



The right to participate

in

international human rights fieldwork

The International Human Rights Network, 2000

With the kind support of the European Commission

*This report is dedicated to the memory of Veneranda Nzambazamariya
President, Reseau des Femmes- Rwanda*

*Her untimely death in March 2000 deprived the process
of her voice of insight and integrity*

The International Human Rights Network

This report is based on the work of the International Human Rights Network and its predecessor, *The International Human Rights Trust* established in Ireland in 1996. IHRN is a non-governmental organisation supporting actors in applying [Human Rights Based Solutions](#) in their work and details may be found at <http://www.ihrnetwork.org>. The process of development of this report was kindly supported by the Commission of the European Union. Originally published by Genprint Ltd. Dublin. Ireland, 2000.

Key principles and approaches

The IHRN advocates, among other approaches, the Sustainability Principle which requires:

“That Human Rights Operations must be based on the assessed needs of a host society, and co-ordinated with other complementary initiatives, so as to best contribute to a sustainable improvement of the human rights situation as part of an overall human rights strategy. This requires the active participation of the host society.”

The sustainable approach to human rights operations has received the support of the Development Committee of the European Parliament and the former United Nations High Commissioner for Human Rights, Mrs Mary Robinson.

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Summary ¹

The International Human Rights Network facilitated a broad discussion process in 1999-2000 involving a number of societies which have hosted international human rights presences. The issues raised in its 1998 discussion paper *Towards a Human Rights Partnership for Effective fieldwork* were the focus of discussion: the meaningful participation of the **host society** in planning, designing, setting priorities for, and evaluating its impact. The issues remain highly relevant to those committed to strengthening the impact and sustainability of international human rights fieldwork.

Three main common themes emerge from feedback from the five sample countries of El Salvador, Guatemala, Rwanda, Burundi and Colombia:

- Theme 1: Exclusion reinforced by UN work on peace ‘processes’, human rights fieldwork and in development (UNDAF pilots, Guatemala and Colombia). The UN system does not together recognize the right to participate as a human right applicable to its own work.
- Theme 2: Selective approach to human rights rather than indivisibility and interdependence in practice.
- Theme 3: Lack of accountability for impact. From the earliest to current presences, there is little indication of effective learning from one experience to the next. Their hallmark is continuing lack of independent and participatory evaluation of impact, effectiveness or sustainability.

In sum, despite its clear basis in international human rights law, the common theme emerging is that participation is not conceived of, or applied in practice, as a human right by the international actors involved.

A Partnership Forum convened by IHRN in Geneva in April 2000 brought focal points from the sample countries:

- to pool their experience amongst themselves; and
- On the last day, a number of UN agencies and donors were invited to hear directly the experiences and recommendations of those voices.

The aim was to bring together those who are concerned to learn from the experience and improve sustainability for the future. The host society feedback endorsed the *Towards a Human Rights Partnership for Effective fieldwork* discussion document, identified conclusions and recommendations and undertook to follow-up the process. The European Commission’s intervention is included in Part III.

Key conclusions:

1. Meaningful participation in decisions which affect one’s life is a human rights issue: it is both a means to the enjoyment of human rights, and a human rights goal in itself.

¹ This report by Karen Kenny is based on her work with the International Human Rights Network and its predecessor *The International Human Rights Trust* established in Ireland in 1996. IHRN is a non-governmental organisation supporting actors in applying [Human Rights Based Solutions](http://www.ihrnetwork.org) in their work and details may be found at <http://www.ihrnetwork.org>.

2. Exclusion is itself one of the root causes of human rights crises and armed conflicts. In the participant's experience, by failing to address exclusion and by applying a narrow concept of what human rights are, international interventions have not achieved their aims.
3. Civil society has been in effect *excluded from*:
 - UN work in facilitating peace 'processes'. That work has focussed on those who are armed fighters even though military de-mobilisation alone does not create sustainable peace. The UN has acted as if there is a tension between human rights and peace and continuing impunity is the result;
 - UN human rights operations have failed to identify, analyse and target structural root causes of human rights crises;
 - UN development approaches (such as the recent pilot processes for the UN Development Assistance Framework in Guatemala and Colombia).

