedures. A casual reading of the reports of the Commission and Sub-Commission and of the various working groups, rapporteurs and so on, confirms this to be the case. This is not surprising. Recalling the principal NGO objective of stopping human rights violations, it is clear that NGOs believe that the very credibility that made it necessary for the United Nations to be the body to articulate international human rights norms make it an appropriate body to monitor compliance with the norms it has set. Indeed, NGOs have played a notable role in promoting the establishment of the machinery and the enhancement of their own role within it. (2) They may be expected to continue to seek to maintain the momentum.

### **Draft Declaration on Human Rights Defenders**

For several years the United Nations has been involved in drafting a declaration on what it calls "the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms". It is clear from the texts under discussion in the Commission's working group that what is involved is definition of specific applications of most of the so-called fundamental freedoms: association, assembly and expression. These, indeed, are the freedoms at the heart of NGO activity. To promote human rights you need human rights: as we have seen, you have to be able to form a group, to meet and to seek and impart information, all of this within and across national frontiers. Again, this may seem obvious, but until recently progress in expressing these things in simple, unambiguous terms was proving a controversial and time-consuming exercise. This is because despite the lip-service paid to the basic rights and their importance to NGOs — as well as the importance of NGOs — some Governments are far from enthusiastic about permitting a free associative life in general among their citizens and residents; and others simply wish to avoid problems that human rights NGOs in particular can create for them. At the working group's last session (January 1990) more progress was made, not least because the changes in Eastern Europe confirmed the departure of representatives of that region from the ranks of the unenthusiastic group.

Even now some of the provisionally agreed formulations, while commendably unambiguous in legal terms, are couched in language whose meaning will not always be obvious to the lay reader. It appears that while some Governments may be prepared to accept real, normative protection for human rights activists, they are not prepared to have a United Nations instrument positively encouraging them. Other provision do leave room for ambiguity, and some important issues have so far still eluded agreement. Among the achievements so far, however, are firm statements guaranteeing the right to form, join and participate in human rights NGOs, nationally and internationally, to denounce human rights violations publicly, to communicate with international NGOs (implicitly covering communication of human rights violations) as well as with IGOs, and to effective means of legal redress.

Some ambiguities remain on crucial fact-finding issues. Thus, while it is agreed that everyone (individuals and NGOs) is entitled to seek, obtain, receive and hold information about human rights, it has not yet been agreed that this covers access to information "on the means by which [the rights] are given effect". Similarly while there is agreement on a right to observe trials and similar proceedings, it is not absolutely clear that this covers *international observations* — but all but one delegation seems to have agreed that it does.

One important issue that has remained controversial, and so beyond agreement, is the matter of NGO solicitation of funds, especially internationally. Obviously funds are necessary for any organization to function effectively and the product of human rights NGOs is not one that can be economically marketed — even in countries where there is free access to the market. Fund-raising is therefore essential, and since it can be particularly difficult to raise funds in poorer countries, it often needs to be done transnationally — for example, international NGOs may often be able to offer help to needy national affiliates. Transnational fundraising may, however, be hindered by Governments which block external financing in order to impede or stop NGO activities.

It is, therefore, important that the eventual text of the declaration should resolve such matters. In addition to what has already been achieved in the draft text, national and international fact-finding (including trial observation by NGOs) should be specifically protected by the text, as should access by NGOs to the financial means of functioning. It will also be necessary to be vigilant that, when there is discussion of proposed articles on the role of Governments and the responsibilities of individuals, the results reflect the need to enhance and not diminish the already agreed provisions in favour of the activities of individuals and NGOs for the world-wide promotion and protection of human rights. Once adopted, the declaration could perhaps serve as the mandate for a working group or rapporteur designated to monitor compliance with its terms.

### **Notes**

- [1] See N. Rodley, *The Treatment of Prisoners under International Law* (Clarendon Press, Oxford; UNESCO, Paris; 1987), chap. 1.
- [2] *Ibid.*, chaps. 5 and 8.

# Non-governmental organizations and the human rights movement in Latin America

by Diego Garcia-Sayan \*

Discussion on the "human rights phenomenon" began with the Second World War. In that conflict, the direct link between human rights and peace was so clearly exposed that, when the United Nations was created, respect for human rights was not only included as one of the Organization's principal goals, but also as a means to guarantee peace and prevent war. The Universal Declaration of Human Rights outlined the fundamental human rights as conceived of at the time (more than 40 years ago) and initiated a whole new stage in international relations.

The creation of the United Nations and the stipulations made in the San Francisco Charter established certain principles which in turn inspired the Economic and Social Council (ECOSOC) to form the United Nations Commission on Human Rights 40 years ago. Slowly but surely, international human rights treaties were signed and mechanisms for the defence of human rights on an international level were created and reinforced. The protagonists in the defence of human rights in this early stage were either Governments or intergovernmental organizations. This was true both on the global level, as in the United Nations, or on a regional level, especially in the Inter-American system.

Even this being the case, however, the traditional definition of national sovereignty began to be questioned. It became increasingly clear that, with regard to human rights, Governments could not enjoy absolute sovereignty. Once the United Nations came into existence and certain norms and mechanisms for the protection of human rights took hold, there was no doubt that Governments were not sovereign when it came to torture, forced disappearances and summary executions. It also became clear that members of the international community — at first limited to government representatives — not only had the right, but also the duty to intervene so that these kinds of abuses would not happen again. They had the duty to investigate the

facts and, eventually, politically sanction those responsible.

Interestingly enough, the international protection of human rights in recent times has been vitalized and almost solely advanced by non-governmental organizations. The NGOs are the life-blood of the complex network of international inter-governmental organizations. They are what gives the system life — what has stopped it from breaking down like old machinery.

The NGOs have established links, first of all, between individuals and society in general and, secondly, between countries and the international community. They have also provided the grounds for developing ties between individuals and wide-ranging social groups. The United Nations General Assembly has recognized the NGOs' contributions and the United Nations Commission on Human Rights also adopts resolutions or decisions every year which support their role in the protection of human rights. In the same measure, unfortunately, the Commission has to deal daily with more and more cases of retaliation, threats and all sorts of attacks directed against NGO activists, directors and members involved in the defence of human rights.

The past 15 or 20 years have been especially fruitful in terms of human rights protection. In Latin America, beginning in the 1970s, NGOs dedicated to the protection of human rights have been created, grown and flourished. The period has also seen a tendency for institutions dealing basically with the defence of civil and political rights to come to work side by side with other organizations. These organizations, although perhaps not labelled "human rights", carry out development programmes aimed indirectly at the same goal, and promote grass-roots organization in an attempt to deal with difficult economic and social situations. Also, organizations created for the promotion of specific rights—such as feminist groups, indigenous peoples' organizations and those concerned with such important topics as environmental protection—have come into being.

**The 1970s were important for a number of reasons,**

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among them rather contradictory tendencies and trends. On one hand, the peoples' search for direct self-expression in the system impelled the spread of democracy in Latin America. They insisted upon respect for their rights despite the huge gap that existed between the people and the governments which were supposed to be representing them. NGOs in general and, successively, human rights NGOs grew out of the movements which sprang up during this period. On the other hand, in a tendency diametrically opposed to the first, totalitarian, authoritarian and dictatorial elements gained power in Latin America, especially in the Southern Cone. The acutely oppressive situation that these elements gave birth to created a demand and the need for the democracy which could respond to the peoples' vulnerability and powerlessness in the face of these arbitrary actions, outrages and abuses.

The Chilean-based organization FASIC put out a publication about two years ago with a list of no less than 250 Latin American human rights organizations — and the list was not even complete. There is no doubt, then, that there has been a spectacular jump at least in the number of human rights organizations in existence. Obviously, they differ in their emphasis, scope and even reliability. Nevertheless, there has also been a qualitative jump in their professionalism. This is evidenced by the growing importance that Latin American human rights NGOs have come to play in the international arena, to name just one of their fields of influence.

I would like to elaborate on three aspects of Latin American human rights NGOs. First of all, I would like to outline the different types of organization active in the Americas. Secondly, I will describe the roles available to these NGOs. Lastly, I will present what seem to be the greatest challenges facing human rights NGOs in Latin America.

### General description

All characterizations are rather restrictive and inflexible. This, then, is meant simply as a tool by which we can broadly survey different organizations. It is by no means an attempt to reflect the whole of the reality which, luckily, is much richer.

Keeping that in mind, I would say that there are at least four characteristics to take into account in our general descriptions. First of all, we must describe the objectives of each organization. Although this may appear rather obvious, it is worth pointing out. There are different kinds of NGOs. Some of them have human rights as their main concern or, simply, their reason for being. Within this group, some deal with human rights in general while others focus on the protection of specific human rights (e.g. the struggle to eliminate torture).

Secondly, other NGOs have a number of areas in which they work, and the defence of human rights is incorporated as one of their projects or programmes. An example of one of the groups organized along these lines is the Latin American Adult Education Center in Chile (CEAAL). They include human rights within a wider area of concern-adult education in the region.

There is another type of organization which deals with human rights, although not as one of its general objectives or even as a sub-theme. Nevertheless, it indirectly complements, reinforces and supports human rights programmes.

One example would be groups which offer legal assistance to mothers, workers or the poor. If these groups are actually able to achieve their goals, they create conditions favourable to self-government. This, in turn, paves the way for respect for human rights. The same can be said for many of the organizations which promote development and popular education in Latin America. The possibilities for strengthening respect for human rights are undeniably greater when a strong network of social organizations exists.

Besides taking into account the organizations' objectives, any description must also deal with the physical or geographical area in which they work. This aspect is very easy to define: some work within a local area — a district or department, for example. (Obviously, the names vary according to the way in which the country is organized.) Some have a national scope, like the Ecumenical Commission of Human Rights (CEDRU) in Ecuador. Still others are regional like the Andean Commission of Jurists in the Andean Region. There are also a few who have an even broader scope like the Inter-American Institute of Human Rights. Others work on a global level — Amnesty International or the International Commission of Jurists, for example. The geographical breadth of scope shapes the institutions themselves.

A third aspect to take into account is how the groups are structured. Some NGOs function like grass-roots movements, some are associations, and others are actually federations of different organizations. They differ in the degree in which they work in co-operation with other organizations. In Peru, for example, there is a network of organizations concerned with human rights education either as the main focus of their institution or else as a programme which they are carrying out. The network hooks these groups up so that they can coordinate their efforts and exchange information. In that way they avoid duplicating work someone else has already done.

Co-ordinating efforts and creating working relationships between NGOs is, in my opinion, of utmost importance. The human rights movement in Latin America, and in other parts of the world as well, has often been divided by political conflicts. At times party rivalries have caused a breakdown in communications between these groups. Occasionally this has actually meant a reluctance to share information and experiences with each other. We cannot truthfully say that these conflicts are all a part of the past — they still exist to some degree. Nevertheless, progress has been made in developing co-operation, integration and the exchange of information. Because of this, a number of projects have gone beyond mere words and resulted in concrete accomplishments. Some organizations treat the information and statistics they have access to as if they were their private property. The cases of people who have been victims of violations become "their" disappearances or "their" tortures. Using these cases to establish their legitimacy, they enter on to the international scene, ignoring the fact that the exchange of information both strengthens their cases and heightens their efficiency. I do not want to insinuate that this situation has ended. However, there is sufficient evidence that, at least in recent times, Latin American NGOs have come to realize that this attitude is counter-productive and that sectarianism must be overcome.

The last item to take into account in our characterizations is the way in which the institutions are internally

organized. Naturally there are as many forms of internal organization as there are NGOs. Nevertheless, there are roughly three kinds of institutions. Some, the minority, have members. There may be hundreds or even thousands of members which in some way participate in carrying out the organization's activities. Amnesty International is the largest organization which falls into this category. Secondly, some organizations have restricted membership. That means that membership in these institutions — the International Commission of Jurists, for example — is not available to everybody. One is not better than another; they are simply different forms of organization. Lastly, certain institutions are made up solely of the people who work there. They may be volunteers or paid staff members, if sufficient funds are available.

### *Different lines of action*

Having diagrammed the different kinds of NGOs (although not in an exhaustive manner by any means), it is important to briefly review the principal areas of action for human rights NGOs. I will deal only with the work being carried out by these organizations, and not attempt to make a complete list of all of their projected goals. Human rights cover a wide range of topics. They do not merely incorporate civil and political rights, but economic, social and cultural rights as well. They also include the right to a healthy environment, development and other similar concerns. The range is so broad that practically everything done to benefit humankind could be considered a "human right". For obvious reasons, however, the majority of human rights organizations have come to focus their efforts on the defence of civil and political rights.

The organizations' procedures change according to, basically, two different considerations. First of all, they differ according to the political situation of the country or region in which the organization operates. Secondly, they operate according to the role the organization chooses to develop for itself.

I would say that there are roughly five different broad lines of action: promotion, dissemination, education, protection and research. I do not mean to imply that some organizations do all 'of these things, nor that they ought to. They are simply areas in which groups may work, according to what their organization is most suited to.

### *1. Promotion*

This line of action aims at creating conditions favourable to the respect for human rights. Under this category, first of all, one might operate in the legal field. This might include actions aimed at achieving the adoption of laws and regulations dealing with the protection of human rights. In the same measure, it could mean working so that international human rights treaties are approved or ratified. Promoting human rights means making sure that the appropriate legal mechanisms exist for their protection, as well as preventing abuses.

Promotion includes encouraging reflection on and analysis of human rights problems and their possible causes and solutions. This might be achieved through seminars, forums and conferences. These events allow the exchange of ideas and reports. They also permit the participants to analyse the root causes of a given problem and to look for alternatives and solutions.

Another important activity which falls within the category of promotion is strengthening the independence of judges and lawyers. Everything which fortifies the impartiality, independence and the occupational fitness of judges and lawyers is undoubtedly important in preventing human rights violations.

Human rights promotion can be carried out in many other ways, and many organizations focus their activities on this line of action. NGOs have been essential to the preparation and approval of many international human rights laws in the past decade.

### *2. Dissemination*

This line of action in many ways is very similar to that of promotion. However, some of its aspects deserve separate treatment. Dissemination touches on several topics : What is happening? What are the fundamental human rights problems? Who is responsible? It includes making information available which did not reach the public, perhaps because it was censored by the press or government, or perhaps because it simply did not make a "profitable" story for the media. The diffusion of information is an important tool for shaping public opinion.

Dissemination may be used to inform the general public, or it can be aimed at specific sectors, such as certain Governments. They are generally approached through the diplomats present in the areas in which the NGO disseminating the information operates. Given the role that the Governments play in the international community, it is important to keep them opportunely and adequately informed.

Naturally, the quality of this type of work depends on an adequate information system and good documentation. Latin American NGOs have made many advances in this area in the past few years. Nevertheless, at times, diffusion can be carried out well even without these advantages.

There are a number of ways in which information can be diffused. Sometimes information can be distributed in the form of publications. Pamphlets, for example, can be widely diffused. When feasible, the mass media-television and radio, especially — can be exceptionally useful, particularly when a campaign is being promoted.

### *3. Human rights education*

Human rights education has increasingly enjoyed more attention in Latin America due to efforts made by NGOs there. The work is based on the belief that it is not enough to simply denounce human rights violations, but that the population's consciousness must be raised as well. First of all, this is done so that the people know what their rights are. Secondly, they need to know what to do once their rights are violated so that they do not always have to turn to intermediaries, lawyers or NGOs.

The objective of these education programmes is that the people and popular organizations be better prepared to protect themselves against possible human rights abuses. Naturally, they do not deal solely with protection on the domestic level, but on an international level as well.

Sometimes organizations carry out human rights education programmes together with public administration officials - judges or others who apply the law (e.g. penitentiaries).

tiary workers). Teachers are also encouraged to incorporate human rights not only into their classes' curriculum (in grade schools, high schools as well as in universities), but also to use them as a conceptual tool through which they can develop their teaching skills.

Some Latin American constitutions have made human rights education compulsory. Nevertheless, I do not know of any country which adequately complies with this provision. Undoubtedly the degree to which a government makes its citizens aware of their rights and how to protect them is an important indicator of the democratic character of the State.

#### *4. Human rights protection*

This line of action seems to me to be fundamental, although not all human rights organizations can or should take it on. What can be done once human rights violations have occurred? There is no longer anything to prevent; the violation has already been committed. At this point there are several actions of tremendous importance which can be undertaken. The NGOs have characteristically worked with perseverance and tenacity in the protection of human rights. They run up against brick walls time and time again. However, sometimes (probably one in a thousand complaints lodged) they are able to save someone's life, save somebody from being tortured. These successes — perhaps insignificant from a statistical point of view — justify all of the effort that might have been exerted. Despite their tenacity and enthusiasm, little would be accomplished without the growing professionalism of human rights groups. I say this from my experiences with the United Nations Working Group on Enforced or Involuntary Disappearances. The NGOs present and follow up on information in a reliable, precise and careful manner. Without this painstaking work, the Group would not be able to function as it does.

Some Governments are, at times, either incapable of or unwilling to respond to questions posed by the international community. Their reluctance is such that they say little or nothing. It is the NGOs themselves which clarify these cases. They present complementary information verifying the circumstances of the violation in question. This line of action, then, is of utmost importance and the NGOs must study, analyse and handle these cases very professionally.

Within this broad line of action, there are two areas in which they may operate. First of all, rights can be protected within the groups' areas of influence. Legal assistance together with other kinds of social assistance (medical assistance, for example) are the principal services offered on a domestic level. They may also work for human rights protection on an international level.

There are a myriad of projects which have arisen in the course of promoting mechanisms for protection in domestic law. Chile's Vicariate of Solidarity, for example, has a multi-faceted programme in this sense. Legal assistance plays a big role. Sometimes they give advice and provide legal orientation. Other times they take the cases before the public sector or the courts, either to investigate the violations or to bring a case against those accused. They work in an integral manner, providing professional services including medical and social assistance, among others.

A very limited number of human rights organizations of universal scope make up the majority of the protagonists of

international protection. Although some progress has been made, Latin American NGOs at times are relatively weak in this sphere.

At times international procedures seem abstruse, complex and inaccessible. I cannot deny that sometimes this is true. However, many times they are within reach for organizations which have access to certain facilities which increase their efficiency such as fax machines, telex, and telephones.

Sometimes international protection can be advanced by utilizing the existing networks of NGOs and the inter-governmental organizations (e.g. the InterAmerican system or the United Nations). One example would be the often used urgent action. Let me mention the United Nations Working Group on Forced Disappearances again to illustrate this last point. The Group, along with many intergovernmental organizations, relies basically upon NGOs and not the Governments themselves. The NGOs provide the Group with information, pressure it to act and clamour for results. This is true of all of the United Nations specialized groups.

Anyone who has even attended a session of the United Nations Commission on Human Rights has seen the caution — to say the least — with which the government representatives act. Except in extreme cases or when dealing with countries which very few or no Governments defend (Iran and Albania, for example), it would seem that there exists a policy of not criticizing neighbouring countries directly or harshly. Strange but notorious silences can be understood simply as indicating geopolitical interests. The "prosecutors" in these circumstances, that is to say those who hold human rights above other concerns, are the NGOs. They are the fuel and the lubricant which allow the machine to function and speed the working up. One might ask if the NGOs are able to resolve all conflicts in that way. Obviously, the answer is no. However, the NGOs contribute greatly to upholding the international community's ethics. If it were not for their efforts, this system of ethics would have been eroded a long time ago.

#### *5. Studies and research*

Some NGOs dedicate themselves to this line of action exclusively. It includes studies done principally to organize either their own experiences or those of others. It also includes investigations of varying depths on such fundamental themes as the administration of justice, the way in which law functions within indigenous communities, or such complex topics as drug trafficking or human rights. These are just a few of the topics being investigated currently by some organizations. There is an almost a limitless number of projects which could be included under this line of action. Naturally, all investigations require an adequate methodology and organization.

#### *The challenges are many*

The human rights NGO movement in Latin America is of enormous importance. Numerically, of course, it is impressive: over 250 of these organizations are in existence today. More importantly, however, they possess an indomitable will to bring about true respect for all people's human rights, and to do so responsibly and professionally. The credibility of these organizations is the key to the effective-



tiveness of their efforts. They have personally experienced the pain caused when activists or directors of human rights organizations are tortured, assassinated or have disappeared. Nevertheless, they tenaciously persevere and continue making progress. The seeds they planted have been fruitful, but there remain a number of challenges for the future. I would like to point out three of these challenges. First of all, changes in the political and economic situation in Latin America must be recognized. Fortunately, the "typical scenario" of the 1970s, at least in the Southern Cone, of dictatorships which usurped power through brute force and demolished all vestiges of legality has been surmounted. In its place, a new situation has developed; constitutional Governments clearly predominate in Latin America. I'm not sure if we can actually speak of "democratic systems" in all cases, seeing as how democracy implies much more than the mere existence of a constitution or periodic elections. Not only the structure, but also the substance of the system should be democratically guaranteed. For example, citizens' rights should not only be recognized, but also effectively protected by the State's institutions. Some human rights violations are rather complex. Although they also involve enforced disappearances, summary executions, torture, etc. they derive more from a whole situation of violence or the logic of certain State organizations than from decisions made by the Executive. Serious human rights violations do occur within these situations, however. They take place within an extremely complicated framework, one unlike those of the past. As one might imagine, the situation affects the NGOs as well as the entire society. The international community ought to examine and act upon these new and "atypical" scenarios. However, because they do not fit within the classic mould of human rights violations, this often does not happen. Yet these "atypical" cases are, today, typical. One of the greatest challenges facing the NGOs then is to find an appropriate way to confront present-day problems. They differ from those of the 1970s and, thus, require new and innovative answers both on the international level and within the NGOs' areas of influence. All of this is made even more complicated if we take into account that the sources of the violence, abuses and human rights violations are numerous. We are no longer talking exclusively about abuses committed by the State, the Government, the secret police and the security forces. With each new day, the sinister and dark arm of paramilitary groups extends to other parts of the Americas, and they remain immune to punishment. They are a serious factor in the violence today and must be confronted. In some countries or regions, the drug traffickers have become not only a source of violence, but also one of the most powerful sectors of these societies. They must also be confronted in

a creative and appropriate manner. The solution to the drug trafficking problem must not only deal with the crimes committed, but also with the social and economic factors which support it.

Lastly, there is another type of problem experienced by some countries in the region: internal armed conflicts and disturbances. International humanitarian law, obviously, is directly related to these problems and it is in this arena increasingly that human rights violations are denounced. However, in these cases we are no longer dealing with a situation in which social movements, unions, or other grass-roots experiences are crushed by a dictatorship. Rather, they consist of internal wars or armed conflicts. The way in which to confront this situation presents a serious dilemma for human rights organizations. They must be able to distinguish between the Government's legitimate right to use force under the circumstances and the abuses which result from their actions.

These situations give rise to contradictions. If there is a group systematically committing acts of terrorism against all forms of authority — assassinating governors, mayors and deputies of all political persuasions — nobody can deny that country's security forces' right to act. Certainly rapes, summary executions, enforced disappearances and tortures will never be legitimate. Yet it would be naive to think that the security forces (police and military) are not responsible for their share of prisoners, dead, wounded and other victims. In such a complicated context, one wonders to what extent human rights organizations should concentrate their efforts on international humanitarian law, the laws of war. Obviously, the conflicts in countries such as El Salvador, Colombia or Peru are regulated in different ways. Any attempt to adequately protect citizens' rights from the forces which generate violence and abuses in these countries must keep this in mind, as well as the fact that the public, tired of the violence, understands and supports the security forces' actions to some degree.

Faced with these challenges, we need not only to further the progress already made, but also initiate reflection and self-criticism. In this way, we can approach new challenges in a creative manner — translate the legitimacy and credibility we have developed into efficiency. If we are looking for efficiency, more creativity to respond to new challenges is needed. The struggle for the defence of human rights will never end — be this because no system ever fully respects and protects human rights or because new rights are always being defined. Nevertheless, we know that the seed has been planted and that the proliferation of courage, enthusiasm and energy has not been in vain. We also know that the NGOs will be able to meet the challenges to come.

# A Non Governmental Point of View on UNCTAD VIII \*

*The International Coalition for Development Action, ICDA, is a broad based network of non-governmental development organisations from 22 industrialised countries. It was established to provide an effective framework to strengthen the information and lobbying of development groups and seeks to focus attention within the industrialised countries on the need for structural changes in international policies to promote development and a more just and equitable world.*

*At UNCTAD VIII, ICDA is monitoring, disseminating information and representing an NGO point of view. ICDA is also linking up with non-governmental organisations present.*

*Most of this ICDA Update is devoted to the eighth United Nations Conference on Trade and Development (UNCTAD VIII) which took place in Colombia from 8 to 25 February 1992. UNCTAD VIII officially ended on a positive note, which was called the 'spirit of Cartagena'. Indeed, the existence of UNCTAD had been at stake but the Conference was able to agree on a new structure which is described in this Update. However, the question remains in how far this new structure will revitalize the organisation.*

*A 91-page final text was approved but contains little, if any, commitment or new instruments to solve the pressing development problems it describes.*

UNCTAD VIII continued or consolidated important shifts not only in the structure but also in the objectives and issues of organisation. They reflect especially the pressures and demands from the OECD countries.

A synthesis of these shifts which are described under the different chapters of this Update, can be seen as follows:

1) From conflict to consensus:

Traditional North - South conflicts were negotiated away in a so-called spirit of consensus, often resulting in a lining-up with Northern positions or vague declarations.

2) From bloc positions to individual country positions:

An important change at UNCTAD VIII was that OECD countries (Group B) and developing countries (Group of 77) did not negotiate in bloc any more. Especially the countries from the American continent spoke individually.

3) From a rigid method of work to a loose structure:

In order to revitalize UNCTAD, new structures and improvements in the methods of work have been agreed upon. This Update explains how they do not properly cover all the issues and do not deal with all the problems of UNCTAD.

4) From agreements and commitments to vague declarations and free play for other institutions :

UNCTAD VIII did not come up with any new instrument in favour of developing countries as has been the case in the past. No firm or concrete commitments were made on the development problems which were discussed. Especially on the issues of debt, trade and services, the Conference referred to the Bretton Woods institutions and GATT.

5) From politics and negotiations to analysis and technical cooperation :

In the new structure of UNCTAD, the negotiation function has been very much eroded and UNCTAD will mainly give analysis and technical cooperation on the issues under its mandate. The North wanted to turn UNCTAD in a kind of OECD for development and succeeded to a large extent.

6) From international to national;

Traditionally UNCTAD has been dealing with international economic issues and developing countries have been blaming the policies of the North for their problems. In the UNCTAD VIII text, the new structure and the issues focus on the national policies of developing countries. The issue of 'good governance' is a clear example (see under 'broad policy orientations'). The responsibility of the North as well as coordination of international economic policies and issues related to interdependence will not receive much emphasis any more.

7) From regulation to the market :

UNCTAD VIII clearly states that the solution to the many problems which were discussed is mainly to be found through market mechanisms. This is a clear reflection of

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Information gathered by Myriam Vander Stichele, Trade Programme Coordinator, and Magaretha Sundstrom, Intern, as part of ICDA's programme on trade and related finance.

the position of the OECD countries as well as the change of some developing countries and the Eastern and Central European countries which have been restructuring their economies. Particularly in the area of commodities where UNCTAD has traditionally been the forum for regulation agreements, this constitutes a great shift.

The outcome of UNCTAD VIII still depends very much on the political will of governments from the North and the South to tighten-up and implement what has been agreed in Cartagena. The next Trade and Development Board which starts on 21st April 1992 is crucial to that extend. It would be very useful if NGOs would take contact with their governments to ask about their position on the implementation of the new structure at this Trade and Development Board. For more advice, please contact ICDA.

The second part of this ICDA Update reports on the Uruguay Round negotiations which have come to a halt once again because no agreement was reached between the EC and the US on reforming agricultural trade. There is now very little chance that a Final Act will be initialised this year. The failure of the Uruguay Round seems more possible than ever before. But continuing talks and pressures try to achieve an agreement. Farm trade reform, services and market access are the main stumbling blocs.

This Update also dwells on what might well be two consequences of the talks which are dragging on: more open trade disputes and increasing attempts towards regional integration (see 'trade blocs').

Myriam VANDERSTICHELE  
Trade Programme Coordinator

Closing date: 15th April 1992.

Main sources : Agence Europe, BBC World Service, *Le Monde*, *International Herald Tribune*, *Review* (The Weekly Newsletter on the United Nations), *SUNS*, *Trade News Bulletin* (on e-mail produced by The Institute for Agriculture and Trade Policy); Officials of the EC, UNCTAD, GATT and diplomats, Ministers and NGOs present at UNCTAD VIII.

## Introduction to the UNCTAD VIII Conference

The eighth session of the United Nations Conference on Trade and Development (UNCTAD VIII) took place in Cartagena de Indias (Colombia) from 8 till 25 February 1992. The subject of the conference was "strengthening national and international action and multilateral cooperation for a healthy, secure and equitable world economy". It concluded with a "spirit of Cartagena" but attracted little attention from Northern and Southern Governments (given the quite low level or number of delegates), the press (rooms full of typewriters and fax machines remained empty), NGOs (only a few were present) and the public (who has heard about it?).

The Conference started on the basis of a text with many brackets to be negotiated, after preparations had taken place in Geneva (see *ICDA update* nr 7).

What was at stake was the survival of UNCTAD as an organisation, much more than the issues of development and trade, financial resources, technological capacities, services and commodities. The possibility that the North could totally let UNCTAD down (although there were no strong indications to that extent during the preparations) gave the industrialised countries a stronghold all along the conference.

The position of the so-called developing countries was also weakened by the disintegration of the Group of 77 which had traditionally negotiated as a bloc. The Latin-American countries spoke individually during the discussions and negotiations. The African and Asian countries coordinated per continent with spokespersons on the different issues and the two continents also consulted among themselves. The Latin-Americans were in general much more market economy and free trade minded. At the other hand, the OECD countries equally did not speak with one voice as they previously did under Group B. They hardly coordinated on the spot. Only the EC and Nordic countries took group positions. The dismantling of the group struc-

ture is an important phenomenon because this method of discussion was blamed for the rigidity and blockades in UNCTAD's deliberations and negotiations. The new situation gave some more flexibility to discuss the real issues at UNCTAD VIII.

The conference took place on two tracks.

First, there was the plenary where Ministers, high level officials from member states and intergovernmental organisations, and representatives from non-governmental organisations delivered their speech. At certain times, there were only a few persons listening in the large plenary hall because most delegates were involved in the negotiations, the second track of the conference. In two working groups, the main committee, a task force, and many informal meetings, the text of UNCTAD VIII was negotiated. The adoption of the texts by the plenary at the end of the conference was a formality only disturbed by a resolution on trade with Palestinians.

The outcome of UNCTAD VIII is a text on substantive development issues as well as a restructured institution, very much in the sense the industrialised countries wanted it. Little, if any, progress was made on commitments to deal with development problems.

The "spirit of Cartagena" derives from the fact that opposition by Third World countries was negotiated away or developing countries themselves did not push through their interests in order not to disturb a so-called consensus on international cooperation, journalists were asking where the body was, NGOs have declared that there was a ghost of Cartagena. At the preparations for the United Nation Conference on Environment and Development which started a week after UNCTAD VIII, the 'spirit of Cartagena' was already lost in an open North - South conflict.

The many (international) problems facing countries and people in the Third World have not been given a concrete solution. There are even serious questions in how far the

governments have the political will to implement the nice (but not new) words of UNCTAD VIII. The text deals with

the issues as well as with the new structure as is reported below.

## The outcome of UNCTAD VIII

### Introduction to the document

The UNCTAD VIII text starts with an evaluation of the evolving international political and economic context so as to come to a common identification of *the challenges and potentials for international trade and development in the 1990s*. This part I sets the scene for the vague language and pure economic approach which prevails in the whole document. It reflects especially the intentions and views of the Northern participants.

Reference is first made to the ending of the cold war, the positive conditions for revitalizing the development process and a new international partnership to that end. Reversing persistent poverty is said to deserve the highest priority. It is recognized that economic, market-oriented, social and political reforms in many developing countries have not been easy but that the benefits begin increasingly to be seen. The challenges facing Central and Eastern European countries are described as well as the concerns of developing countries about the implications of the new East West relationship for them. Technological innovation is considered to be at the root of many recent structural changes in the world economy. The resulting globalisation of investment, production and marketing, and interdependence means amongst others constraints on the scope of autonomous policy-making in developing countries. Resurgence of free trade areas is welcomed "keeping in mind that they must respect accepted international rules". And concern is expressed about population pressures and international migration.

*UNCTAD VIII sees the following convergence on development issues and priorities, and new partnership for development :*

- Lasting peace requires effective international cooperation.
- The most important development challenges for the 1990s are the *elimination of poverty and the acceleration of economic growth and social development* in developing countries on a sustainable long-term basis, making multilateralism imperative.
- Development is increasingly seen as *a people-centred and equitable process* ultimately aiming at improving the human condition in which democratic systems based on popular consent and accountability as well as observance of all human rights are important.
- The *effectiveness of the use of the market signals and the fostering of entrepreneurial initiatives* is increasingly recognized, leaving some governmental actions to complement and correct the markets ("there is no substitute for sustained national policies directed at liberating and mobilizing latent energies for development and promoting efficiency in the allocation and use of resources") while a facilitating international economic environment is considered vital.

- Consensus on the following *priorities for development* was identified : eradication of poverty and hunger, human resources and institutional development, improved access to technology and the strengthening of technological capacities, halting and reversing protectionism, adoption of liberal investment regimes aimed at the mobilization of domestic and external resources, improved population policies, and the promotion of ecologically sound, sustainable and economically viable development.
- Developing countries reaffirmed their primary *responsibility* for their own development and their perseverance to carry out economic reforms. Developed countries "will" give them adequate support and "have" a major responsibility for a global economic environment favourable to accelerated and sustainable development and "will" therefore coordinate macro-economic policies and strengthen an open multilateral trading system.
- The *"ultimate goal of UNCTAD members"* is to achieve steady rates of sustained growth in all countries and accelerate development in developing countries so that all peoples can enjoy economic and social well-being, through new international partnership.

### Broad policy orientations

The broad policy orientations given at UNCTAD VIII (in part II of the text) exclusively deal with two topics which have recently been put high on the agenda by the North i.e. good management and sustainable development.

### Good management

The final UNCTAD VIII text on good management typically starts with stating that "there is a growing recognition of the importance of the market and the private sector for the efficient functioning of economies at all stages of development" and the need to combine the two elements to increase market competition. In this context, good management is said to be needed to associate effective, efficient, honest, equitable and accountable public administration with individual rights and opportunities.

On *national good governance*, the text describes in detail what policies lead to the effective functioning of the markets. The developing countries are told that they need to persist to modernize their economies, and how they should do so (plus minus comparable with traditional Bretton Woods prescriptions).

"Developed countries need to persist" to undertake appropriate national macro-economic and structural policies in order to avoid international disturbances. They "have a special responsibility" to narrow their major external imbalances such as reducing their public deficits and to improve market access to developing country exports, especially in the Uruguay Round. In general, they should intensify their efforts to invigorate economic growth.

The *international aspects of good management* "are also essential", which means coordination especially among economically strong countries who should take account of the interests of other countries. There is a call for: enhancing the effectiveness of multilateral surveillance; full respect for agreed multilateral rules; stronger cooperation as regards trade, money and finance; and greater transparency and effective participation by all countries in the changes of the international economic framework. This is said to require amongst others reversing protectionism, a viable and more efficient commodity policy, a durable solution to the remaining debt problems and to "continue considering the question of further allocation of special drawing rights" from the IMF.

#### Comments

Hard bargaining and a lot of language diplomacy by Third World delegates managed to achieve some balance in how these hot issues were being put in the text, notwithstanding pressures from different industrialised countries. But the outcome still reflects the strong emphasis of OECD countries on the market economy and the efforts to be undertaken by the developing countries themselves to change their national policies and economies.

Compared with the preparatory text on good management (see ICDA Update nr. 7, page 4), the new nuances negotiated at UNCTAD VIII give some more importance to governmental actions for correcting the market and to take account of other dimensions than the market. Also, the fact that the prescriptions on good management are said to be valid for all countries and not only for developing countries is quite remarkable. An example is the phrase that resulted from the hard discussions about corruption, a controversial issue on which the North had insisted: "All countries should increase their efforts to eradicate mismanagement of public and private affairs, including corruption, taking into account the factors responsible for, and agents involved in this phenomenon".

There were moments, however, where the discussions became even ridiculous, for instance when the EC asked "what is free trade?", which lead to a word game about "fair" trade, "freer" trade, "open" trade, etc.

The most worrying is that the wording suggests that industrialised countries do not commit themselves to urgently undertake the needed steps towards international good management. The restructuring of UNCTAD and the issues dealt with in the following chapters already dashed hopes to that extent.

#### Sustainable development

See below under the chapter "environmental aspects in all chapters of UNCTAD VIII, but showing the way to sustainable development?"