Key Recommendations

1. Civil society should be understood as essential agents of change to improve any human rights situation.
2. Those mandating, funding or fielding international interventions, including all the actors of the UN system, should aim to break the cycle of exclusion through all their work (regardless of whether the work is called development, facilitating political negotiations or human rights work).
3. Participation should be meaningful, it should be early, and it should be on going. Through this means prevention of conflict can be promoted.
4. There are challenges involved; civil society can be fractured, participation takes time and resources. However, it is precisely when civil society is weak in these ways that support is most needed. Similar challenges are faced in achieving the enjoyment of other human rights. These challenges can be met if there is real commitment to do so with:
 - A preventive approach of long-term engagement; and
 - Active learning from the decades of trial and error concerning participation in development.
5. Meaningful participation is therefore not limited to voting in elections. It is an on-going process of inclusion. It involves:
 - - actively seeking out the voices of those who carry moral weight in a society and those with real representativeness (not just certain NGOs in the capital); and
 - - Then ensuring that those voices are heard and have real influence.
6. There are various moments and levels where participation is needed, These include in the:
 - Diagnosis of the problems to be addressed
 - Design of international interventions
 - Interpretation of their mandate
 - Setting of priorities and their implementation during the life of the intervention
 - In its follow-up, and

- Evaluation of its human rights impact.

Guiding principles of meaningful participation include that it be:

- Community-based as well as national in focus
- On-going
- Founded on equal partnership
- Non-discriminatory and
- Informed through effective access to information.

7. This meaningful participation will not simply 'happen'. It must be actively planned and ensured as part of these international interventions even when it is not expected or demanded. It is the essence of partnership that participation be respected as a human rights issue.
8. The right to participate is an essential element of the commitment the Secretary-General has made to integrate human rights in all the work of the UN. As focal point for human rights in the UN system, the role of ensuring meaningful participation is inherent in the mandate of the Office of the High Commissioner for Human Rights (OHCHR). It should seek a comprehensive approach to conflict and ensure participation in all the UN's interventions in a country from political peace negotiations to the establishment of development priorities - as well as its human rights presences. This role is in addition to the direct roles of other UN actors such as the Department of Political Affairs or the UN Development Group.
9. The UN should act as a model of participation to demonstrate how governments themselves should relate to their populations. In turn, the OHCHR should act as a model of participation for the rest of the UN system. This includes being an effective advocate vis a vis other international organisations on the priority human rights concerns of the host country.
10. By demanding meaningful participation, the host society is also seeking accountability. The human rights impacts of these international interventions need to be assessed through that participation. The OHCHR should lead the UN system by ensuring that such an on-going process of learning from experience be developed. A first step is requiring reporting by all actors on the ways in which the right to participate has been enhanced through their work.
11. Donors have the responsibility to similarly ensure that international interventions, whether by the UN or other international organisations, learn the necessity of respecting the right to meaningful participation - from their own experience.

Follow-up and signposts for addressing the recommendations

Host society participants undertook to follow-up the discussions at country level with UN actors and other international organisations. Similarly, representatives of international organisations undertook to follow-up the discussions at their headquarters and circulate the country feedback to their representatives at country level.

These recommendations, with their practical implications for selection, training and working methods, illustrate that cross-fertilisation of 'human rights' and 'development' experience is essential. For example, participation in the field of development has hitherto been seen merely as one of several elements towards effectiveness of programming, rather than understood as a human right. Bearing in mind the practical difference that this conceptual shift would involve, there is still much to learn from the

decades of trial and error in participatory development in order to put these recommendations into practice through concrete mechanisms and methods of work for other disciplines.

The wheel does not have to be reinvented. Rather the international actors need to pool efforts through cross-disciplinary learning.² Signposts for such learning from the broad experience and resources available are included in Part IV.

² The issue of organisational learning from human rights fieldwork and the potentially pivotal role of the OHCHR were considered in detail by IHRN in 1998-99, *Learning - To Integrate Human Rights*, available from <http://www.ihrnetwork.org>.

PART I. CONTEXT AND CONCEPTS

A. Outline of the issues raised

The discussion document *Towards a Human Rights Partnership for Effective Fieldwork* (the 'discussion document') is part of the on-going reflections of IHRN. It was drafted for the international symposium "Strengthening Human Rights Operations" convened by the German Government and co-sponsored by the Republics of Poland and South Africa, at Koningswinter (Bonn) on 26-27 May 1998. It has been circulated in the last two years to stimulate debate and generate feedback from readers.

1. Human rights operations at a watershed

The starting premise of the discussion document is that past human rights operations should not automatically be a model for future field activities of the Office of the High Commissioner (OHCHR). Rather, it contends that a watershed has been reached and the opportunity for fresh approaches should be seized. This view is premised on two sets of factors: far-reaching changes in the operating environment of human rights operations, including the establishment of OHCHR, and secondly, the record of past operations.