#### Institutional matters

#### Restructuring and revitalization of UNCTAD

All member states of UNCTAD agreed that UNCTAD's structures and operations needed to be adapted to the new

realities of domestic and international policies, in order to enhance its responsiveness to the diversified interests of its members. They reaffirmed that UNCTAD is the most appropriate focal point within the United Nations for the integrated treatment of development and interrelated issues including trade, finance, investment, services and technology, "for the interests of all countries, particularly these of developing countries". They expressed their hope that the urgently needed institutional adaptation and revitalization would enable UNCTAD to promote *international consensus* on principles and strategies for policy action towards development. They also consider UNCTAD as forum for *exchange of experiences* among states.

#### The functions of UNCTAD

The Conference agreed as follows on the interrelated functions of UNCTAD. The substantive work should consist of "dynamic and progressive sequences" of: identification of issues, high quality analytical work, intergovernmental consultation, identification of areas of convergence and "when appropriate" negotiation.

- 1) *The analytical function* is considered to be the foundation of UNCTAD's activities. It is to be carried out by the Secretariat, whose work is considered by the intergovernmental bodies, with some input from non-governmental experts and actors. There is an emphasis that the policy analysis be rigorous, concise, "even controversial", involve conceptual innovations, and examine determinants of success in economic development.
- 2) Following from the analytical work, *consensus building* is seen as "a most important function of UNCTAD". Therefore, the outcomes of the deliberations need not take the form of resolutions (as in the past, which took attention away from the issues).
- 3) *Negotiations* could be the outcome of the above processes, if there is "a broad convergence of views" on the issues and "a large degree of common understanding on the desirability of an outcome and its form". The negotiations could conclude in: statements, recommendations for the international community or member states, decisions, resolutions to be implemented by UNCTAD and its member states, or binding international agreements. It is possible to negotiate specific agreements with well-defined objectives only among interested parties.  
On issues where other institutions have decision or rule-making power, UNCTAD should provide constructive approaches and view points, and generate political impulses.
- 4) The Trade and Development Board (only) has to take the necessary arrangements to ensure the effective *implementation, monitoring and follow-up* of the processes described above.
- 5) *Technical co-operation* is to be strengthened and expanded "with the resources available", taking into account the need for interaction with UNCTAD's functions and all its areas of work. From a comprehensive development approach it should aim at supporting domestic efforts and making developing countries participants in and beneficiaries of international deliberations.

### Re-orienting and consolidating the areas of UNCTAD's work

The conference agreed that the following areas should "serve as orientations" for working on long standing trade and development problems as well as on new and emerging relevant issues. The issues of UNCTAD's work are brought under different themes.

- A new international partnership for development covers the betterment of trade conditions, effective commodity policies, the international debt strategy, the service sectors in developing countries, the interrelationship between technology and investment, and human resources development. It also means "fresh approaches to traditional areas" such as fighting poverty, exports from developing countries, action for the least developed countries and Africa, and economic cooperation among developing countries.
- On global interdependence, the work will focus on the implications of macro-economic policies and their coordination; the international trading, monetary and financial systems; good management at the international level; and regional integration processes.
- Paths to development are seen as discussing national development experiences and policies from which lessons and policy advice can be derived. The national policies to be looked at are in the area of economic management, fostering entrepreneurship, mobilizing financial and human resources, competitive markets and ensuring social values, with attention to the interrelationship between economic progress, market orientation, good management and increased popular participation. Conversion of military capacities is also to be addressed.
- The theme of sustainable development requiring international cooperation should result in work on environment and trade, technology, patterns of consumption and production, and follow up of the UN Conference on Environment and Development.

### Improving UNCTAD's intergovernmental machinery and methods of work

The conference agreed that UNCTAD's intergovernmental structure will consist of:

- the Trade and Development Board
- Standing and special Committees
- Ad Hoc Working Groups

The declared aim of this revised intergovernmental machinery is a better basis for discussion, negotiation and decision, increasing UNCTAD's effectiveness and also greater participation of senior national officials responsible for policy formulation.

The Trade and Development Board, the highest decision-making level, consisting of representatives of all member states, meets in two annual sessions.

At one of its sessions, it will address a topic relating to the international implications of macroeconomic policies and issues concerning interdependence, using the Trade and Development Report' as background. At its other session it will consider a topic related to trade policies, structural adjustment and economic reforms. During its Spring session, the Board will review the implementation of the Programme of Action for the Least Developed Countries. Additional topics indicated in the areas of work (see above)

are to be addressed at each of the two sessions.

The conference agreed that the policy function of the Board should be strengthened and it outlined how the Board should be more active in adapting UNCTAD's work to changes in the international economy, promoting efficiency and reacting to reports.

Committees of the Board have to assist the Board in the discharge of its functions. The Conference suspended the existing main committees, although there is confusion if the issues they dealt with will be incorporated in the new structure. The Conference established Standing Committees on the following topics:

- commodities
- poverty alleviation
- economic cooperation among developing countries
- fostering competitive services sectors in developing countries (including shipping and insurance).

The Trade and Development Board determines the terms of reference of these Standing Committees and should finalise them at its next meeting. It also decides on the meetings of the committees.

The Special Committee on Preferences and the Intergovernmental Group of Experts on Restrictive Business Practices remain as they were.

Ad Hoc Working Groups will be entrusted with necessary in-depth exploration and "identification of possible convergence" on new, emerging or complex aspects in the field of trade and development. They will be established for two years, with a possibility to be extended.

The members will consist of all interested countries which nominate their national experts, other countries as observers and outside experts in an advisory capacity. They report to the Trade and Development Board which decides on future action.

The establishment of Ad Hoc Working Groups dealing with the following issues is requested:

- investment and financial flows; non-debt creating finance for development; new mechanisms for increasing investment and financial flows
- trade efficiency
- comparative experiences with privatisation
- expansion of trading opportunities for developing countries
- interrelationship between investment and technology transfers.

Non-governmental actors, such as enterprises, trade unions, the academic community, non governmental organizations and other international bodies could be invited to participate in an advisory capacity to the different intergovernmental bodies. More generally, closer cooperation should be developed with such external actors, "especially non-governmental organisations and the enterprise sector", for instance for technical cooperation and advice on specific issues.

The conference also outlined how to improve the methods of work, especially in order to achieve greater flexibility of the Board and its subsidiary bodies, the intergovernmental consultations and mechanisms as well as for the Secretary General in his substantive and administrative work.

### Some background on the diplomatic manoeuvres

The fact that the conference managed to restructure UNCTAD was welcomed with relief because it saved the organisation from being dismantled. But the way it was

done and the outcome raised questions whether it could be called a success. As reported in *Upgrading nt 2*, ICDA together with other NGOs expressed already its concerns about the new structure. Even the US delegation at the end of the conference indicated the inconsistencies between the new structure in part III and the policies and measures laid down in part IV of the conference text.

However, the US got very much what it wanted on the new structure and had been very active to that extent. *Most industrialised countries declared victory because they had managed to transform UNCTAD closely to an OECD kind of organisation on development.* In other words, UNCTAD is now mainly a forum for debate, with capacities for technical assistance.

In addition, the North tried to *push international and policy issues away from UNCTAD's agenda*, especially in areas where the national policies of the OECD countries were responsible for negative consequences on developing countries. The preparatory documents of the EC are very clear to that extend. The OECD countries emphasized national policies of and technical cooperation for developing countries.

The way how UNCTAD will be able to deal with issues under negotiation in other organisations has severely been undermined by manoeuvring of the North. This concerns especially international trade, technology, services and debt which are the field of the Bretton Woods institutions and GATT. For example, only at the last moment was trade inserted as a topic to be dealt with at least once a year by the Trade and Development Board. Note, however, that it even does not mention "international" trade policies (see also below "international trade and institutional re arrangements").

All these pressures from the North are reflected in the *limited topics of the Standing Committees and Ad Hoc Working Groups*. For instance, there is no Standing Committee on international trade. Also, none of UNCTAD's intergovernmental machinery will specifically deal with debt, and most of it will deal with national policies and problems of developing countries. The Standing Committee on poverty alleviation is considered by some as propaganda.

On the other hand, the *Trade and Development Board has received a very heavy workload* especially on international issues. This means that UNCTAD has so far received a limited capacity to deal with international economic coordination. This is to be deplored at a time that rapidly increasing globalization and interdependence through liberalization, requires universal organisations to deal with cooperation in international trade and economic policies.

Industrialised countries refused the wording "enhanced democratisation in international economic relations" and only "*good management at international level*" could be retained, with still reluctance from Canada. The negotiations in Cartagena on the restructuring of UNCTAD were considered by some Third World diplomats as contrary to such principles: the main decisions were taken in a non-transparent way (through a limited task force), the OECD countries had just the restructuring in mind (e.g. number of committees) and not the objectives which the new structures should serve, and the new instruments will not be able to cover all the work programme laid down in part IV (measures and policies).

Indeed, the restructuring is the result of hectic negotiations without careful preparation. Much will therefore

depend on how the Trade and the Development Board (T&DB) will implement the outcome of UNCTAD. The prospects are not optimal. There is so far no clear sign that governments (from North and South) have the political will to give strong guidelines to the T&DB or send high level policy officials. Wait and see until next T&DB from 21 April till 1st May 1992.

Beyond that, it remains to be seen *how the UNCTAD VIII exercise will fit in the restructuring of the UN economic and social sectors*. The current, worrying, reforms of the UN Secretariat resulted so far in many departments and offices dealing with development, economic and social affairs being merged in one mega-department. In the same move, the Centre on Transnational Corporations ceased to exist as a separate entity. All this is viewed as reducing the UN's role in the economic sector. The declared positive outcome of UNCTAD VIII might help to diminish the downgrading of the position of the social and economic sector in the UN.

Given the manoeuvring to give the *Bretton Woods institutions and GATT free play*, no instruments or methods were created to incorporate the results of UNCTAD deliberations in these other institutions. The question is thus what role will UNCTAD's consensus building play?

#### International trade

##### *The conference's assessment of the international trading environment*

The part of the final text that deals with what was originally the main subject of UNCTAD, international trade, starts with an assessment of the international trading environment.

It recognizes that only a limited number of developing countries have taken part in the growth of world trade, and that protectionist pressures and unilateral policy actions not only affect the multilateral trading system but particularly developing countries. It refers to the intensification of economic integration processes which should "enhance the trade and development possibilities for developing countries" and the letter's "courageous policy reforms involving ambitious trade liberalisation". It states that "increased attention is being devoted to enhancing the role of enterprises and promoting competitive markets". It refers to the General System of Preferences (GSP) as useful but not fully used, and electronic data interchange (EDI) as effective in improving trade efficiency. Finally, it recognizes that interactions between environmental policies and trade issues have not been fully assessed.

On the Uruguay Round the text only assesses what "would" be the benefits of an early, balanced, comprehensive and successful outcome of the negotiations (see below).

#### Objectives

According to UNCTAD VIII, the objectives of the international community on international trade should be:

- reversing of protectionism;
- providing an equitable, secure, non-discriminatory and predictable international trading system;
- integration of all countries into the world economy and trading system;
- ensuring that environment and trade policies are mutually supportive;
- strengthening the international trading system.

*Measures and actions*

The measures and actions UNCTAD VIII recommends to take are firstly in the area of *protectionism, structural adjustment and trade policy reform*. All countries should halt protectionism and further expand market access particularly in areas of interest to developing countries. At the same time, developing countries should continue their trade policy reforms and structural adjustment, and progressively reduce their import barriers supported by "the international community" through market access and financial resources.

The transition of countries in Central and Eastern Europe to a market economy is to be supported. The trade regimes vis-a-vis all of them should be liberalized while their emerging trade regimes "would be best served" by being kept open. Special attention should be paid to trade between Central and Eastern European countries and developing countries.

"The international trading system should support" the observance by all countries of differential and more favourable treatment to developing countries, and especially to least developed countries (LLDCs) according to the adopted Program of Action for LLDCs in the 1990s. Since the Most Favoured Nations' rates are expected to be brought down, preference-giving countries are encouraged to consider increasing preferential margins.

All countries are called upon to increase the transparency of their trade regimes, and the replacement of non-tariff barriers by tariffs "where possible".

UNCTAD VIII encourages to improve and renew (or extend) the Generalized System of Preferences (GSP), the review of which is under way in many preference-giving countries but awaiting the outcome of the Uruguay Round, and gives specific recommendations to that extent. Reducing non-tariff measures on the benefits deriving from GSP schemes is one of the few novelties hesitantly taken by UNCTAD VIII.

The second section referring to *improving the international trading framework* dwells on the Uruguay Round (see below), the commitment to an open, viable and durable multilateral trading system, and the role of the Trade and Development Board on the issue of regional free trade and economic integration agreements (see below).

It calls on UNCTAD to pursue and extend its work on Restrictive Business Practices and on national governments and regional authorities to fully implement the provisions of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (RBBs). It calls to develop cooperation between competition authorities.

The conference reaffirmed UNCTAD's mandate and important role in the international trading system, but (only) 'noted' the ongoing discussion in the UN and GATT strengthening institutional arrangements in the area of multilateral trade.

The third section deals with *trade and environment* (see below).

A fourth section of the conference final text deals extensively, and at the insistence of the industrialized countries, with the issue of *trade efficiency*. In other words: new techniques to save time and money in international trade transactions and procedures. This is said to require truly universal use of the electronic data interchange (EDI), and the to establishment of EDI standards to foster transparency in trade-related information.

An Ad Hoc Working Group on trade efficiency is to be established, which will be responsible for producing guidelines and whose effort should culminate in an international symposium on trade efficiency to be held in 1994. UNCTAD should strengthen its technical cooperation in trade efficiency and all countries use information technology, especially in areas of trade facilitation and customs' automation. Assistance to improve transit facilities for land-locked developing countries is also called for.

*Resources for development*

The negotiations in Cartagena on the issues of resources for development has substantially weakened the texts which came out of the Geneva preparations (see also ICDA Update nr 7). References to the responsibility of industrialised countries for Third World problems in this area were taken out and no new commitments than those previously taken in other areas were agreed. Until the last moment did some developing countries express disagreement on how the debt problem was dealt with because it suggested approval of the current debt strategy, but in vain. Worse, the United States indicated in its last minute declaration that it could not subscribe to most of the mandate given to UNCTAD to deal with debt. Even if UNCTAD VIII means that all (but one) countries have subscribed to existing measures which they have not fully implemented yet, there is no guarantee that this will result in accelerating the resolving of the pressing financial problems.

*Poor assessment*

Especially in the part assessing the situation in the field of resources for development, the final wording has taken away from the industrialised countries the blame for the external difficulties faced by developing countries.

For instance, the reference to the negative consequences of and inadequate finances for structural adjustments was taken out and replaced by the recognition that "increased amounts of external financing will be needed to supplement development countries' domestic savings on conditions which take proper account of the specificity of the economic needs and situations of developing countries". Also, there is no mentioning any more that the debt crisis is far from resolved and that the current strategies fall short of what is required.

*Domestic savings and national policies*

In the area of national policies, the conference agreed that all countries should make efforts to mobilize domestic savings for investment, growth and development to achieve macro-economic stability. It further referred to what should happen in the field of financial liberalization, public sector and fiscal reform, development of human resources ("especially with regard to women, particularly to improve the status of rural women"), privatisation, foreign direct investment and non-debt-creating financial flows.

Developed countries are reminded of the adjustment measures favourable to the international economy they need to implement.

All countries are asked to consider the reduction of military expenditure and channel the savings "towards socially productive uses".



*Debt: nothing and everything*

On debt, there was no progress in the measures promoted to deal with the problem. On the contrary, it was even not possible to speak about a 'strengthening' of the debt strategy, only about a reaffirmation of all countries to commit themselves to the 'evolving international debt strategy'. On the insistence of the North, UNCTAD suggests that 'the international community should continue to provide support, including further debt relief on a case-by-case basis, for countries implementing sound economic reform programmes'.

The UNCTAD VIII text welcomes and promotes all the existing measures on debt such as those with commercial banks and official bilateral creditors, and those taken by and for low-income countries. It also advises to improve the coordination between all creditors and to reduce the risks of underfunding.

UNCTAD and its Secretariat can continue to cooperate with developing countries on debt negotiations and provide advice on debt as well as give technical assistance in the areas described hereafter.

*Aid, loans and investment*

On the issue of external financing for development, the conference recognizes the need for additional funds for structural adjustment, enhanced official finance (aiming at 0.7 % of GDP) and balancing the aid burden between the donors. The latter is new point of discussion.

The effectiveness of aid should be strongly enhanced both by the recipients and the donors, including untangling of aid and making differentiation among developing countries. Reference is made to the key role of the loan instruments of the World Bank and the IMF, and ways to encourage foreign direct investment.

The conference gives special attention to the implementation of the different measures and programmes for least developing countries and African countries.

*Commodities*

Notwithstanding the Conference recognized the very negative situation of the commodity sector, UNCTAD VIII made no breakthrough or did not accelerate solutions in an area for which UNCTAD remains the recognized specific forum. Industrialised countries wanted to move away from the traditional instruments such as the commodity agreements. The EC and others from the North were even reluctant to refer to the Integrated Programme for Commodities or the Common Fund negotiated at UNCTAD. They were not willing to agree on far reaching measures or emphasize the areas where the North has responsibility. In general, the industrialised countries managed to stress that solution in the commodity sector is to be sought through market mechanisms and appropriate national policies by developing countries.

*Some action*

Little immediate action was proposed except for:  
- the demand that the UNCTAD Secretariat should undertake a *thorough review of the situation and prospects of*

the international commodity economy and policy, and should submit possible courses of action to the Trade and Development Board ("and subsequently to Governments for implementation" was deleted)

— the proposal made in Cartagena by the Colombian government to convene a *world conference on commodities*. This conference should be organized by UNCTAD and include producers, consumers, marketing enterprises and other market actors as its participants.

The proposal took the delegates by surprise. Doubts rose about the terms of reference and its effectiveness especially because some Northern delegations already tried to take out some substantive issues such as economic clauses. As a consequence, the UNCTAD VIII text declares in an annex that the Secretary-General of UNCTAD is to hold consultations on such a conference. At the same time, the Standing Committee on Commodities is to undertake a comprehensive analysis and explore new, market-oriented approaches to commodity policies. If these procedures indicate "a large degree of common understanding about the desired results", the Trade and Development Board should decide on the invitation to convene such a world conference. In other words, the proposal received a lukewarm response.

*Goals for the 1990s*

The conference agreed that the following goals should be pursued on international commodity policy for the 1990s:

- a) improving the functioning of commodity markets;
- b) optimizing the contribution of the commodities sector to development e.g. through greater cost effectiveness;
- c) reduction in excessive dependence on commodity export through diversification;
- d) improving market access;
- e) improving market transparency;
- f) proper management of resources.