Firstly, the two far-reaching changes in the operating environment of human rights operations.

- **Creation of the Office of High Commissioner:** Almost all of the large human rights operations occurred prior to, or without meaningful input from, the Office of the High Commissioner for Human Rights. The advent of that Office itself presents opportunities for creative leadership based on law and principle.
- **The legal imperative of integrating human rights:** Field human rights tasks are not only carried out by "human rights operations". Accordingly the High Commissioner's future fieldwork should not be considered in isolation from its other international partners. The UN Secretary-General's reform package aims to integrate human rights in all the UN's activities as a shared responsibility. Human rights operations in the past did not have the benefit of working with UN agencies whose human rights responsibilities were so expressly, and clearly, acknowledged:
 - How are field partners such as UN Development Programme, UN High Commissioner for Refugees, Unicef, the departments of Peacekeeping Operations (military and police personnel), Political Affairs and others adapting to meet their field human rights responsibilities? And
 - How are they relating to the work of the High Commissioner for Human Rights in the field (and vice versa)?

Secondly, there are persuasive reasons of principle why the High Commissioner's future work should be distinguished from the operations of the past.

- **Ad hoc:** Since 1991, human rights operations have taken place in an ad hoc, piecemeal fashion without a unifying concept regarding what they were to achieve or the techniques to be applied towards that end.
- **Reactive:** Previous large human rights operations have only been established during or after a large-scale human rights crisis, involving armed conflict. The future requires more emphasis on a concept of early warning and preventive field human rights work.
- **Lack of accountability:** Discussion of field presences has been characterised by an almost complete absence of three vital elements:
 - meaningful input from the *host society*³ in planning, designing, setting priorities for, and evaluating the impact of human rights operations;
 - **systematic lessons learning** through for example feedback from personnel serving with these operations; and
 - **Independent evaluation** of their strengths and weaknesses.
- **Absence of clear rationale:** The discussion document considers the three rationales most often presented for fielding human rights operations: presence as deterrence; monitoring and reporting to headquarters; technical assistance/institution building. None of these of themselves are found to present a compelling case. The real question is whether large-scale human rights operations are the most appropriate tool to achieve a specified goal in a particular situation. Their use should be weighed against other, perhaps more direct, means of channeling resources towards that identified goal in the host society.
- **Narrow field tasks:** Human rights operations had often been established to verify compliance of parties with peace agreements⁴. The main emphasis was on fact-finding concerning some civil and political rights and reporting externally. The same pattern has continued, with an element of habit, even where presences have a clear holistic mandate to facilitate change. Any human rights development work as has been carried out by those presences has tended to be ad hoc, dependent on individual official's personalities and has often met internal opposition from those who argue that such was not 'in the mandate'. Recruits, and particularly senior managers, have been drawn from a narrow range of skills relative to the range required. Artificial, unhelpful distinctions between 'monitoring' and 'technical assistance' have become common, while these terms are not clearly defined nor founded on principle.
- **Selective application of legal principle:** Operations have tended not to apply the legal principles of the universality, inter-dependence and indivisibility of the full spectrum of human rights: whether in identifying and interpreting their mandates or in their daily tasks.

³ *Host society* is used here to include not only host authorities at all levels, but also the range of civil society actors such as non-governmental groups of all kinds (farmers' co-operatives, church and women's groups, trades unionists, the media and so forth as well as human rights organisations as such).

⁴ Those agreements have reflected to varying degree the requirements of international human rights and humanitarian law.

For these reasons and whatever their merits in specific contexts, the human rights operations of the past should not automatically be considered as offering appropriate models for the future.

2. A new conceptual framework: Human Rights Support Programmes

The second part of the discussion document presents in outline an alternative. It requires a fundamental re-think of the aim, attitude and methods of international human rights field activities.