*Policies and measures*

Some of the policies and measures on which UNCTAD VIII agreed to put into effect these goals, but without any clear commitment that they will be implemented are:

- improving *cooperation between producers and consumers* (the EC and others refused to mention cooperation among producers) in different forms, including negotiations for more efficient international agreements "that take account of market trends" and full participation in international commodity agreements.
- domestic policies and comprehensive commodity-sector strategies that encourage *diversification and enhance competitiveness*.
- *international support* for national commodity policies through a favourable external economic environment, adequate financial and technical cooperation, improved market access including through reduction of export subsidies ("notably in developed countries" was taken out) and improved flows of technology.
- support for institution-building, increased participation in processing, marketing and distribution and other means *to reduce excessive commodity dependency*, e.g. through coordination among donor-countries and avoiding over-investment.

- improving and introducing *financing mechanisms compensating* developing countries' shortfalls in export earnings from commodities.
- efficient and *transparent operation of price formulation mechanisms*, including avoiding market manipulation [reference to strong speculation that should be avoided was not accepted].

On the *Common Fund*, which came into effect only a few years ago, the Conference urges for full participation, payment of arrears or voluntary contributions and full operation of the Second Account as soon as possible.

#### Services

The discussions on the services sector were thwarted by the reluctance of the industrialised countries to deal with this area under UNCTAD so as to leave all regulation-making to the ongoing Uruguay Round negotiations for a General Agreement on Tariffs and Services. As a result, UNCTAD VIII recognizes the growing importance of services for developing countries but refers especially to the Uruguay Round to set the international framework and to liberalize.

The UNCTAD VIII text gives the Secretariat a much wider mandate to provide analysis and technical cooperation in the field of developing services. The latter is to be welcomed especially given the references in the Uruguay Round text to technical cooperation for the development of the services sector of developing countries to enable them to benefit from liberalization and increase their services exports. However, the US declared at the end of the Conference that they would like to have this work mandate for the Secretariat being deleted.

UNCTAD VIII recommends developing countries the following national policies to create the appropriate conditions for developing their national services sector:

- modernization and expansion of necessary infrastructures;
- human resource development;
- encourage investment and cross-border trade by firms in services in order to contribute to transfer of technology and know how and access to information networks and distribution channels;
- progressive liberalization of the services sector and improving competitiveness;
- enhancing regional cooperation;
- improving participation in international negotiations.

The conference agreed that the international community "should be encouraged to continue support of concerted policy actions" towards the same aims.

#### Strengthening the technological capacities of developing countries

While recognizing that technology increasingly determines the ability to participate in world trade, UNCTAD VIII only suggest different measures through national policies, international cooperation and private enterprises for developing and transferring of technology. How these lofty principles will be implemented is not dealt with.

On the issue of *protection of intellectual property rights* (TRIPs) the Conference recognized the, for many developing countries, controversial argument that it would facilitate international flows of technology. No reference was

made to the problem of financial resources to pay for the higher costs of products subject to TRIPs. The conference 'noted' the important role of the World Intellectual Property Organisation (WIPO) and the Uruguay Round negotiations, while not dealing with the important problem that the latter erode the authority of WIPO.

On the stalled negotiations on an *international code of conduct on the transfer of technology*, the conference concluded that negotiations cannot start again unless there is "convergence of views to reach agreement" on all outstanding measures.

The UNCTAD work programme to support economic development in developing countries in the field of technology is to *focus on*:

- analysis and research about the interrelationship between technology, trade, investment, finance and environment;
- analysis addressing technology transfer, including of environmentally-sound technology;
- technical cooperation activities to enhance technological capacities.

#### The least developed countries

The plight of the least developed countries received some special attention during UNCTAD VIII, particularly through a special session on the Least Developed Countries (LLDCs).

UNCTAD VIII recognized that the Least Developed Countries have to remain a priority on the agenda of the international community. The LLDCs were also able to get the affirmation that assistance to Eastern and Central Europe would not diminish the commitments to LLDCs.

In the UNCTAD VIII text, particular attention is given to the full implementation of the *Programme of Action* for the Least Developed Countries for the 1990s, with reference to the responsibilities of both the LLDCs and the donors.

The major contentious issue was the upwards levelling of the aid targets to the LLDCs since their numbers were recently increased by six countries. The North refused to make commitments and put figures to adjust the aid targets of the Programme of Action to the new situation of 47 countries instead of 41. The watered down text on *additional resources* to that extend was very disappointing to the LLDCs.

The text states that the following areas of priority action were identified:

- the debt problems;
- special treatment in the Uruguay Round;
- improving GSP measures;
- support LLDC efforts in diversification, processing and marketing;
- compensatory financing mechanisms for commodity-related shortfalls.

#### Economic cooperation among developing countries (ECDC)

The conference did not make more progress on this issue than stating that ECDC becomes even more important in the new context of increased liberalization although the 1980s had shown disappointing results. The text indicates how trade could be expanded and mentions the launching of a Second Round of negotiations under the *Glo-*

bal System of Trade preferences among Developing Countries. The need for international financial support for ECDC was recognized as well as avoiding that structural adjustment programmes undermine long-term integration objectives.

No concrete commitments were made, not from the South itself nor from the North. The UNCTAD Secretariat, however, is asked to continue its advisory and technical assistance.

## ***Environmental aspects in all the chapters of UNCTAD VIII, but showing the way to sustainable development?***

UNCTAD's concept of sustainable development

The different parts of the UNCTAD VIII text try to integrate the concept of sustainable development, but mainly in a way so that environmental conservation measures do not undermine economic growth or the market economy. The UNCTAD VIII text refers to the same concept as the Brundtland report, i.e. to meet the needs of the present generation while safeguarding the capacity of the future. This explains the emphasis on poverty alleviation. On many other issues, the conference seems to have missed the point.

The conference was able to put the responsibility for global environmental problems and their solutions on the industrialized countries, but the measures agreed on were very much geared towards developing countries.

International cooperation is seen as essential for achieving a coherent global strategy, including harmonized environmental measures and policies, and for assisting developing countries in implementing sustainable development plans.

The UNCTAD VIII text states that "sustainable development aims at achieving both efficient economic performance and ecological sustainability as well as social equity". It recognizes that there are conflicts, between economic activity and environmental goals which imply changes in all economies and enhanced international cooperation "to make economic growth and environmental protection mutually supportive".

### ***Institutional aspects***

UNCTAD's recent mandate on sustainable development was consolidated and expanded in its work programme, but no intergovernmental instruments were committed to it. This means that the Trade and Development Board has not been requested to give special attention to sustainable development and no Committee or Ad Hoc Working Group on sustainable development was created (although it was proposed). The main reason is that the Northern countries were reluctant to follow the push by the UNCTAD Secretariat to revitalize the organisation by picking up and integrating the issue of environment and sustainable development.

As a result, the Conference's response to the recommendation by the Secretary General of the UN Conference on Environment and Development (UNCED) that UNCTAD could be the organisation to follow up the outcome of UNCED, was one of wait and see what conclusions and recommendations come out of the Rio conference in order to take the required measures. At the fourth preparatory meeting of UNCED (PreCom IV) in New York, UNCTAD

was hardly discussed as an option to implement the outcome of UNCED.

The UNCTAD Secretariat, however, has been given the mandate to integrate sustainable development in all the areas of its work, especially to give analysis and technical cooperation on the following issues.

### ***Additional resources ?***

The Conference, reflecting different speeches of Northern Ministers, "pledged their continuing efforts to ensure" increased external resources for implementing sustainable development policies at national level. However, it emphasized that government intervention should pay attention to "control mechanisms that make use of market signals and generate additional financial flows". Cooperation, even with non-governmental organisations, on debt for nature swaps was recommended.

UNCTAD was asked to examine polluter-pays and user-pays principles, and the precautionary approach for achieving sustainable development, as well as what regulatory tools developing countries can resort to.

### ***Environment and trade***

"The conference recognizes that improved market access for developing-country exports in conjunction with sound environmental policies would have a positive environmental impact."

Analysts of sustainable development question this 'automaticity'. Liberalization does not leave much leeway for internalizing environmental costs, especially if no special protection measures are being allowed. On the other hand, they welcome UNCTAD's emphasis that improved market access is an essential element in enhancing socially just and ecologically sound trade patterns.

Given the fear of the developing countries that the environmental measures would impede their exports, UNCTAD VIII emphasized that such measures should not constitute unnecessary or unjustifiable restrictions to trade. For instance, unilateral actions to deal with environmental damage outside the jurisdiction of the importing country "should be avoided".

Environmental measures to address transborder and global environmental problems "should, as far as possible, be based on an international consensus". In case trade measures are found necessary for enforcement of environmental policies, UNCTAD VIII proposes that the following principles should apply:

- non-discrimination
- least trade restrictive

- ensuring transparency
- considering the special conditions and requirements for development.

UNCTAD is requested to clarify the linkages between trade and environment and the need for environmental protection to "coexists with liberal trade policies and free market access".

- The UNCTAD Secretariat is also given the mandate to analyze and give technical assistance on:
- the relationship between environmental policies and trade, and their impact on developing countries;
  - the impact of environmental regulations on trade.

#### *Commodities*

In order to ensure "proper management of natural resources with a view to achieving sustainable development", UNCTAD VIII recommends the following subjects to be pursued, amongst others by the Secretariat:

- how prices could reflect environmental costs and resource values;
- improving competitiveness of natural products with environmental advantages;
- making the development of the commodity sector and environmental concerns mutually reinforcing;

— additional international financial and technical support for commodity and environment related technologies. UNCTAD VIII did in this way not indicate what measures are to be taken to raise commodity prices, to enforce sustainable production and processing, to incorporate social costs and to give the (small) producers a fair price.

#### *Technologies and services*

On the issue of access to, transfer and development of environmentally-sound technologies, the developing countries were not able to resist the pressure of the industrialised countries to protect intellectual property rights. UNCTAD VIII basically only requests the search for effective modalities, including the "consideration of the possibility of elaboration of additional, financial schemes and mechanisms" to help developing countries. UNCTAD's work should focus on transfer of environmentally-sound technology, especially with regard to market mechanisms such as entrepreneurship and investment guarantees.

Even on services, UNCTAD VIII requested the Secretariat to analyze the interactions between trade in services and environmental protection.

## *UNCTAD VIII, International trade and the Uruguay Round*

International trade and the institutional re-arrangements of UNCTAD

As Mr Pronk, Minister for Development Cooperation of the Netherlands and former Deputy Secretary General of UNCTAD, has put it: The Western countries continue to refuse to be pushed and influenced by UNCTAD towards action in GATT talks, for instance through uniform criteria. This shows the power of the Group of 7. After UNCTAD VIII, GATT has free play and trade as subject of negotiations is out of UNCTAD and transferred to GATT. UNCTAD is mainly left with analysis (with little capacity to influence) and technical cooperation (which is important).

When asked at the end of the conference about UNCTAD's role on international trade, Secretary General Dadzie answered that UNCTAD's role is that of analysis and consensus-building, which could eventually lead to actual negotiations of contractual rights which he considers the domain of GATT. He agreed that UNCTAD VIII has put more emphasis on national trade policies especially of developing countries. "But this is not to be considered negative since developing countries are in the forefront of liberalisation".

Deputy Secretary-General Fortin denied that the subject of international trade was diminished in UNCTAD and referred to different aspects of the new institutional arrangements.

Before and during the conference, there was an important North-South split on the role of UNCTAD in international trade. The South wanted to maintain UNCTAD's role as a forum for negotiating rules and modalities of international trade. The North wanted to confine UNCTAD's work to discussion and analysis on international trade and tried

to shift UNCTAD away from international trade issues to national trade policies of developing countries. The EC was therefore not prepared to reaffirm, in the trade chapter, resolution 1995 of the UN General Assembly which comprises UNCTAD's mandate on trade negotiations.

As a result, the following institutional arrangements were made in the field of (international) trade.

#### *The tasks of the Trade and Development Board*

The Trade and Development Board:

- \* will use once a year the Trade and Development Report as background for addressing a topic relating to macro-economic policies and interdependence (par. 66);
- \* will consider once a year a topic relating to trade policies, structural adjustment and economic reforms at each of its sessions;
- \* will review, at its spring session, global developments in the evolution of production and trade in manufactures, commodities and services, comprising analysis and, if appropriate, policy options (par. 141) and may hear experts' views (if the Secretary General deems it necessary) (par. 142);
- \* should at each of its sessions address additional topics drawn from key areas of UNCTAD's work, including trade efficiency, market access, commodity policies, promotion of developing countries' exports, evaluation of the international trading system, regional integration processes, promoting competitive markets, interaction between trade issues and environmental policies (par. 63 and 66);
- \* should periodically assess the trade regime of countries in transition to a market economy in Central and Eastern

- European countries (CEEC) with special attention for their trade with developing countries (par. 129);
- \* is requested to analyze and assess the outcome of the Uruguay Round, in particular in areas of interest or concern to developing countries, and its impact on the international trading system (par. 144);
  - \* should examine problems and opportunities facing developing countries and CEEC to increase their participation in international trade in the 1990s (par. 144);
  - \* is requested to review implications of emerging regional free trade agreements for developing countries in the trading system and to promote regional integration as a mean to strengthen the world trade liberalising process (par. 146);
  - \* will regularly receive reports (about the progress of the work) from the Ad Hoc Working Group on Trade Efficiency, and regularly review the preparation of an international symposium on trade efficiency (par. 157);
  - \* establish the terms of reference of the Standing Committees and Ad Hoc Working Groups mentioned here after, and react on their reports;
  - \* define features of trade transparency mechanisms to be established.

#### Different Committees

- *Standing Committees* on :
  - \* commodities
  - \* economic cooperation among developing countries
  - \* developing services sectors in developing countries, which includes finance and invisibles related to trade (insurance)
- A *Special Committee on Preferences*, (par. 70), which amongst others has to examine possible modalities for extending preferential treatment for developing countries with respect to goods (par. 139).
- An *Intergovernmental Group of Experts on Restrictive Business Practices* (RBPs) (par. 70) working on policies and rules to control RBPs, to promote proper functioning of markets and bring about further trade liberalisation (par. 147).
- *Ad hoc Working Groups* (established by the Board for a period up to two years) (par. 77) report directly to the Board and deal with (among others):
  - \* trade efficiency
  - \* expansion of trading opportunities for developing countries.

#### The Secretariat

- The *Secretary General of UNCTAD* will provide the Trade and Development Board with analyses on the problems and opportunities for developing countries and CEEC in international trade (par. 144). He is requested to initiate consultations to establish an expert group on trade efficiency (par. 157). He is also given a role, by the UN General Assembly to look at the international trading system and to give comments on the MTO.
- The *UNCTAD Secretariat* continues and extends its analytical work as basis for consideration by the above mentioned intergovernmental bodies, and technical cooperation activities which encompass : trade policy reforms, participation by developing countries in the GATT Trade Policy Review Mechanism, trade negotiations, market

access, trade and sustainable development, assessment and implementation of the results of the Uruguay Round.

All these different activities could lead to convergence of views and identification of areas and issues of negotiations which could be carried out under UNCTAD between all member states or only those interested in the matters under negotiation.

#### The Uruguay Round

##### *To conclude or not to conclude the negotiations...*

Notwithstanding the reaffirmation by the Conference of UNCTAD's important role in international trade, it fell far short of taking any action on one of the most important current problems in the world trading system, namely (the lack of progress in) the Uruguay Round negotiations.

Different parts of the final text state that an "early, balanced, comprehensive and successful outcome of the Uruguay Round" negotiations is to strengthen the international trading system, bring about further liberalization and expansion of the different areas of world trade, and enhance the trade and development possibilities of developing countries. The UNCTAD VIII text "urges all participants, and in particular the major trading partners to make determined efforts to arrive" at such an outcome.

However, in the political declaration separately negotiated at the end of the Conference, it was politically impossible to make a call for concluding the Uruguay Round or even for strengthening the international trading system. The Mexican delegation asked for an amendment during the last plenary, which caused some panic in EC ranks, but no re-insertion of a draft paragraph to strongly urge for the conclusion of the Uruguay Round was accepted. As a result, the political declaration of UNCTAD VIII has no reference to international trade !

In comparison with UNCTAD VII, the final UNCTAD VIII text on the Uruguay Round is much less specific, especially concerning Third World demands, while the GATT negotiations and the international trading system were in greater difficulty. No indications were given what should happen if the Uruguay Round fails. An UNCTAD official thinks that in that case pieces of the draft agreement will be picked up here and there. Is this the good management the Conference talked so much about?

##### *Assessing the benefits for developing countries?*

The industrialised countries had indeed along the conference avoided that the text or decisions in UNCTAD VIII would interfere with the "delicate stage" of the Uruguay Round negotiations.

In this way the industrialised countries also managed that the UNCTAD VIII text only state that the outcome of the Uruguay Round should take into account "the specific interests of developing countries". These few words replace a whole paragraph outlining specific commitments which should be part of the Uruguay Round in order to make the Round's outcome beneficial for developing countries. This paragraph was taken out at the latest possible moment. The spokesman of the African Group strongly protested against the omission of these commitments in

the final text, stating that the "utmost flexibility" of the African Group during the proceedings was not adequately appreciated and that these commitments should be clearly written down in the report of the Main Committee.

Also, the analysis and assessment of the outcome of the Uruguay Round is only to be made by UNCTAD's Trade and Development Board. According to an UNCTAD official, however, in the past debates by the Trade and Development Board on the Uruguay Round have had no impact. As a compromise, it is foreseen that the Secretary-General provides the Board with analyses to examine the problems and opportunities faced by developing and ex-Eastern Bloc countries in increasing their participation in international trade in the 1990s. One should bear in mind however, that the Trade Policy Review Mechanism, introduced by the Uruguay Round, will also become increasingly important.

Appreciation was expressed for the, indeed very useful, technical assistance provided by the UNCTAD Secretariat to facilitate developing countries' effective participation in the Uruguay Round negotiations. The Secretariat is given the mandate to continue this cooperation and advice. In addition, it can give them technical cooperation to assess and implement the Uruguay Round and prepare them for their participation in the GATT Trade Policy Review.

#### *UNCTAD and the Multilateral Trade Organisation (MTO)*

The fact that the industrialised countries managed to

give the GATT total freedom of manoeuvre is also clearly reflected in paragraphs 149 and 150 in which the conference "notes" the ongoing discussion on institutional arrangements in GATT and the UN and the proposal to establish a MTO. At the same time, it reaffirms UNCTAD's mandate and important role in the international trading system. All proposals specifying in what way UNCTAD could contribute to the evolution of institutional arrangements of the international trading system have been taken out, at the insistence of the US and followed by the EC (Commission, the Council did not give a mandate to do so).

It was even not possible to recall a paragraph from the UNCTAD VII text on UNCTAD's role to review the effectiveness and evolution of institutional arrangements with a view to recommend changes as necessary, because it would concern the MTO. In the same move, matters relating to the establishment of a comprehensive and more universal organisation (in other words, an International Trade Organisation) which is more responsive to the needs of developing countries have been totally dumped.

What relationship UNCTAD will have with the future MTO has not been defined. The Uruguay Round text on the establishment of the MTO also makes no reference to UNCTAD. In general, industrialised countries would comment that UNCTAD and GATT are 'complementary'. But they have clearly showed their intentions: to get development issues out of GATT to leave them to a (weak) UNCTAD while on the other hand trying to bring all trade issues of interest to them in GATT.

### *Some more comments about UNCTAD VIII*

Given the many comments this ICDA Update makes on the positions of the industrialised countries, the following comments try to clarify some of those of two important actors in the Conference.

#### *The European Community*

The EC has had a lesser impact than usual because of the little interest from the member states and problems with the Portuguese spokespersons. Portugal which was holding the EC presidency failed to represent the views of the Twelve properly or dynamically, causing discontent among the EC countries and the Commission. The latter wanted to take over as spokesperson of the EC but this would have created a precedent unacceptable for other smaller EC countries. On certain moments during the conference, it seemed as if the EC was more hardline than the US while the EC had traditionally taken a position between the US and developing countries.

The Commission had especially more hardline officials from Directorate General I and, by accident hardly any from the development experienced DG VIII. During a press conference (not known by the EC presidency), a Commission official turned infuriated when asked questions about the EC's protectionism, stating that the EC is the most open region of all and that 'EC protectionism is mythology'.

The member states had to coordinate quite a lot on the spot (in a nice old house which belongs to the Chamber of Commerce of Cartagena) and were not always represented by diplomats of the highest level. Most of the Ministers

from the Member States gave their speeches at the beginning of the conference, when most delegations were not yet dragged in the negotiations. They emphasized, with more or less nuances, the importance of market mechanisms and lined out what policies developing countries should undertake (see Uprading nr. 1 and nr. 2) and dwelled on the different issues of the Conference. Hearing these positions one after the other left some negative and arrogant impression. The Nordic speeches were more nuanced, especially by the Norwegian Minister.

The intervention by the EC President at the last plenary of the Conference reflected the EC's position very clear. He stressed "again the importance of the relationship between democracy and development, the respect of human rights", the importance of good governance and participatory development, human resources development, market-oriented strategies, the strengthening of the private sector and sustainable development. He expressed his deep regret that "all these essential notions with regard to development" were being deleted from the political declaration. He had therefore doubts about the success of future work of UNCTAD. However, he stated that the reform of UNCTAD corresponded to the proposals presented by the European Community. But this reform is seen as being achievable within the resources now available to UNCTAD.

#### *USA*

The United States changed somewhat its traditional attitude of only opposing favourable measures for develop-

ping countries, and were very active in proposing amendments. The speech they delivered in the plenary gave very much an idea of what would be the outcome of the Conference.

The major emphasis was on the restructuring of UNCTAD as an institution and reforming its methods of work. The new role of UNCTAD was seen as a centre of frank and open discussions, without a 'group system', in order to build consensus around ideas for development policies. Technical assistance was proposed as the other facet of UNCTAD, especially concerning market techniques.

The speech made no reference to the negotiation function of UNCTAD. On the contrary, a freely operating market and the role of the private sector was considered crucial while governmental intervention was to be limited. The conclusion of the Uruguay Round was declared to be the highest priority for the US.

National policies, good governance and basic civil and political liberties were said to be the determinant factors of development, not international policies. UNCTAD's refusal in the past to address national policy questions "must change".

A spirit of cooperation was not to be interpreted as in the past as resource transfers but as a "genuine international partnership based on equality".

But the intervention by the US at the final plenary rose questions what kind of spirit of cooperation they had in mind. Typical for US diplomacy, they backtracked on the concessions they had been given. They did not go as far as what they recently did in the International Sugar Organisation : after the US managed to reform it in accordance with free market principles and turn it into a "study group" with little influence over prices, the US announced in March to withdraw from it.

The major backtracking was in the field of debt, where the US announced that they saw UNCTAD's role on debt as very limited, not going beyond some analysis and leaving the strategy to the other international financial institutions (i.e. World Bank and IM F). On the other hand, they reflected the concerns of many by indicating that there were quite some inconsistencies between the new structures of UNCTAD and the proposed policies and measures. However, they proposed to take the inconsistencies away by cancelling parts of the agreed measures in the field in resources, international trade, services, technologies, and commodities !

#### Some remarkable sayings

During informal talks with delegates, NGOs were able to get some inside information. Sometimes, delegates from industrialised countries were expressing opinions which openly showed the hard or perhaps cynical positions of the North.

At the beginning of the conference, diplomats from Europe said "frankly, if the developing countries want to come to an agreement here, they will have to give in. The North will not make concessions, it is not the demanding party".

At the end of the Conference, some diplomats from the North were very explicitly declaring victory that they got what they wanted. However, others were more reserved. A senior European diplomat thought that it would be impossible to turn UNCTAD in an OECD kind of organisation. A Nordic diplomat said that UNCTAD had been transformed in a Sunday school in market economy for developing countries.

The major critique all diplomats and a Minister gave on ICDA's position paper was that it did not criticize the governments and policies of developing countries, and that it was wrong to only criticize the Northern governments.

When the External Relation Officer of GATT was informally asked what the relationship between GATT / Uruguay Round and UNCTAD VIII was, given the presence of Mr Dunkel in Cartagena, he first answered "none". After some discussion, he admitted that there was some complementarity, e.g. on Restrictive Business Practices.

He also said that NGOs had no credibility what so ever on what they were saying on the GATT talks, and that they did not have to address the GATT Secretariat and Dunkel but their own governments.

Mr Dunkel, Director General of GATT, who gave a quite realistic speech in Cartagena, said he had no time to give an interview with NGOs there. He said however that NGOs were "very, very" welcome in Geneva to come and have a day of discussions !

A high-rank EC official involved in the Uruguay Round said in Cartagena that, in fact, the negotiations should only take place between the EC, the US and Japan. Asked if this would be sufficient to incorporate the interests of the South, he thought that it could, or that perhaps Brazil or the India could join at some stage.

### *The state of the Uruguay Round negotiations: stalled, delayed or over?*

Running out of steam and missing the train for ever?

After GATT Director-General had submitted a draft Final Act of the Uruguay Round on 20th December, negotiators met again on 13th January 1992 to give their assessment. About 85 % of the draft text contained negotiated issues, around 15 % was put in by the GATT Secretariat based on unfinished negotiations.

On 10th January, the European Community had already openly called for the revision of parts of the Dunkel text, especially because some provisions on agriculture were

incompatible with proposed reforms of the Common Agricultural Policy (CAP). All of the 108 negotiating countries have expressed reservations with elements of the package but, except for the EC, have agreed that it is too important to be rejected or to undo the delicate balance by re-opening the negotiations.

The Trade Negotiation Committee (TNC) decided to dissolve the earlier negotiation groups and to continue the talks globally. The talks were organised in four tracks :  
1) negotiations on market access in goods and agriculture, which mean detailed country-by-country bargainings on reducing tariffs on specific products which are being

extended to all GATT trading partners; an overall reduction in tariffs of 30 % of was set as a target;

- 2) negotiations on initial commitments in services, which mean negotiating bilateral deals on opening services markets to be extended to all GATT parties;
- 3) cleaning up the draft Final Act for inconsistencies and legally unacceptable texts;
- 4) opening some parts of the final draft text for renegotiation,

It was said that the last track could only be negotiated in case track one to three were finished. However, Dunkel said he would accept new negotiated texts if they were acceptable to all. To that extend, he made it clear that it was especially up to the EC and the US to settle their differences over agriculture.

Deadlines were set on 1st March for countries to submit offers in market access and 30th March to complete these negotiations in order to incorporate the results in the final text. In this way, negotiators were working towards a deadline of 15th April to conclude the Uruguay Round. It was foreseen that a Ministerial meeting could take place in Rabat (Morocco) between 5 and 15 April to initial the Final Act so that the Uruguay Round Accord could be brought into force by 1st January 1993.

Some market access offers were made but the whole negotiations ran out of steam by 15th April because the EC and the US had not yet reached an agreement on agriculture notwithstanding high level talks such as between US President Bush and the German Chancellor Kohl.

All hopes for an EC - US agreement are now put on the top level meeting between EC Commission President Delors, the Portuguese Prime Minister holding the EC Presidency and President Bush on 22nd April. If no breakthrough comes out of that meeting, there is a possibility that the Uruguay Round would conclude without a result. Even if a compromise could be reached on 22nd April, no final agreement is likely to be ready before end May or mid June. This means that there will be not enough days left to get an agreement ratified by US Congress before the presidential elections in November 1992. Indeed, many think that a final agreement cannot be signed this year and that the talks will be extended to next year, or being declared over. But no one is willing to openly contemplate outright failure.

#### *What if there is no agreement ?*

Even delay in the negotiations until next year entails dangers, also for developing countries. Some countries will try to take back their compromises already offered. Demands by protectionist lobbies in the US for unilateral actions against 'unfair trading' might be more difficult to resist. If no EC commitment to reduce farm export subsidies is reached by 1st June, a US bill will automatically increase US export subsidies by 1 bn \$ and so relaunch a subsidy war in agriculture. The extended Multifibre Arrangement (MFA) will expire in December 1992 and awkward renegotiations on rules for trade in textiles and garments would be needed with a danger of a more restrictive MFA for developing countries.

Those who are pressing to conclude the GATT talks warn for the following negative consequences if the Uruguay Round would fail :

- an increase in trade disputes which were silenced due to and during the negotiations;

- liberalization taking place only within regional agreements and acceleration of the creation of trade blocs;
- bilateral trade deals and discriminatory trade regimes;
- a weakening of the multilateral trade system and increased unilateral trade sanctions;
- setting off a wave of protectionism which would also hurt developing countries;
- continuing slower growth in world trade;
- further decline in business confidence and enhancing the economic recession;
- managed trade;
- multinationals dealing among themselves without governmental agreements and control.

#### **Stumbling blocs**

##### *Agriculture*

In general, little progress was made in all four 'tracks' of the negotiations. Particularly the talks on agriculture, services and market access are behind schedule. Even the formal legal reviewing of the drafting ('track 3') is proving controversial as some countries try to re-open issues which were settled. It has also shown that the US is reluctant to apply a future Uruguay Round as a treaty under international law but only respect it as an agreement!

The main stumbling bloc remains agriculture and differences between the EC and the US on cutting farm subsidies. If the farm deadlock can be broken, some say that other problems could be solved quickly.

After three months of bilateral and sometimes secret talks, the opposing demands are said to have been somewhat narrowed down. The main US - EC differences over farm trade reform can be explained as follows :

- The EC is resisting that compensation payments to European farmers are defined as trade distorting and will have to be submitted to reductions. US deficiency payments will have to be much less reduced.
- The US demands the EC to limit the volume as well as the value of farm exports through cuts in export subsidies. At the same time, the EC demands the US to restrain exports of cereals substitutes to Europe.
- The EC asks the US to respect a 'peace clause' under which US companies agree not to challenge EC subsidies under US law.

A possible farm deal could entail that the US allows EC subsidies to farmers in exchange for price cuts, so long as the EC furnishes proof that it will restrict production and make subsidies regressive after six years. But the new French Prime Minister made already clear that he was not likely to change France's stance on farm trade reform although it is seen as the major stumbling bloc. France is not willing to reduce its market share outside the Community. Difficult debates took place on the EC positions in the GATT talks. At the same time, discussions between the EC Agriculture Ministers are said to have made some progress on the CAP reform.

The EC wants to 'rebalance' its lowering of protection of some farm products by raising protection on imports of cereal substitutes which now enter duty free. This was out of the question for the US and some developing countries such as Brazil. The EC could drop this demand in exchange for its compensation payments to farmers be accepted as non-trade distortive.



The EC is hardly offering cuts in import restrictions and improving market access for agricultural products.

Full tariffication is refused by several countries and will undermine developing countries' control on food supply. The EC opted for quotas rather than for tariffication of imports of bananas (see below 'Single market'). GATT will have to grant a waiver since the principle to change all import barriers into tariffs was agreed between the US and the EC. There is a chance that other nations will now also ask for exemptions from tariffication.

Mr Dunkel does not see that it would be possible to take out agriculture in order to come to a final agreement because many countries have given concessions in other areas in order to obtain benefits in the area of agriculture.

#### Services

The second stumbling bloc is the services negotiations.

The US have re-introduced their objection against applying the Most Favoured Nation clause (MFN) to maritime and air transport, basic telecommunications and financial services. All the trading partners expressed dismay because MFN is a basic GATT principle to guarantee equal treatment to all trading partners, and the proposal would exclude 75 % of the services sector from common disciplines. The US argue that they do not want free riders' who make no efforts to improve their access. They say they will only change their attitude if other countries come up with better offers to open their services markets to foreign suppliers. Other countries have also asked for MFN exemptions for some services. India and other countries are now considering to withdraw or change their offers to liberalize their services markets.

#### Market access

The third stumbling bloc is in the area of market access for industrial goods and agriculture, and initial commitments to open services markets. Neither set of talks has made substantial progress. A breakthrough in the US - EC deadlock on farm trade reforms talks is needed and will determine the pattern of tariff reductions.

The offers in market access made so far by several trading parties, including the most important, seem to fall below the offer of an overall reduction of 30 % on custom duties.

#### Trade disputes

##### Airbus

The US is expected to take its case against Airbus subsidies by EC member states, to GATT's subsidies committee. A GATT panel had justified US complaints.

After six years of discussion, a deal was reached between the EC and the US on a new code for subsidies to the aeronautics industry to be established within the GATT framework. Difficulties still arose around the ratification.

##### Soya

Along with wheat, the long-standing row over soya is at the heart of the transatlantic farm dispute. A GATT panel

ruled that the new EC arrangements on aid for the production of soya beans and other oilseeds were incompatible with the GATT subsidy code. The EC Commission and Council of Ministers reacted strongly against this negative conclusion, especially because the rejection of the system of aid per hectare could undermine the whole CAP reform. The panel considered that this system artificially encourages production to the detriment of exports from other countries.

The powerful US soyabean producers are particularly angry against the EC, and the US is considering a list of sanctions. The EC says that the US is losing market share for oilseeds in the EC to low cost producers like Argentina and Brazil. European corn producers have urged the EC to investigate US subsidies of corn (gluten) producers.

Doubts were expressed about the impartiality of the panel, not against the principle of the dispute settlement procedures which will be reinforced by the Uruguay Round.

The panel conclusion can only become valid if it is adopted by the GATT Council.

##### Tuna

The United States and Mexico are reaching a bilateral agreement which would allow the US to lift restrictions on the fishing of yellowfin tuna. It would involve a five-year moratorium on yellowfin tuna fishing which uses dolphin killing nets in the eastern tropical Pacific, and promotion of an international solution. But the EC and other countries asked the case to be brought to the GATT Council because it was seen as an important test for the relationship between trade and environment.

The US had also imposed an embargo on imports of yellowfin tuna from Venezuela and about 20 other countries re-exporting the tuna from Mexico and Venezuela. Indonesia has protested against the US tuna ban and denied that catches of yellowfin tuna entailed the netting of dolphins and that it was importing tuna from other countries with similar practices.

##### Whisky

The EC negotiators have failed to win sufficient concessions in two days of talks on the 150 % liquor tax South Korea imposes on whisky. The EC is now expected to try to take South Korea before GATT on charges of unfair trade practices.

##### Steel

Talks on a new multilateral code for steel trade, curbing subsidies and other trade distorting measures have not come to an agreement. The US steel industry has threatened a barrage of anti-dumping and anti-subsidy suits if there is no Multilateral Steel Agreement to replace the current US voluntary export restraint agreements.

#### Pressures from all sides

##### Business

On 15th April, chief executive officers of 123 of the world's leading corporations and leading business organi-

sations published a letter they wrote to heads of states and governments of the major trading nations. They urge political leaders to bring the Uruguay Round to a conclusion. They fear that a failure to do so would be a further blow to business confidence which is already leading to recession. "In addition to the negative impact on jobs at home, we want to draw our leaders' attention to the impact a failure to complete the negotiations would have on the situations of *developing countries* and the former communist countries, most of which are trying to reform the structure of their economies and work their way out of large debt burdens. The ability to provide markets for them will be critical to the success of their efforts to develop sound market economies and maintain healthy democracies."

European industrialists, ever more concerned with the risk of failure in Geneva, have again approached the President of the EC Commission and the Portuguese President of the EC Council of Ministers to press for the conclusion of the Uruguay Round.

The Foreign Trade Association (Brussels), the American Association of Exporters and Importers and the Retail Industry Trade Action Coalition (Washington) have adopted a common position. They particularly point out that under the terms of the Dunkel draft text on textiles and clothing, additional protectionist tools are being created in exchange for the promise of a ten-year phase out of the Multifibre Arrangement.

In an article of the Financial Times of 7th April, the chairman of the ICI has declared that successful completion of the GATT talks is "the key prerequisite" for future growth in the international chemical industry. His comments follow a call by the International Council of Chemical Associations for a swift resolution of the trade talks.

#### *Governments*

Leaders of developing countries are apparently desperate that the Uruguay Round cannot be concluded. They do not know where to turn to in order to push the 'political will' of the EC and the US, according to Director General Dunkel.

The German government, currently holding the Presidency of the Group of 7 industrialised countries, is pushing hard to come to an agreement in the Uruguay Round before the G7 meeting on 6-8 July 1992. Chancellor Kohl held high-level talks with Mr Bush in Camp David, without concrete results. The US was hoping that Germany would put pressure on France but the Germans declared to be unwilling to do so. The German Economics Minister, Mr Mollmann, said it would be a catastrophe if the current liberalisation talks were to fail because of the deadlock over agriculture. He is considering a special G 7 summit if no compromise was reached on 22nd April.

#### *Citizens*

Almost 20 000 EC farmers protested around the European Parliament on 6th April against the proposed CAP reforms and the provisions on agriculture put forward by Dunkel in the draft Final Act. The main agriculture organisations have also expressed their disagreement on many other occasions.

Members of the 'Alliance between farmers, ecologists

and consumers' in France have protested with feathers against the fact that consumers, local economies and the Third World will be robbed by the signing of the Uruguay Round. They did this at the occasion of Mr Dunkel's arrival at a conference organised by the International Chamber of Commerce on the theme of 'world trade and investment: new blocs and opportunities for global growth'.