- **Host society dialogue:** Each host society has a right and duty to determine its own human rights priorities - as reflected in the Vienna Declaration and Programme of Action re-affirmed by 171 states in 1993. In this way, the priorities of the new approach would be the result of meaningful dialogue with a host society, including, but not limited to, public authorities at all levels.
- **A new approach, a new name:** The terminology proposed to encapsulate such future fieldwork is *Human Rights Support Programmes*. This is because 'support' conveys the fundamental shift in attitude towards a constructive partnership based on the primacy of the host society. It conveys assisting and reinforcing rather than replacing local efforts. Programme emphasises process, long-term vision, with sustainability at the core.
- **Prevention:** The Support Programme should facilitate the early involvement of the High Commissioner for Human Rights in situations not yet at emergency-level. Based on long-term relationships, the approach should have enhanced local legitimacy. In view of the widespread need for Support Programmes, they should be the norm, rather than exceptional for states.
- **Two bundles of tasks: diagnosis and development:** All Human Rights Support Programmes should conduct two types of on-going activities:
 - *diagnostic monitoring*, to analyse, on an on-going basis, the precise source of weaknesses in the protection of human rights. Reflecting the principles of international human rights law, additional methods and indicators should be developed and applied for diagnosis of the economic, social and cultural rights situation, respecting their indivisibility and inter-dependence in practice.
 - Secondly, based on that analysis, the Programme would follow-up its own recommendations concerning action by local authorities, other UN agencies, local non-governmental organisations and so forth and facilitate their fulfillment. Activities which the Programme would carry out building on its diagnosis are its *human rights development tasks*.

Varying according to the needs of the host society, these would range from providing training to local actors, through ensuring that its analysis guides other donor support to the host society.

- **Techniques to evolve by learning from experience:** Support Programmes should be built upon systematic debriefing of all staff and upon the independent evaluation of past human rights operations with meaningful input from the host societies concerned.⁵ In addition, the techniques should be premised on cross-fertilisation of human rights and development thinking.
- **Building capacity:** As part of its capacity building, a Support Programme would apply a presumption in favour of employing elements of the host society.
- **Measuring success:** success would be measured by the degree to which field presence contributes to a sustainable improvement in the human rights situation. That end is not achieved by seeking external solutions - but rather by engaging with, and facilitating, the host society's efforts.
- **Authority:** The HCHR has, *ex officio*, the authority to direct her activities to meeting host society needs. It is inherent in her mandate flowing from the UN Charter and international human rights law.
- **Holistic:** Human Rights Support Programmes would unite all of the High Commissioner's field-based work and avoid the artificial dichotomy of field tasks as either 'monitoring' or 'technical assistance/institution-building'.
- **Leadership:** Similar challenges face other actors fielding international human rights personnel, particularly the Organisation for Security and Co-operation in Europe and the European Commission.⁶ The OHCHR should develop the capacity to lead reflection and improvement in the concepts and practices of such fieldwork.

⁵ Concerning what is meant by 'effective learning' see *Learning -To Integrate Human Rights*, IHRT report 1999.

⁶For a recent policy statement, see Chris Patten, European Commissioner for External Relations, Statement to the 56th session of the UN Commission on Human Rights, 27 March 2000, www.europa.eu.int and the intervention of the European Commission in Part III. See also the lessons drawn from the European Commission's experience of funding UN human rights interventions in Angola, Burundi and Rwanda: "International Missions for the observation of human rights", DG VIII/4, Brussels, 15 May 1998.

B. The discussion process

In 1999-2000 IHRT worked to facilitate discussion of the document in a varied sample of societies which have hosted international human rights field presences. It started in El Salvador and Guatemala and continued with Rwanda, Burundi and Colombia. This process has been supported by the Commission of the European Union, the Irish Department of Foreign Affairs and Trocaire. The Annexes outline the discussion process.

Feedback was sought on the concepts and principles raised in the discussion document. In addition, suggestions and proposals were sought as to how concerned host society actors could have meaningful input into such human rights fieldwork in their countries. The process was not intended or designed to evaluate the work of the presences.

The discussion process asked:

- Is there meaningful host society participation in the design, setting priorities, and evaluation of such presences. If not,
- Should there be such participation to facilitate sustainable improvement in the human rights situation, and
- How can this be achieved?

Human rights fieldwork is a term which could encompass the work of actors ranging from UNDP, UNHCR to the UN Department of Political Affairs given that their work is by definition concerned to improve the human rights situation, and given their responsibilities under the legal framework applicable to their work. In this report the term is used for self-described specialist human rights field presences.

3. Steps in the process

Visits were conducted by IHRT to each of the five sample countries:

- To meet as many relevant NGOs, umbrella bodies, and state bodies as feasible to introduce the issues and invite participation in the reflection process
- In each case, the visit was facilitated by local counterparts among the community of human rights: Laura Guzman, Immaculee Ingabire, Guillermo (Tato) Mezo, Veneranda Nzambazamariya, and John O'Mahony. The document was conveyed in advance wherever possible translated into French and Spanish as appropriate
- To encourage the process to continue afterwards: if found to be of interest, those met were invited to continue the reflection in an on-going process within their own organisation - as well as with other organisations. With the help of those met, a

focal point was identified in each case to take the discussion further, and continue feedback to IHRN. The follow-up would itself be designed by them.

- The sample of countries chosen, and the methodology itself, evolved through listening to those met. For example, voices in Central America strongly recommended that Colombia be included as a sample country so that civil society there could learn from the experience of their counterparts. A need was expressed for civil society there to learn from the experience of their counterparts in Central America (see country report in Part II). This view was also held by the OHCHR Office in Colombia, which welcomed the initiative as a contribution to its own reflections concerning its role.
- In addition, the sample of host societies were chosen due to their variety. Some were fielded by the UN headquarters in New York as part of a multi-disciplinary peacekeeping operation working with UN military and civilian police as part of a UN-facilitated peace process. Others were fielded by OHCHR Geneva separately during on-going civil war and possible acts of genocide. The sample includes the earliest UN human rights field presence to some of the most recent. They range from a handful of human rights officers to several hundred and concern both Africa and the Americas. The sample also very greatly in terms of repute: some being generally seen as an international success, others as a debacle.

Amidst this variety, what has been the experience of the host societies? Part II outlines the feedback received from the discussion process, country by country.

Part III draws out a number of themes common to most, if not all, of the country reports. These indicate some of the global issues raised by the feedback.

- The project encouraged discussions with, and within, UN agencies. These included IHRN discussions with a range of officials of OHCHR throughout 1999 including presentation of the project at the second annual meeting of Heads of Field Presences in September 1999.
- A Partnership Forum convened by IHRN in Geneva in April 2000 brought focal points from the sample countries:
 - to discuss the feedback from the process so far and pool their experience amongst themselves; and
 - On the last day, a number of UN agencies and donors were invited to hear directly the experiences and recommendations of those voices. The European Commission's intervention is in annex H.

The aim was to bring together those who are concerned to learn from the experience and improve sustainability for the future. A working session with Forum participants and OHCHR was convened by the Chief of the Research and Right to Development Branch of OHCHR.

- The Forum identified conclusions and recommendations for follow-up (included in Part III).
- Part IV of this report provides an indication of the rich experience of participation to draw on from the development field, concerning both insight and error, when considering how those recommendations can be put into practice.

The grateful thanks of IHRN are expressed to all of those who contributed their time, energy and their frank views to the process of which this report forms a part.

C. Concepts

4. What is meant by 'meaningful participation'?

4.1 A human rights view

IHRN recognises participation as a human rights issue. The right to participate in decisions which affect one's life is both an element of human dignity and the key to empowerment - the basis on which change can be achieved. As such, it is both a means to the enjoyment of human rights, and a human rights goal in itself.⁷

Participation is the means to empowerment, to *become more powerful*. It concerns "the ability of local people to define local obstacles or problems, design and implement programs to address these problems and ultimately control local outcomes"⁸

The essential element is control: who makes decisions, where and how. Empowerment of the excluded is the crux of achieving sustainable human rights change, including eradicating poverty. It is not a top-down process, an existing power structure being unlikely to volunteer to give up sufficient power to bring about real change in the balance. Human rights change is only achieved by being effectively demanded.

Crucially, this discussion process raises the issue of respect for the right to participate not by states, but in international interventions made in the name of improving the human rights situation.

⁷ Participation is a composite, cross-cutting, concept inherent in much of international human rights law, including: freedom of expression, association, assembly, the right to education, to receive and impart information, to self-determination, the obligation of states parties to make their human rights treaty obligations widely known, and under-pinned by the principle of non-discrimination. Participation is also referred to in specific ways including by: the Universal Declaration on Human Rights (article 21 the right to take part in the government, the will of the people as the basis of the authority of government, the right to vote); the International Covenant on Civil and Political Rights (article 25 the right to take part in the conduct of public affairs, to vote); the Convention on the Rights of the Child (article 12 one of its basic principles is respect for the views of the child and article 15 'safe spaces' in which they can be expressed); the Convention on the Elimination of Discrimination Against Women (participation of girls is a principle of 'paramount consideration' while article 14 refers to participation of rural women in the public and political life of their communities, and in particular in the design and implementation of development planning). On the regional level, the European Union, the Organisation for Security and Co-operation in Europe and the Council of Europe have been active in seeking to go beyond the universal minimum standards in relations to concepts of democracy and good governance. For example, the post Lome-IV negotiations concluded with the proposed new ACP-EU Convention recognising the participation of actors other than the central government as a matter of principle (article 4), "The Actors of the Partnership: On Stage or Off Stage?," Muthoni Mutiu, Liaison News No.5, January-February 2000.