In the US, Citizen Trade Watch Campaign has expressed its strong opposition against the Dunkel text which will undermine US environmental, health and consumer standards.

#### *The European Single Market*

The new Community Market will raise problems for traditional banana suppliers to the EC once internal frontiers will be opened. High-cost bananas from the Community's ultra-peripheral regions and its Lome Convention partners (ACP) will lose their protection in some EC countries against competition from cheaper bananas produced in Central and South America (dollar bananas) which enter other EC countries. The EC had guaranteed in Lome IV that African and Caribbean bananas would not be placed in a less favourable situation than in the past. On the other hand, the EC is under pressure from Latin American producers and Community importers not to impose quota controls. After a long time with difficult discussions, the EC Commission decided to set a quota on banana imports from Latin America (see FT, 10 and 15/4/92). This solution to opt for quotas rather than tariffs is causing problems in the Uruguay Round talks on farm trade reforms (see above) and might undermine the EC's bargaining position. The Commission's proposal has still to be approved upon by the EC Council of Ministers who are divided.

#### *Keep smiling !*

Mr Dunkel fears a "banana split" between different exporters and importers of bananas to the EC.

In India, the Dunkel draft text has been called "D.D.T.", especially because it will affect the pharmaceutical industry through a TRIP agreement.

An editorial in the Journal of Commerce writes : "could GATT eventually become an important Geneva tourist site - home of the international perpetual motion yet stationary negotiating machine?"

#### *Trade blocs*

##### *Preferential regional trade arrangements*

"The single most visible development of the US trade policy over the last two years has been the Administration's attitude towards preferential regional trade arrangements" states the GATT Secretariat's report on the United States' trade policy and practices. It warns that this could have some significant implications for the multilateral trading system and could adversely affect its trade with other countries through trade diversion and the undermining of the most-favoured nation principle.

*The North American Free Trade Agreement (NAFTA)*

At different occasions, the NAFTA talks between Canada, the US and Mexico were said to be close to a breakthrough and even finalization \*. But political considerations in the US election campaign and problems on several issues make it unclear if the negotiations will be concluded this year. A leaked document showed still many brackets. The main issues slowing down the talks are : car industry rules, foreign investment, opening Mexico's oil industry, farm subsidies, tariffs, textiles, telecommunications, transport, and dispute settlement mechanisms. The Fair Trade Campaign representing US consumer, environmental, labour, church and family farm groups have protested against the lack of measures to safeguard their interests, such as workers rights, and protect the environment.

ASEAN has expressed its concern that NAFTA will cut into its sales opportunities and shift investment to Mexico.

*The Caribbean*

Foreign Ministers of Central America and the CARICOM bloc of English-speaking Caribbean states agreed to set up a Consultative Forum, and not a Caribbean Free Trade Zone, to defend their privileged trading positions with the US. NAFTA and the Enterprise of the Americas is expected to undermine the US preferences given under the Caribbean Basin Initiative to the young and small industries of the region.

The OECS islands, the smallest Caribbean economies, are having second thoughts to join the Caribbean Community (CARICOM). This means another hurdle on the difficult road to economic integration between the Caribbean islands. The interests of the OECS do not always converge with those of CARICOM, for instance on common external tariffs.

*Regional integration in Latin America*

The GATT Council granted the US a waiver from GATT's non-discrimination (MFIM) rule to extend preferential trading arrangements to Colombia, Bolivia, Ecuador and Peru.

Mexico is separately negotiating with Venezuela and Colombia, consolidating the Group of Three.

Mexico and the five Central American republics have set up a technical commission to prepare a rough draft for a free trade treaty which could probably be signed in May 1992.

Bolivia, Colombia, Ecuador, Peru and Venezuela have difficulties to decide on external tariffs for the Andean Common market. The integration process of the Andean Pact seem to have failed to boost intra-regional trade so far.

In the beginning of March, the Presidents of Costa Rica and Colombia agreed to seek a free trade pact between Central America and the Andean Group and, for that purpose, hold a conference of Foreign Trade Ministers.

\* The North-American Free Trade Agreement between Canada, Mexico and the U.S. was signed by the three governments on 12th August 1992 (*Editor*).

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*Multinational anti-drug army*

The Presidents of Bolivia, Colombia, Ecuador, Peru, Mexico and the US and a Minister from Venezuela discussed the setting up of a multinational anti-drug army. This means opting for a military solution and US presence in Latin America after a strategy to substitute coca crops with other produce failed.

*What way African integration ?*

The 18-nation Preferential Trade Area (PTA) for Eastern and Southern Africa met at Ministerial level in order to agree on a strategy for greater harmonisation of national policies, trade liberalisation and diversification away from traditional markets. It is facing problems of disarticulated national policies, bureaucratic obstacles, uncompetitive goods, poor transport and communication links.

The PTA has called for a merger with the 10-nation Southern African Development Coordination Conference (SADCC). But the latter shows no intention of accepting the idea notwithstanding a 9-nations overlap in membership.

SADCC has been cautioned by the Belgian Minister of Development Affairs to take "great care" before accepting South Africa into its fold. PTA leaders have expressed opposing views on relations with South Africa before democratic change.

A study by the African Centre for Technology Studies rejects traditional, mainly free trade-oriented approaches to integration in Sub-Saharan Africa. The study is based on a detailed comparative assessment of the PTA, SADCC, the Economic Community of West African States, the South African Customs Union and the defunct East African Community. It advocates a production-directed approach and planned industrial activity through specialisation and coordinated programming. Three major factors have to be considered: the power of the states involved, information/knowledge, and exchange.

*New Central Asian Islamic Common Market*

Leaders of Iran, Turkey, Pakistan and four ex-Soviet Republics have met to study the creation of a Central Asian Islamic Common Market. The Muslim republics of Uzbekistan, Azerbaijan, Turkmenistan and Kazakhstan are likely to join the three member Economic Cooperation Organisation based in Teheran.

*Baltic Sea*

Foreign Ministers from 10 independent states bordering the Baltic Sea agreed to establish a Council of the Baltic Sea States to intensify cooperation, amongst others in the area of trade, between Germany, the Scandinavian countries, Russia, Poland and the 3 newly independent Baltic republics.

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# Les réunions internationales en 1991

## International meetings in 1991

par/by Ghislaine de Coninck \*

### Introduction

Depuis 43 ans, l'UAI établit à l'intention de ses membres, un relevé statistique des réunions internationales tenues dans l'année écoulée.

Les statistiques qui suivent sont établies sur base de données recueillies par le département Congrès de l'UAI et selon des critères sensiblement identiques depuis 43 ans. Ces critères sont les suivants :

Sont prises en considération, les réunions organisées et/ou patronnées par les associations internationales reprises dans l'"Annuaire des Organisations Internationales" et dans l'*International Congress Calendar*, c'est-à-dire: les assises de leurs principaux organes, congrès, sessions régionales (groupant plusieurs pays), symposiums, colloques, etc... ainsi que certaines réunions nationales à large participation internationale, et/ou organisées par les branches nationales des OING. Sous cette dernière catégorie sont comprises les réunions spontanément portées à notre connaissance et qui remplissent les critères suivants - nombre minimum de participants : 300

— nombre minimum d'étrangers : 40 %

— nombre minimum de nationalités : 5

— durée minimum: 3 jours

Sont exclues des statistiques : les réunions cérémonies/manifestations à caractère essentiellement religieux, didactique (cours), politique, commercial (foires, salons), sportif (compétitions, tournois...) ainsi que les réunions très limitées dans la participation ou spécifiques : sessions régulières de comités, groupes d'experts, etc... particulièrement nombreuses au niveau inter-gouvernemental; ces réunions se tiennent généralement au siège même des grandes OIG à New York, Genève, Bruxelles, Rome, Vienne...

Sont également exclues les réunions nationales de tous ordres.

En dépit de la sélection faite, ces statistiques reflètent le tendances générales de l'évolution confirmées par d'autres données.

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### Introduction

*For the past 43 years, the Union of International Associations has undertaken, for the benefit of its members, statistical studies on the international meetings that took place worldwide in the preceding year.*

*The statistics are based on information collected by the UAI Congress Department and selected according to very strict criteria maintained over several years, this enabling meaningful comparison.*

*Meetings taken into consideration include those organized and/or sponsored by the international organizations which appear in the "Yearbook of International Organizations" and in the "International Congress Calendar", i.e. : the sittings of their principal organs, congresses, conventions, symposia, regional sessions grouping several countries, as well as some national meetings with international participation organized by national branches of international associations. Under this last category are included meetings which are not collected systematically but which have been brought to our knowledge and which meet the following criteria :*

*— minimum number of participants : 300*

*— minimum number of foreigners : 40 %*

*— minimum number of nationalities : 5*

*— minimum duration : 3 days*

*Excluded from the UAI figures are: purely national meetings as well as those of an essential religious, didactic, political, commercial, sporting nature such as religious gatherings, courses, party conferences, fairs, sales meeting, contest etc... Also excluded are : meetings strictly limited in participation such as committees, group of experts etc... most of these being held at an intergovernmental level and taking place mainly at the headquarters of the large IGO's in New York, Geneva, Rome, Brussels, Vienna...*

*This is an indicative survey made following the researches compiled by the UAI Congress Department and using the current available information from international organizations selected according similar criteria.*

*Perspectives générales*

Une légère diminution du nombre total de réunions a été enregistrée en 1991 à savoir — 3.65 % par rapport à 1990; par contre, par rapport à 1989, l'augmentation est de + 0.36 %.

L'évolution négative s'est produite en Europe, en Asie, en Amérique du Nord et du Sud; la situation n'a pas changé en Océanie tandis qu'en Afrique une très faible augmentation a été notée.

Les différents tableaux et graphiques ci-dessous font la distinction entre les réunions d'initiative nationale à participation internationale d'une part et les réunions organisées et/ou patronnées par les associations internationales reprises dans le *Yearbook of International Organizations* publié par l'UAI d'autre part.

Il est intéressant de noter que dans l'ensemble le nombre de réunions organisées/patronnées par des associations internationales est en augmentation.

*General pictures*

A slight decrease in the total number of international meetings held throughout the world in 1991 has been recorded i.e. — 3.65 % in comparison with 1990; however, vis-à-vis 1989 there is a slight increase: + 0.36 %.

The diminution has been recorded in Europe, Asia, North and South America; Australasia is stable and Africa is showing a small increase.

The developments which occurred in 1991 are illustrated in the tables below. In each table, international meetings organized/sponsored by international organizations and national meetings with large international participation are indicated separately.

One should notice that overall, the number of meetings organized/sponsored by international organizations is showing an upward trend.

Tableau 1 : Répartition des variations enregistrées en 1991 par rapport à 1990  
Table 1 : Worldwide breakdown of the variations registered in 1991 versus 1990

CONTINENT	TOTAL	REUNIONS D'ASS. INT.	REUNIONS NAT. + PART. INT.
		MEETINGS OF INT. ORG.	MEETINGS OF NAT. ORG.
Europe	- 1.39 %	+ 1.08 %	- 2.47 %
Asia	- 1.30 %	- 0.23 %	- 1.07 %
Australia	- 0	+ 0.03 %	- 0.03 %
Africa	+ 0.15 %	+ 0.21 %	- 0.06 %
North America	- 0.54 %	- 0.37 %	- 0.17 %
South America	- 0.57 %	- 0.29 %	- 0.28 %
	- 3.65 %	+ 0.43 %	- 4.08 %

Tableau 2 : Répartition des variations enregistrées en 1991 par rapport à 1989  
Table 2 : Worldwide breakdown of the variations registered in 1991 versus 1989

CONTINENT	TOTAL	REUNIONS D'ASS. INT.	REUNIONS NAT. + PART. INT.
		MEETINGS OF INT. ORG.	MEETINGS OF NAT. ORG.
Europe	+ 1.98 %	+ 3.30 %	- 1.32 %
Asie	- 0.47 %	- 0.23 %	- 0.24 %
North America	- 0.80 %	- 1.02 %	+ 0.22 %
South America	- 0.63 %	+ 0.02 %	- 0.65 %
Africa	+ 0.14 %	+ 0.17 %	- 0.03 %
Australasia	+ 0.14 %	+ 0.22 %	- 0.08 %
	+ 0.36 %	+ 2.46 %	- 2.10 %

En comparant les tableaux 1 et 2, l'on se rend compte que les mouvements enregistrés en 1991 sont variables suivant les régions; sans nul doute, ceux-ci sont la conséquence directe des événements exceptionnels que l'on a connu ces deux dernières années. Il est intéressant de constater que les diminutions enregistrées ramènent la situation au niveau atteint en 1989.

Ainsi avec le recul des années l'on constate une stagnation du nombre de réunions.

In comparing tables 1 and 2, one can find out the various levels of changes which occurred in 1991; the decrease is no doubt due to the exceptional events experienced in the last years; the situation is now back at the level reached in 1989.

Today over a longer period of time one can see that the upward trend experienced over the last years is stopped.

## International meetings in 1991

Tableau 3: Répartition mondiale du nombre total de réunions internationales en 1991  
Table 3: Worldwide breakdown of the total number of international meetings in 1991

CONTINENT	TOTAL	REUNIONS D'ASS. INT.	REUNIONS NAT. + PART. INT.
		MEETINGS OF INT. ORG.	MEETINGS OF NAT. ORG.
Europe	62.3 %	44.9 %	17.4 %
North America	13.8 %	9.8 %	4.0 %
Asia	12.0 %	8.5 %	
South America	5.1 %	4.1 %	
Africa			
Australasia	2.3 %	1.8 %	0.5 %
	100.0 %	73.3 %	26.7 %

Dans l'ensemble, peu de changements dans la répartition géographique par rapport aux années antérieures.

La quote-part des réunions d'associations internationales qui depuis 1988 est toujours au dessus de 70 % est en augmentation et représente à l'heure actuelle plus de 73% des réunions faisant l'objet de l'étude.

*The figures shown in this table are comparable to those of the last couple of years and no important changes are to be reported.*

*The major part of the study concerns meetings organized/sponsored by international organizations : the level of 70% reached since 1988 is now up to 73%.*

Tableau 4: Variation 1991 versus 1990 - Continent par Continent  
Table 4: Variation in 1991 versus 1990 - Continent by Continent

CONTINENT	TOTAL	REUNIONS D'ASS. INT.	REUNIONS NAT. + PART. INT.
		MEETINGS OF INT. ORG.	MEETINGS OF NAT. ORG.
Europe	+ 1.2 %	+ 2.09 %	- 1.07 %
North America	-0.5 %	-0.05 %	0
Asia	-0.9 %	0	-0.9 %
South America	0	+ 0.3 %	-0.3 %
Africa	+ 0.2 %	+ 0.2 %	0
Australasia	0	0	0

La lecture de ce tableau indique l'évolution de chaque région par rapport à l'année précédente.

On constate donc que les changements sont dans l'ensemble assez minimes; il n'y a pas, comme par le passé d'écarts significatifs dans un sens ou dans l'autre.

La diminution intervenue est répartie entre les différents continents, sauf en Europe où certains pays ont semblé-t-il bénéficier des défections intervenues dans d'autres régions,

*Table 4 indicates the evolution of each region in comparison with the previous year.*

*Changes are overall quite limited, contrarily to what happened previously; every region is feeling the impact of the recession; only in Europe the picture is positive and this is due to the fact that some countries seems to have taken advantage of defections in other areas.*

### Classement par pays

L'analyse par pays donne les résultats suivants en ce qui concerne les principaux pays hôtes de réunions internationales ;

### Leading countries

*The analysis of the leading countries indicated the following situation :*

Tableau 5: Principaux pays hôtes des réunions d'organisations internationales en 1991 - % du total mondial  
 Table 5: Leading countries hosting international organizations meetings in 1991. % of the worldwide total

PAYS *	REUNIONS D'ASS. INT. MEETING	REUNIONS NAT. + PART. INT. MEETINGS OF INT. ORG. *	REUNIONS TOTAL OF NAT. ORG.
COUNTRY *			
USA	7.35 % +	3.35 % +	10.70 % +
France	6.25 % +	3.00 % -	9.25 % +
UK	4.80 % +	3.25 % -	8.05 % -
Germany	4.15 % +	2.50 % +	6.65 % +
Switzerland	3.30 % +	0.50 % -	3.80 % +
Netherlands	3.10 % +	1.60 % -	4.70 % +
Austria	2.90 % +	0.70 % -	3.60 % +
Belgium	2.90 % +	0.60 % -	3.50 % -
Italy	2.85 % -	0.85 % +	3.70 % -
Spain	2.10 % +	1.10 % -	3.20 % -
Japan	1.80 % +	1.10 % -	2.90 % -
Canada	1.70 % -	0.55 % -	2.25 % -
Denmark	1.30 % -	0.60 % -	1.90 % -
Sweden	1.30 % -	0.20 % -	1.50 % -
Finland	1.25 % +	0.60 % -	1.85 % -
Australia	1.20 % +	0.40 % -	1.60 % +
Norway	1.15 % +	0.35 % +	1.50 % +
Hungary	1.10 % +	0.25 % +	1.35 % +
USSR	1.00 % +	0.30 % +	1.30 % +
Czechoslovakia	1.00 % +	0.25 % +	1.25 % +

\* Autre classement si effectué sur base du chiffre "Total".

Le signe + ou — en revers de chaque chiffre indique l'évolution par rapport à l'année 1990.

\* As far as the "Total" figures are concerned, the classification is of course different.

The sign + and — opposite each figure indicates the evolution since 1990.

Au niveau du classement total, parmi les 10 principaux pays, la Suisse et l'Autriche ont amélioré leur position par rapport à l'année 1990. H est également intéressant de noter que ces 10 pays sont les hôtes de plus de 57% du total mondial, contre 55% en 1990.

Il y a également lieu de noter que dans certains pays, bien que le nombre réel de réunions ait diminué, le pourcentage établi sur base de la répartition générale des réunions est positif; exemple: USA, Belgique ...

Les pays nouveaux venus dans ce tableau sont : Norvège, URSS, Tchécoslovaquie.

A noter également, qu'en ce qui concerne les seules réunions d'associations internationales, les résultats sont positifs dans la grande majorité des pays repris.

Les pays qui ne figurent pas dans le tableau mais occupent cependant une place significative au niveau mondial sont dans l'ordre: Singapour, Inde, Brésil, Hong Kong, Thaïlande, Mexique, Chine, Irlande, Portugal, Grèce, Pologne, Argentine, Israël.

When considering the "top ten countries", one can see that more than 57% of the meetings registered in this survey, are taking place in these leading countries.

Major progress have been recorded in Austria and Switzerland.