⁸ Comment by Leo Smits, see also Ngone Diop Tine, Mark Meassick, Peter Koenig in an extraordinary process of on-line discussion regarding the World Banks' draft World Development Report with independent convenors, March 2000, see www.worldbank.org

4.2 The limits of current views of participation

- **Participation as effectiveness:** The need for participation is now a commonplace in the field of development and humanitarian action. It is accepted as a means to improve relevance and effectiveness of programming. Since the 1980s, concepts of participatory monitoring and evaluation have entered the policy-making domain of larger donor agencies and development organisations. It is now seen as an essential element of good development practice.⁹

However, this evolution has been fuelled less by a demand for empowerment (the basis for all human rights change) than by donor's perspectives. Factors include their seeking 'management by results', growing scarcity of funds leading to a demand for demonstrated success and moves towards decentralisation and devolution.¹⁰

- **Not fully implemented in practice:** In 1998 the OECD acknowledged that "We have learned that because instilling a sense of local ownership, participation and a stake for all participants is extremely difficult, *true partnership is still relatively rare in the day-to-day practice of development co-operation.*"¹¹

Unicef has acknowledged the right to participate as a human right, due to its express inclusion in the Convention on the Rights of the Child. In the last years it has been seeking to give effect to this.¹² Yet, as with actors which see participation as solely an element of effectiveness, Unicef finds its own record of implementing participation to be both uneven and limited to participation *without control*. There is "a predominant emphasis on involvement of young people in implementation (action), but only marginal involvement in analysis and assessment of the programme, identifying a clear need to shift from programming *for* to programming *with* young people."¹³

UNDP and UNHCR have seen participation as a means of improving effectiveness for a decade or more.¹⁴ UNHCR acknowledges the human rights

⁹ Most notably the Food and Agriculture Organisation (FAO), the United States Agency for International Development (USAID), the Danish International Development Agency (DANIDA), the UK Department of International Development (DFID), the Swedish International Development Authority (SIDA), the Norwegian Agency for International Development (NORAD), and the World Bank, see *Who Counts Reality: Participatory Monitoring and Evaluation: A Literature Review*, by Marisol Estrella and John Gaventa, Institute for Development Studies Working Paper 70. Particularly significant is the *Development Assistance Manual: Development Assistance Committee Principles for Effective Aid* of OECD published in 1992. It speaks of the need to ensure effectiveness through participation and through participatory evaluations.

¹⁰ *Ibid.*, IDS Working Paper 70.

¹¹ *Efforts and Policies of the Members of the Development Assistance Committee: Development Co-operation, 1998 report*, OECD, Paris, 1999 Edition, p.14, emphasis added.

¹² See for example *Youth Participation: Unicef's Experience Working with Young People*, Programme Experience Series, Programme Division, New York, July 1999.

¹³ *Ibid.*, from the Preface by Sadig Rasheed, Director, Programme Division, emphasis in original.

¹⁴ Drawing on its own Executive Committee Conclusions and the fact that UNHCR "*as a UN agency*, is obliged to implement the Nairobi Forward Looking Strategies for the Advancement of Women," see the *High Commissioner's Programme: UNHCR Policy on Refugee Women*, submitted by the High Commissioner (undated publication), HCR Geneva; and Guidelines on

source of these policies (particularly the Conventions on the rights of the child and on the elimination of discrimination against women). However, in practice participation is applied to only some aspects of its work. UNHCR's people-oriented tools seek to improve the relevance of interventions, classically concerning the design and layout of refugee camps.¹⁵ However, in case of armed conflict, refugees tend not to be at the table negotiating with warring parties the terms on which their enjoyment of their right to food or health care will be agreed. These life or death terms of access and decisions about human rights priorities are negotiated by international actors on their behalf (such as HCR¹⁶, Unicef or the Office for the Co-ordination of Humanitarian Affairs).

Participation, even where it is seen as rooted in human rights instruments, is frequently applied as if it were an optional aspect of effective programming.

- **Restricted to certain interventions:** The current common approach to participation is thus limited both in concept and in implementation. It has evolved mainly in the area known as 'development' interventions without the benefit of input from, and in turn, without influencing, human rights specialists.

International political or human rights interventions are not seen as requiring participation - even as an element of effectiveness. The Convention on the Rights of the Child is as much a part of the legal framework applicable to the work of the UN's Department of Political Affairs and the Department of Peacekeeping Operations as it is to Unicef's work.¹⁷ However, participatory evaluation of the human rights impact of the work of DPA, DPKO - or of the fieldwork of the Office of the High Commissioner for Human Rights are as yet unheard of.