New comers in this table are : Norway, USSR and Czechoslovakia.

In some countries despite the fact that the number of meeting has gone down, the percentage of the world breakdown is positive; ex : USA, Belgium...

Also to be mentioned, the fact that when considering only meetings sponsored/organized by international associations, the figures are positives.

Despite the fact that they are not mentioned in the above table, the following countries are occupying a significant place: Singapore, India, Brazil, Hong Kong, Thailand, Mexico, China, Ireland, Portugal, Greece, Poland, Argentina, Israel.

### Classement par villes

Au niveau mondial, le classement des villes hôtes des réunions internationales est le suivant :

### Leading cities

The analysis of the leading cities indicated the following situation :



Tableau 6: Principales villes hôtes des réunions d'organisations Internationales en 1991. % du total mondial  
Table 6: Leading cities hosting International organizations meetings in 1991. % of the worldwide total

VILLES *	REUNIONS D'ASS. INT.	REUNIONS NAT. 4 PART. INT.	REUNIONS
	MEETING	MEETINGS OF INT. ORG *	TOTAL
TOWN *			OF NAT. ORG
Paris	2.65 % +	1.60 % -	4.25 % 4
Wien	2.35 % 4	0.45 % —	2.80 % 4
Genève	2.00 % 4	0.15 % +	2.15 % 4
Bruxelles	1.95 % +	0.30 % -	2.25 % -
London	1.80 % +	1.20 % -	3.00 % -
Berlin	1.35 % +	0.70 % -	2.00 % +
Strasbourg	1.15 % +	0.15 % -	1.30 % 4
Singapore	0.90 % 4	0.45 % -	1.35 % -
Budapest	0.85 % +	0.15 % +	1.00 % +
Amsterdam	0.80 % -	0.50 % 4	1.30 % +
Kopenhaven	0.80 % +	0.25 % -	1.05 % +
Hong Kong	0.75 % +	0.50 % +	1.25 % +
Tokyo	0.75 % +	0.25 % -	1.00 % +
Washington	0.70 % -	0.30 % -	1.00 % +
Roma	0.70 % -	0.10 % -	0.80 % -
New York	0.90 % +	0.05 % -	0.95 % -
Madrid	0.65 % -	0.55 % -	1.20 % -
Barcelona	0.65 % 4	0.25 % +	0.90 % +

\* Autre classement si effectué sur base du chiffre "Total".

\* As far as the "Total" figures are concerned, the classification is, of course, different.

En analysant les signes + et — indiqués à côté de chaque pourcentage, on constate l'évolution par rapport à l'année 1990.

Néanmoins lorsqu'on se base sur les chiffres réels, plutôt que les pourcentages, l'étude indique que parmi les villes principales, les suivantes présentent des résultats en hausse : Vienne, Genève, Berlin, Hong Kong, Copenhague, Tokyo, Budapest, Barcelone, Prague, Oslo, Munich, Montréal, San Francisco, Moscou, Nice, Le Caire, Sydney, Edimbourg, Chicago, Rotterdam, Mexico, Bergen, Luxembourg et Oxford.

Les autres villes sont en baisse ou statu quo.

Les 10 premières villes du classement représentent à elles seules 21% du total mondial.

#### Analyse par continent et par pays

##### AFRIQUE

La situation qui avait régressé en Afrique depuis 1989 a enregistré une légère reprise et est revenue au niveau de l'année 1988.

La quote-part, pour ce continent, du marché mondial est de 4.50% contre 4.30% en 1990 et 4.40% en 1989.

La situation positive a été principalement constatée en Egypte, Côte d'Ivoire, Kenya, Sénégal et Afrique du Sud.

Les principaux pays hôtes sont dans l'ordre: Egypte 14.40%; Kenya 11.40%; Sénégal et Zimbabwe: 6.50%; Maroc 5.70%; Côte d'Ivoire et Ghana : 5.10 %.

##### AMERIQUE DU NORD

En Amérique du Nord, après une hausse importante en

*The signs + and — indicate the evolution since 1990.*

*The analysis of this table shows that as far as the leading countries are concerned, the percentage of the worldwide market occupied by the top cities is slightly increasing and represents more than 21%.*

*As far as figures rather than percentages are concerned, the survey indicates that the following cities have host more meetings than in 1990: Wien, Geneva, Berlin, Hong Kong, Strasbourg, København, Tokyo, Budapest, Barcelona, Praha, Oslo, Munchen, Montreal, San Francisco, Moscow, Nice, Cairo, Sydney, Edinburgh, Chicago, Rotterdam, Mexico City, Bergen, Luxembourg and Oxford.*

*Other cities are static or not increasing.*

#### Breakdown by continents/regions

##### AFRICA

The situation which had gone down in Africa in 1989 and 1990 has shown in 1991 and improvement and is now back to the level reached in 1988.

The share of Africa in the worldwide total is 4.50% against 4.30% in 1990 and 4.40% in 1989.

Increasing figures have been registered in : Ivory Coast, Egypt, Kenya, South Africa.

Leading african countries are in order: Egypt 14.40%; Kenya 11.40%; Senegal and Zimbabwe 6.50%; Morocco 5.70%; Ivory Coast and Ghana 5.10%.

##### NORTH AMERICA

In North America further to the important development

1989, une situation qui n'avait pour ainsi dire pas évolué en 1990, en 1991 l'on constate une diminution.

Toutefois, au plan mondial le pourcentage occupé par cette région est à peu près identique à l'année antérieure.

Comme les années précédentes, il y a lieu de noter que les réunions qui font l'objet de la présente analyse sont en majeure partie des réunions d'organisations internationales non gouvernementales; il est bien entendu, spécialement aux Etats Unis et au Canada, que le nombre de réunions nationales est beaucoup plus élevé que celui indiqué. Ce domaine spécifique ne relève pas directement du champ d'études de l'UAI ce qui explique cet état de chose.

Les Etats-Unis confirment leur position en tête de notre classement par pays, avec paradoxalement un pourcentage plus important qu'en 1990. La quote part du Canada est en légère régression : 2.25%.

#### AMERIQUE DU SUD

Situation également statu quo dans cette partie du monde, dont le pourcentage mondial reste au niveau atteint en 1990 à savoir: 5.10%.

Les principaux pays sont dans l'ordre: Brésil 25% (33.25% en 1990); Argentine 15.80% (14.30% en 1990); Venezuela et Chili: 8.30%; Cuba 7.80%. Les autres pays sont statu quo ou en baisse.

#### ASIE

L'Asie occupe toujours la troisième place au niveau mondial derrière l'Europe et l'Amérique du Nord, avec un pourcentage de : 12% contre 12.90% en 1990.

L'évolution a été la plus importante à été enregistrée à Hong Kong et en Inde.

Des diminutions significatives ont été observées en Corée du Sud, Philippines, Japon et Chine.

Néanmoins, bien qu'en chiffres réels la Japon ait chuté, il occupe toujours le premier rang dans cette région avec un pourcentage inchangé de 24.25% du total régional et la 11<sup>e</sup> place au niveau mondial.

Viennent ensuite : Singapour 11.15%; Hong Kong 10.35% (6.75% en 1990); Inde 10.15%; Chine 7.90%; Israël 5.80%.

#### OCEANIE

En 1991 la situation s'est stabilisée en Océanie et le statu quo a été observé.

L'Australie s'est inscrite à la 15<sup>e</sup> place au niveau mondial en profitant ainsi des contre performances intervenues dans d'autres pays.

#### EUROPE

Comme indiqué au tableau 1, c'est en Europe que l'évolution a été la plus importante en 1991.

Le pourcentage mondial des réunions organisées en Europe est en hausse et s'élève à 62.3%, dont plus des deux tiers (44.9%) sont des réunions organisées/patronnées par des associations internationales.

La France occupe toujours la tête du classement par pays, avec respectivement 9.25% du total mondial et 15% du total européen; chiffres en légère hausse par rapport à l'année 1990 et à peu près égal à celui de 1989.

Viennent ensuite dans l'ordre, avec indication du pourcentage du marché européen : Grande-Bretagne 13.3%; Allemagne 10.75%; Pays-Bas 7.60%; Suisse 6.15%; Italie 6%; Autriche 5.80%; Belgique 5.70%; Espagne 5.20%.

limited decline in the total number of meetings has been recorded in 1991.

However, the worldwide share of the area is almost identical to that of 1990.

As in previous years, one wishes to stress again the fact that the meetings taken into consideration in the survey are primarily those organized by international non-governmental organizations; it is a well known fact that the number of large national meetings organized in N. America is much higher than the figures mentioned in this analysis (specialy in the USA); the survey of this specific market is not within the scope of activities of the UAI.

On a worldwide basis the USA are keeping their leadership with an increasing 10.70% share of the world total but in real figures a diminution of some 50 meetings. The worldwide Canadian share is going down.

#### SOUTH AMERICA

The situation also going down in this part of the world; the percentage of the world share remains however, at the level reached in 1990 i.e. 5.10%.

Brazil is the leading country in the area but with a decreasing share of 25% (33.25% in 1990); it is followed by Argentina 15.80% (14.30% in 1990); Venezuela and Chile: 8.30% and Cuba 7.80%. Other countries are either static or decreasing.

#### ASIA

With a 12% share of the world breakdown, Asia ranks third, following Europe and N. America, with a 12.00% share of the worldwide total; 12.90% in 1989 and 1990.

Noticeable increases have been registered in Hong Kong and India.

Fewer meetings have taken place in S. Korea, Philippines, Japan and China.

However, Japan is prominent in this area with an unchanged 24.75% share of the Asian market and occupies now the 11th place on the world ranking.

Japan is followed by: Singapore 11.15%; Hong Kong 10.35% (6.75% in 1990); India 10.15%; China 7.90%; Israel 5.80%.

#### AUSTRALASIA

A stable position has been registered in Australasia in 1991.

Australia is now at the 15th position in the world ranking and has thus taken advantage of the reduced score made in other countries.

#### EUROPE

As indicated on Table 1, it is in Europe that the evolution has been the most important.

On a worldwide scale, the percentage of international meetings organized in Europe is becoming more important and reaches now 62.3%; of these two thirds (44.9%) are meetings organized/sponsored by international associations.

France is always leading the European table, with respectively 9.25% of the world total and 15% of the European market; these figures are showing a slight increase as compared to 1990 and are almost equal to those of 1989.

France is followed by United Kingdom 13.3%; Germany 10.75%; Netherlands 7.60%; Switzerland 6.15%; Italy 6%; Austria 5.80%; Belgium 5.70%; Spain 5.20%.

Dans l'ensemble les situations ont évolué assez diversement à travers l'Europe; le bond le plus spectaculaire est à noter en Autriche; des situations en légère hausse en Allemagne Suisse, Pays-Bas, Norvège ( du fait d'une réunion spécifique ayant entraîné de nombreuses réunions satellites) et dans les pays de l'Est européen à savoir Hongrie, Pologne, Tchécoslovaquie et URSS.

### Répartition par villes

Le classement des villes par continent s'établit de la façon suivante :

AFRIQUE: Nairobi, Le Caire, Harare et Dakar  
 AMERIQUE DU NORD : Washington, New York, Montréal, San Francisco, Chicago, Mexico et Toronto, San Diego, Boston, Atlanta, Orlando, New Orléans  
 AMERIQUE CENTRALE ET DU SUD: Buenos Aires, Rio de Janeiro, La Havane, Sao Paulo, Caracas.  
 ASIE: Singapour, Hong Kong, Tokyo, Bangkok, Pékin, New Delhi, Manille, Kuala Lumpur, Jérusalem, Séoul.  
 OCEANIE: Sydney, Melbourne, Perth.  
 EUROPE: Paris, Londres, Vienne, Bruxelles, Genève, Berlin, Strasbourg, Amsterdam, Madrid, Copenhague, Budapest, Barcelone, Rome.

### Participants

L'analyse des données relatives au nombre de participants confirme les tendances antérieures, à savoir une majorité de réunions ayant moins de 1000 participants:  
 - entre 100 et 500 part. : 58.7% (62% en 1990)  
 - entre 501 et 1000 part. : 14.4% (14.4% en 1990).

### Expositions

Le nombre d'expositions organisées conjointement aux réunions internationales ne semble pas évoluer de façon significative et se situe à 10.20% du nombre total des réunions faisant l'objet de cette étude.

### Répartition mensuelle

Au point de vue de l'étalement dans l'année, l'ensemble des réunions analysées se répartit de la façon suivante; le signe (+) et (-) indiquent les modifications intervenues par rapport à l'année 1990.

September	14.65 % (+)	July	7.50% (-)
October	11.95% (-)	August	7.30% (-)
June	11.60% (+)	March	5.90% (-)
May	11.40% (-)	December	3.90% (-)
November	9.80% (+)	February	3.70% (-)
April	8.95% (+)	January	3.40% (+)

### Conclusions et perspectives d'avenir

Comme indiqué au début de cette analyse, le nombre de réunions internationales organisées en 1991 a décliné. Toutefois le mouvement de repli a été ressenti de

*Overall in Europe, the situation has moved in many different directions in 1991: the most important evolution took place in Austria; increasing figures were also recorded in Germany, Hungary, Poland, Czechoslovakia, URSS and in Norway (due to a specific meeting which generated several satellite meetings.)*

### Breakdown by cities

*The classification of cities within the various continents/ regions is as follows :*

AFRICA : Nairobi, Cairo, Harare and Dakar.  
 N.AMERICA: Washington, New York, Montreal, San Francisco, Chicago, Mexico and Toronto, San Diego, Boston, Atlanta, Orlando, New Orleans.  
 SOUTH AND CENTRAL AMERICA: Buenos Aires, Rio de Janeiro, La Habana, Sao Paulo, Caracas.  
 ASIA : Singapore, Hong Kong, Tokyo, Bangkok, Beijing, New Delhi, Manila, Kuala Lumpur, Jerusalem, Seoul.  
 AUSTRALASIA: Sydney, Melbourne, Perth.  
 EUROPE: Paris, London, Wien, Brussels, Genève, Berlin, Strasbourg, Amsterdam, Madrid, Kobenhavn, Budapest, Barcelona, Roma, Kobenhavn, Stockholm, Madrid, Budapest.

### Participants

*The analysis of information related to the numberr of delegates attending these meetings confirms the existing trends, ie. a majority of meetings with less than 1000 participants :*  
 - between 100 and 500 part: 58.7% (62% in 1990)  
 - between 501 and 1000 part: 14.4% (13.6% in 1990).

### Exhibitions

*The number of exhibitions organized jointly with international meetings is stable with 10.20% of the total number of meetings recorded in this survey.*

### Monthly breakdown

*The breakdown by month is as follows and shows as compared to 1990, a decline in the percentage of meetings organized in February, March, May, July, August, October and an increase in January, April, June, September and November.*

### Conclusion and future trends

*As indicated at the beginning of this analysis the number of international meetings organized worldwide in 1991 has substantially declined.*

façons diverses à travers le monde; dans l'ensemble l'Europe a connu une certaine augmentation due principalement au nombre plus important de réunions organisées dans les pays de l'Europe centrale.

La situation globale est retombée au niveau atteint en 1989.

L'étude des différents tableaux repris ci-dessus indique que les principaux pays et villes qui occupent "traditionnellement" la tête de notre classement ont renforcé leur position et ont pris encore plus d'importance.

Au niveau de la participation, les informations recueillies n'indiquent pas de mouvement de recul.

En ce qui concerne notre travail de collecte des informations, nous avons enregistré en 1991 une nette augmentation du nombre de modifications portées à notre connaissance durant toute l'année.

Les informations qui nous ont ainsi été communiquées nous ont permis de nous rendre compte que, dans l'ensemble, peu de réunions ont été purement et simplement annulées, mais qu'elles ont plutôt été reportées à des dates ultérieures ou dans d'autres lieux.

En ce qui concerne plus particulièrement la durée des réunions, bien que nous n'ayons pas d'analyse définitive à ce sujet, il nous semble que la tendance à concentrer les réunions sur un nombre réduit de jours se confirme; cette tendance nous est apparue en effectuant la sélection des réunions nationales à participation internationale; en effet nous avons dû écarter de nos statistiques, un nombre important de ces réunions parce qu'elle se déroulaient sur une période inférieure à trois jours (voir critères en page 1). A ce jour les tendances concernant les réunions de 1992 et années ultérieures sont bonnes; il semble que le mouvement de recession soit arrêté et que la situation sera stable.

Bruxelles, le 30 mai 1992.

*However, from the analysis of the various tables published above, it appears that the impact of the recession has been felt differently over the world.*

*In Europe all in all, a slight increase has even been registered — this due mainly to the raise in the number of international meetings which took place in Central European Countries.*

*The total number of meeting recorded is back to the level reached in 1989.*

*It also appears that the "traditional" leading countries and cities have kept if not reinforced their position and occupy now an even greater share of the market.*

*The information concerning the attendance is not showing substantial change.*

*As far as our recording work is concerned, we have been informed all along the year, of many more modifications and changes in venues and dates than is usually the case. From these changes we were able to notice that not so many meetings were cancelled because of the various turmoils experienced in some part of the world, but rather postponed to later dates or moved to other destinations.*

*As far as the duration of meetings are concerned, we do not have, at this stage, any analysis allowing us to firmly prove that the duration of meetings has gone down, however, when applying our criteria for the selection of national meetings with international participation, we had to exclude a larger proportion of these meetings due mainly to the fact the 3 days limit was not reached; this gives us the feeling that there is a certain tendency to concentrate the work on a shorter period of time.*

*Trends for the future are good based on the information gathered up to date, it seems that the decline has stopped. However, the situation will probably be static in 1992.*

Brussels, 30 May 1992

*International civil society: international non-governmental organizations in the international system*,  
by Paul Ghils, in *international Social Science Journal*, Unesco, August 1992.

Social and political scientists increasingly recognize that the international arena is inhabited by diverse types of actors. This study analyzes the ways in which and the extent to which INGOs, as non-state forces, have come to modify or challenge the international system. The introduction of transnational forces — i.e. non-state entities of a social, political, scientific, religious, environmen-

tal or other nature — into the study of international relations does not merely shift of cut across boundaries, but calls for a new, intrinsically pluralistic approach.

The author's interest in the interplay of factors and actors outside the conventional frame of reference of territorial sovereign states exposes a multipolar world that encompasses a variety of intersecting socio-political

"forces of attraction" of a predominantly economic, ethnic and religious character. The transnational approach adopted here particularly emphasizes three aspects of the non-state entities: their historical precedence over the state system; INGOs' role as the subjects and makers of international law, and the latter's effective scope of action in the contemporary world.