The discussion is timely. In 1997 the UN Secretary-General's Programme for Reform had undertaken to integrate human rights in all the activities of the UN.¹⁸ Discussion of human rights approaches to development is underway with the UN's Development Assistance Framework,¹⁹ efforts are on-going in the case of humanitarian action²⁰ while the current comprehensive review of all the aspects of peacekeeping operations should be an opportunity to address these issues.²¹

the Protection of Refugee Women UNHCR, Geneva July 1991, paras 11 and 12. In the case of UNDP, see *Integrating Human Rights with Sustainable Human Development: A UNDP Policy Document*, January 1998; its watershed Policy document on Participation is said to have paved the way for this policy breakthrough on human rights. Significantly, the forthcoming human development report for 2000 has human rights as its theme, see www.undp.org.

¹⁵ See for example, *A Framework for People-Oriented Planning in Refugee Situations Taking Account of Women, Men and Children: a Practical Planning Tool for Refugee Workers* by Mary B Anderson, Anne M. Howarth (Brazeau) and Catherine Overholt, UNHCR, Geneva December 1992.

¹⁶ See for example, Mark Cutts, *The Humanitarian Operation in Bosnia, 1992-95: the dilemmas of Negotiating Humanitarian Access*, Research Paper UNHCR, Geneva.

¹⁷ *When Needs are Rights: An Overview of UN Effects to Integrate Human Rights in Humanitarian Action*, Karen Kenny, a joint project of IHRN and the Humanitarianism and War Project, Occasional Paper, June 2000, see www.ihrn.org

¹⁸ *Renewing the United Nations: A Programme for Reform*, UN Doc. A/51/950, July 1997, paras. 78-79, hereafter the Programme for Reform.

¹⁹ Such as the multi-actor "Workshop to Elaborate on Civil and Political Rights Indicators" hosted by the OHCHR, Geneva 27 September 1999.

²⁰ See note 16 above.

²¹ The General Assembly's Fourth Committee (Special Political and Decolonisation) endorsed proposals contained in the report of the Special Committee on Peacekeeping Operations for a

For September 2000, the Secretary-General has called his report to the Millennium Summit and General Assembly, *We the Peoples: The United Nations for the Twenty-First Century*. The week-long NGO deliberations which were part of the preparatory process reached agreement on a vision of a:

“world that is human-centred and genuinely democratic, where all human beings are full participants and determine their own destinies”²²

This report casts light on progress in integrating human rights throughout the work of the UN while focussing on the right to participate in human rights fieldwork.

These are some of the concepts at the heart of the discussion process.

What is the practice of donors and international organisations who advocate participatory development when it comes to participation in human rights fieldwork?

comprehensive review of the whole question of peacekeeping operations (document A/54/839), resolution A/C.4/54/L.21, GA/SPD/179, 22 May 2000. Particularly relevant is the call for a comprehensive set of policies on UN civilian police activities, after a meeting of former police commissioners hosted by Spain on 4-5 May 2000 (Avila).

²² *Millennium Forum Declaration and Agenda of Action Plans*, UN Press Release GA/9712, 26 May 2000, www.un.org. As an example of the civil society preparatory process, see www.wocsoc.org.

***PART II: PRELIMINARY FEEDBACK:
GUATEMALA, EL SALVADOR, RWANDA, BURUNDI AND
COLOMBIA***

A. Preliminary Feedback from Central America

May 1999

*“Los derechos humanos pertenecen a los pueblos
no son la propiedad de los gobiernos”²³*

*“Human rights belong to the people
they are not the property of governments”*

1. Discussion where ‘human rights operations’ began: Central America

As described in Part I, in April-May 1999, IHRN undertook a number of consultations and policy discussion meetings in **Guatemala and El Salvador**, with support from the Irish Department of Foreign Affairs as well as the European Commission. Those met were invited to reflect on the discussion paper, and if found useful, to continue the discussion in an on-going process within their own organisation - as well as with other organisations (Annexes A and B). The results of this process would be fed back to IHRN in due course. Preliminary though they are, the perceptions expressed to IHRN in its May 1999 visit are outlined here:

- They contrast with the view that these Central American human rights operations are a successful ‘model’ to be applied elsewhere;
- The UN risks making decisions for its future interventions without valid data concerning its previous experiences on which to base those decisions
- They raise urgent questions to be considered in preparation for a new approach to the post-MINUGUA situation in Guatemala.