*Diverse Partners, Non-Governmental Organizations in the Human Rights Movement*,  
*a Report of a Retreat of Human Rights co-sponsored by Harvard Law School Human Rights Program and Human Rights Internet*, edited by Henry J. Steiner, a publication of the Harvard Law School Human Rights Program and Human Rights Internet, Harvard, 1991, 90 pages.

The Harvard Law School Human Rights Program and Human Rights Internet held a retreat for human rights activists associated with non-governmental human rights organizations (NGOs). The retreat explored the contributions, dilemmas, failures and prospects of NGOs as part of the post-World War II human rights movement. It took place in Greece, on the island of Crete, from June 5-10, 1989. The thirty-two participants came from twenty-one countries. They were associated with twenty-five NGOs and several academic institutions.

The invitation to participants described the event as a "special dis-

cussion, in the nature of a retreat." The retreat proposed to examine the achievements and failures of the NGO movement, its present problems, and its future development. Inevitably a broadly-based discussion of NGOs would involve fundamental themes of the human rights movement itself.

Participants came from Africa, Asia, East and West Europe, Latin America and the Caribbean, the Middle East, and the United States - the majority of participants from the Third World, a quarter of them women.

The organizers invited a diverse group of activists who had made

some mark in human rights work and who could be expected to contribute to our primary goal, a free exchange of ideas. For that reason, invitations were addressed to individuals rather than organizations. Participants spoke in their individual capacities and not as representatives of the NGOs or other institutions with which they are affiliated.

Rather than convene a traditional conference with a few speakers and many listeners, the organizers sought the engagement of all participants in the small and large group discussions.

*Democratizing Development, The Role of Voluntary Organizations,*

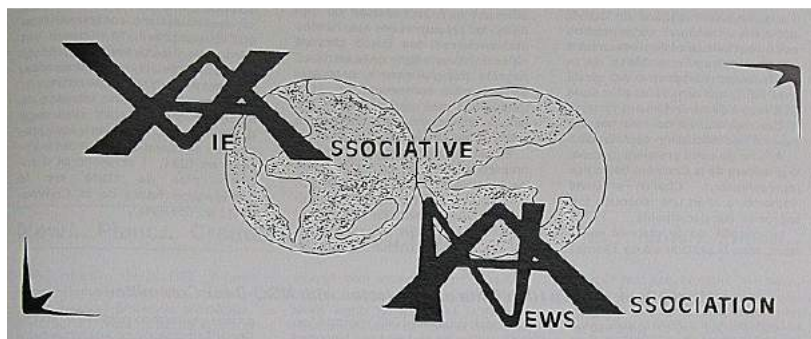
by John Clark, Kumarian Press, 630 Oakwood Avenue, Suite 119, West Hartford, Connecticut 06110-1529 US.

An Organizers Manual for NGOs is an appropriate description for John Clark's book.

The author gives a concise history of the growth and development of NGOs as community development organizations, documents NGO impacts, and details growth strategies, issues management tactics and lobbying plans for the future of NGO work with governments, corporations and intransigent social and political structures. The geometric growth of NGO activity in the development field is indicative of the basic "health" of a

people in dealing with issues that impact their lives, a health that empowers to action at all levels. However, dramatic success is as likely to be the death of a movement as in constant grinding struggle. As government driven and funded development becomes seen as the seat of corruption, and often fails for want of grassroots support NGOs will be enlisted to move the development agenda of the North, and be given

more money and power than can be absorbed and used properly. In the fruit of success is the seed of destruction. Clark has written an important book about NGO development. We can only hope that a sequel will warn of the dangers of growth and offer a similar action agenda for maintaining balance and openness to the grassroots process.



#### Global 500

"The Global 500", un titre honorifique décerné par le Programme des Nations Unies pour l'Environnement a été attribué pour 1992 à Ashok Khosla/Development Alternatives. M. Khosla est membre de l'UAI.

En 1983, il fondait et mettait en œuvre "Development Alternatives". Cette organisation a pour but de réaliser un développement durable au niveau du village, en faisant converger des expertises de haut niveau pour la solution des problèmes simples et quotidiens de survie et de subsistance. Un exemple est la création par M. Khosla d'un centre de recherche sur les technologies de construction d'habitations à partir de matériaux peu coûteux (la boue par exemple). M. Khosla a aussi réalisé des poêles à bois (appelés "chulas") qui permettent un meilleur usage de l'énergie.

Il s'intéresse également à la construction de barrages, au sanitaire, aux moyens de générer des revenus. Le métier de tisser "Tara", outil manuel qui produit du tissu de qualité est un de ses principaux succès.

Toutes nos félicitations pour cette reconnaissance honorifique bien méritée qui vient de lui être attribuée !

#### DPI

Between March 1991 and March 1992, 79 NGOs have been accredited to the UN Department of Public Information, including 38 approved in January, bringing the total to over 1300.

The latest group included 26 from the United States, five from the Russian Commonwealth, two from France and one each from India, Japan, The Netherlands, Panama and Spain. These also included five foundations (one was the Ford Foundation) and one fund, Global Fund for Women. The Foreign Policy Association of Russia, the Russian-American University, Médecins sans frontières, the World Conference of Mayors, the Campaign for the Earth and the American Cancer Society were among the NGOs accredited. *NGO/DPI Reporter*, March 1992

#### Top Forum Europe

Cette année le Mouvement européen a organisé pour la troisième fois le Top Forum Europe, qui regroupe les plus hauts représentants des divers instituts, organisations et organismes qui constituent le "Circuit de Bruxelles".

Le Top Forum Europe 1992 a eu lieu les 4 et 5 mars dans la Salle des Congrès de la Chambre belge des représentants sur invitation de Charles-Ferdinand Nothomb, président de la Chambre.

Les deux thèmes choisis étaient: "Producteurs et consommateurs face aux défis de l'environnement: le rôle des associations européennes et nationales" et "L'Europe face aux défis de l'élargissement: les perspectives 1992 des Communautés européennes".

La séance de l'après-midi du 4 mars, présidée par Ernest Wistrich, président de la commission "Citoyenneté européenne" du Mouvement européen, a été consacrée à l'environnement.

Les participants ont assisté à la présentation de rapports introductifs des orateurs suivants: Carlos Ferrer, président de l'UNICE, qui a parlé du rôle de son organisation dans le développement de la politique communautaire de l'environnement; Jim Murray, directeur du Bureau européen des unions de consommateurs (BEUC), qui a expliqué le point de vue du BEUC concernant les questions écologiques; Raymond Van Ermen, secrétaire général du Bureau euro-

péen de l'Environnement (BEE), qui a traité du rôle de son organisation dans la politique écologique; Arnaud Borchard, en remplaçant André Herlitska, secrétaire général du COPA, qui a fait un discours sur la relation entre l'agriculture et l'environnement et, pour finir, Michel Miller de la Confédération européenne des syndicats (CES), qui a parlé du rôle de la CES face à l'environnement.

Les rapports introductifs ont été suivis d'une discussion approfondie.

A la fin de cette première journée, le président de la Chambre belge des représentants, Charles-Ferdinand

Nothomb, a offert une réception fort appréciée des participants.

La séance de la matinée du 5 mars, sous la présidence de Thomas

Philippovich, vice-président du Mouvement européen, a eu comme thème l'élargissement.

M. Nothomb a ouvert la séance en affirmant qu'à leur réunion de Lisbonne les présidents des assemblées parlementaires des Douze devront réfléchir "dans la ligne de Maastricht, au rôle des parlements nationaux dans l'Union européenne et à la Conférence des parlements", ainsi qu'à la forme que devra prendre cette conférence.

En outre, il faut selon M. Nothomb, préparer l'échéance de 1996. Parmi les possibilités, il cite la convocation, préconisée par le Mouvement européen, d'une conférence interinstitutionnelle élargie aux parlements nationaux et une constituante rassem-

blant le parlement européen et les parlements nationaux.

Après cette intervention, Egon A. Klepsch, président du Parlement européen, a présenté son discours sur les institutions communautaires et l'élargissement. M. Klepsch est d'avis que l'élargissement amènera bien des difficultés institutionnelles, pourtant il faut qu'on reste optimiste : selon les sondages "les citoyens de la Communauté veulent davantage d'Europe". En attendant les prochaines élections du parlement européen en 1994, "il conviendrait d'apporter plus de clarté sur la configuration future de la Communauté européenne".

### World Bank Shares Highlights of Discussion with NGO-Bank Committee -

*Q. What, in the Bank's view, were the highlights of the NGO-World Bank Committee's meeting held in October in Suraj Kund, India ?*

A. This tenth annual meeting of the NGO-World Bank Committee was successful in terms of the strong level of preparation and representation put forward by both the Bank and the NGOs. In addition, the discussions were greatly enhanced by our sitting down together in a developing country. Clearly, Bank and NGO members did not completely agree on every item discussed. Some fundamentally differing views were expressed, and definitional questions continued to arise. But the Bank has always appreciated the diversity of opinions that surface in Committee meetings, so from this standpoint the meeting proved worthwhile.

At the March 1991 meeting of the NGO Working Group on the World Bank, the NGOs had suggested that the NGO-Bank Committee's agenda had become too cluttered and unwieldy. Focusing on only a couple of major themes at a time would allow for more in-depth discussion of important issues and potentially more impact on Bank policies. Bank members agreed, and it was decided that the Committee's discussions would be limited primarily to popular participation and structural adjustment. So discussions at Suraj Kund focused on these topics.

In the discussion on *popular participation*, we first reported on progress in

the Bank-wide learning exercise on participation which had been launched in February 1991. This initiative, the idea for which started in the NGO-Bank Committee, is intended to i) develop and document 20 exceptionally participatory operation activities of the Bank; ii) accelerate Bank learning from various internal and external efforts taking place; and iii) investigate modifications the Bank needs to make in its operations to encourage wide participation.

While some NGOs at the Committee meeting expressed dissatisfaction with the definition of popular participation that the Bank was using, they have generally supported this initiative. One highlight of this meeting was five NGO presentations showing examples of people-centered development projects. Each example showed that affected people were both the means for achieving project objectives as well as ends in themselves. The Committee decided that the NGOs should be brought more fully into the Bank's learning exercise, by a select number of NGO members participating in a Bank-sponsored international workshop in February 1992 on popular participation, and through Bank support for parallel NGO efforts in this area.

In the same discussion, Committee NGOs reiterated their desire for the Bank to explore the concept of a "social audit" — looking into the likely social consequences of planned projects and policy interventions through environmental impact assessments. Although the Bank already has similar screening procedures as part of its

project preparation guidelines, and its Social Dimensions of Adjustment unit has made strides in tracking impact at the household level, the NGOs were concerned that existing directives are still inadequate or not being fully implemented. Bank members agreed to consider their suggestion that an NGO consultant be hired to review Bank operational directives relating to social audits and to study how those directives have been implemented in a sampling of projects.

In discussing *structural adjustment*, the NGOs briefed Bank members on their plans to undertake in-depth case studies on the design and impact of Bank-supported adjustment programs in Mexico, Senegal, and Sri Lanka. In each case, the studies will focus on the impact and adjustment on selected vulnerable groups. Bank members generally welcomed the studies, and discussion ensued about the methodology, variables, and terms of reference to be used. They urged the NGOs to try to contrast impact with and without adjustment. A Bank member also made a presentation describing the agency's experience to date with adjustment programs. Citing such diverse adjustment programs as those in China and Poland, the presenter asserted that the Bank did not have a standard "blueprint" for adjustment that it applied to all countries (a continual point of contention for some NGO members).

The Committee meeting also provided an opportunity to welcome Abdou Salam Drabo as NGO adviser in



the Social Policy Division on the Bank's Africa Technical Department; this is a new staff position that has resulted from a suggestion by the NGO-Bank Committee. Also of note, NGO members were asked for written comments on a draft of the Bank's new poverty handbook and on three background papers to the draft *World Development Report 1992* on environment and development. The Committee heard progress reports on various initiatives, including the

Bank's Economic Development Institute's Japan-funded program for NGOs, and the status of the long-standing debate on direct funding from the Bank to NGOs.

The next meetings of the NGO Working Group and the joint NGO-Bank Steering Committee was to be held in Brussels, Belgium, in April 1992. The Committee expressed its appreciation to Enrique Fernandez, outgoing NGO co-chair for his work in the past two years. In its meeting the

following day, the NGOs elected Mazide N'Diaye, Director of Réseau africain pour le développement intégré of Senegal as the new co-chair of the NGO-Bank Committee.

*Provided by Kris Martin, Assistant International Relations Officer. For more information, contact : World Bank, International Economic Relations Division, External Affairs Department, 1818 H Street, N.W., Washington, D.C. 20433. Tel. : (202) 473-1767; Fax (202) 676-0576.*

## New... Plans... Creations... New... Plans... Creations... New... Plans...

A l'initiative de la CEE, Américains, Russes, Japonais et Européens, réunis à Bruxelles, ont décidé, mercredi 11 mars 1992, la création d'un Centre international pour la science et la technologie (CIST) à Moscou, chargé d'éviter que des savants de l'ex-URSS spécialisés dans les armements de destruction massive n'émigrent vers des pays peu recommandables.

La décision de créer ce Centre, dont l'objet sera d'encadrer et de réorienter les savants et ingénieurs de l'ex-URSS, spécialistes des armes de destruction massive — nucléaires mais aussi chimiques, balistiques, biologiques — a été officiellement prise lors d'une brève conférence ministérielle qui s'est tenue à Bruxelles et à laquelle ont notamment participé MM. James Baker, secrétaire d'Etat américain, et Andreï Kozyrev, ministre des affaires étrangères de Russie, ainsi que le vice-ministre des affaires étrangères du Japon.

La Communauté, qui organisait la réunion, y était représentée par MM. Joao de Deus Pinheiro, le ministre des affaires étrangères portugais, qui préside les travaux des Douze, et Frans Andriessen, vice-président de la commission chargé des relations extérieures. Durant quatre jours, autour de la conférence, des experts des pays intéressés ont discuté des modalités de l'installation du Centre.

Les quatre principaux protagonistes de l'entreprise (CEE, Etats-Unis, Japon, Russie), après avoir souligné que ce nouveau club était ouvert à tous les pays de bonne volonté, ont

affirmé leur volonté d'agir sans tarder: un accord devrait être formellement signé fin mars, et le Centre devenir opérationnel dès le début de l'été.

Le succès de l'opération sera largement subordonné à l'importance des crédits qui pourront lui être affectés. Les Etats-Unis ont confirmé leur intention de mettre au pot 25 millions de dollars et la Communauté de consentir un effort analogue. Les Japonais, toujours réticents, ont néanmoins promis qu'ils engageraient financièrement, sans pour autant en préciser le montant. Les Russes offriront les installations, à savoir le centre de recherche de Troïtsk, près de Moscou. Il est déjà acquis que des annexes du Centre pourront être implantées dans d'autres Républiques que la Russie.

Les conditions de fonctionnement du Centre ainsi que ses missions seront précisées dans les semaines à venir. Il serait dirigé par un conseil d'administration ou siègeraient les représentants des principaux donateurs. A l'échelon inférieur, un comité de gestion sera chargé de sélectionner les projets et de superviser leur mise en œuvre.

Le Centre proposera des activités d'assistance, de formation, bref de reconversion, aux scientifiques que les Occidentaux souhaitent ne pas voir se disperser dans la nature. Il saute aux yeux qu'il pourra devenir un lieu précieux de recrutement pour l'Occident. Cependant l'idée étant de fournir l'occasion aux savants et ingénieurs soviétiques de continuer à

exercer leur activité dans leur pays, le Centre, sans être pour autant une installation de recherche, devra piloter des programmes, par exemple de dénucléarisation ou de reconversion de l'industrie d'armement.

(*Le Monde*, 13.3.92)

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Les 72 associations réunies au sein de l'International Humanist and Ethical Union - Union International Humaniste et Laïque travaillent à la promotion d'une vision du monde fondée sur la liberté absolue de conscience et à l'élaboration d'une éthique libre examiniiste.

Leur action s'étend dans les domaines de l'éducation, des droits de l'homme, de la réflexion éthique, de l'assistance morale, des cérémonies laïques, de la défense des intérêts des non croyants.

Les associations européennes qui sont membres de l'IHEU ont jugé nécessaire de renforcer leur présence auprès des institutions européennes.

Réunies en assemblée générale, elles ont décidé le 12 octobre 1991 la création de la Fédération humaniste européenne - European Humanist Federation qui s'installe dès à présent dans les locaux du Centre d'action laïque à Bruxelles.

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# ASSOCIATIONS TRANSNATIONALES

## TRANSNATIONAL ASSOCIATIONS

Some items in recent issues : <i>Parmi les thèmes traités récemment:</i>	Issue number; <i>Numéros:</i>
The recognition of the legal personality of INGOs <i>La reconnaissance de la personnalité juridique des OING</i>	3/1986, 3/1990, 5/1990, 6/1990.
Latin American Associations <i>Les associations latino-américaines</i>	6/1986, 6/1989, 3/1990.
INGOs tomorrow <i>L'avenir des OING</i>	3/1987, 1/1990.
INGOs' vision of education for Peace <i>L'éducation pour la paix selon les OING</i>	6/1987, 3/1989.
New social movements <i>Les nouveaux mouvements sociaux</i>	1/1988, 6/1989, 1/1990, 3/1990.
Cooperatives in today's world <i>Les coopératives dans le monde contemporain</i>	3/1988, 1/1990, 5/1990.
Voluntary work <i>Le travail volontaire</i>	2/1989, 3/1990, 4/1990, 6/1990.
Cooperation between INGOs and IGOs (Unesco, World Bank, EEC, OECD) <i>La coopération entre les OING et les OIG (Unesco, Banque mondiale, CEE, OCDE)</i>	2/1990, 3/1990 2/1991, 3/1992.
INGOs' view of environmental problems <i>Les OING et les problèmes écologiques</i>	3/1989, 4/1989, 1/1990.
Humanitarian aid and humanitarian law <i>L'aide et le droit humanitaires</i>	2/1988, 6/1989, 4/1990, 2/1992.
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Language in a transnational perspective <i>Langage et transnationalité</i>	1/1991, 6/1991.
Beyond the State: Civil Society and Associational Life in Africa <i>Au-delà de l'Etat: la société civile en Afrique</i>	3/1991
NGOs and the Replication Trap <i>Les ONG et le piège de l'essaimage</i>	4/1991

### Forthcoming topics:

#### *Dans les prochains numéros:*

- Les agriculteurs européens et la PAC  
*European farmers and the CAP*
- Europe and Latin America 1992: the Trade Union Dimension  
*L'Europe et l'Amérique latine en 1992: l'espace syndical*
- Civil Society in Eastern Europe  
*La société civile en Europe orientale*

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