2. Guatemala:

‘The structures of fear are still in place’

2.1 Context

In Guatemala, a thirty-six year armed conflict left at least 100,000 dead, around 50,000 disappeared, more than 400 villages totally destroyed and over a million people displaced. Those acts, the Truth Commission concluded had included acts of genocide by the Government against some of the groups indigenous to Guatemala. *La Violencia* is the popular name for the former military dictatorship’s overwhelming

²³ Unicef Advert, CNN espagnol, San Salvador TV, May 1999.

counter-insurgency campaign against Guatemala's rural, and mostly Indian, people. The population of Guatemala is mainly 24 Mayan ethnic groups - nearly two-thirds of the population of almost 11 million. Since colonisation they have been systematically marginalised and discriminated against by the state. Through linkage of 'subversiveness' with 'otherness', the Spanish-speaking state linked the Unidad Revolucionaria Nacional Guatemalteca (URNG) guerrillas with the traditional 'other'. This process resulted in a campaign to eradicate Indian culture and, in some places, Indians themselves.

During six years of peace talks with a UN Moderator representing the Secretary-General, a series of accords were signed, but only one was effective immediately. This was the comprehensive Human Rights Accord which allowed for the presence of MINUGUA, established in November 1994 to "verify" the human rights situation, contribute to "strengthening the permanent constitutional mechanism and other national governmental and non-governmental entities for the protection of human rights" and 'to contribute, in cooperation with the State and the various bodies of society, to encouraging a culture of respect for human rights".

These developments gave hope to Guatemala's population and paved the way for the 1995 general elections. MINUGUA was an exclusively human rights mission for over two years before the talks culminated in December 1996 with a final peace accord between the Government and the URNG. It consists of ten agreements aiming to improve social and human development in Guatemala. Since 1997, MINUGUA is a multi-disciplinary UN mission including military, civilian police and civilian officials. It is deployed by the UN in New York.

The following is a synopsis of preliminary views expressed in Guatemala regarding the issues raised in the discussion document in May 1999.

□ **Perception 1: The peace "process" excludes the majority of Guatemalans and MINUGUA does not counteract that exclusion**

The war in Guatemala was not one founded on a popular movement. When it came to negotiating peace, the majority of the population was excluded and power was brokered between elites. On paper, MINUGUA has emphasised the importance of participation if peace is to be durable through a sustainable improvement in the human right situation.²⁴

"The State must create opportunities for participation and, as noted in the agreements, mobilise the capacities of all players in society, including indigenous organisations, local corporations, trade unions, women's organisations, universities, non-governmental organisations and other representatives of society, to put forward constructive proposals"²⁵

Yet, the design of MINUGUA's own interventions is seen as inhibiting this very participation. MINUGUA's focus is centred on 'both' (the Government and URNG) parties to the peace agreements and equates this with a peace 'process'. It is seen as relating to the pinnacles of power groups. This approach is not only seen at national level in the capital, but also in its regional offices where the example of headquarters is seen as replicated. "*For MINUGUA, the population does not exist*",

²⁴ Sixth report: "dialogue and participation, within the framework of mechanisms for the peaceful resolution of social conflicts, are essential for achieving lasting non-violent solutions", para. 156.

²⁵ Ibid., para 145 and 159, Sixth report.

“people see only the white cars” and, as one MINUGUA official put it “people do not know what MINUGUA is”. The wider society is not seen as an actor and so the mixture of fear, anger and frustration expressed during the visit - is not seen as being of importance to MINUGUA’s work.

‘The population is being asked to endorse unknowingly agreements reached behind closed doors - but endorsed by UN’. By agreeing to moderate such a peace ‘process’, the UN is seen as having reinforced the exclusion of civil society and the indigenous majority from the outset. The view is widespread that civil society has been weakened by that approach.

□ **Contrasting perceptions: participation**

MINUGUA refers to the fact that there is NGO participation on the national level in the Comision de Acompañamiento.²⁶ However, it is seen as only having constructive relations with local civil society in those areas previously famous for their well-organised communities, ‘piggy-backing’ on their efforts. For other areas, which were equally badly affected by massacres during *La Violencia*, such participation is not seen as being sought or nurtured by MINUGUA.

Thus, where local groups were already effective, they were able to seek and expect a working relationship with MINUGUA, such as in Quiche. MINUGUA “gives the impression that it has learned to do better in this respect than ONUSAL did in El Salvador”, while participatory approaches are not the consistent policy of MINUGUA designed to maximise the sustainability of its work.

□ **Contrasting perceptions: impunity**

MINUGUA has noted that there is strong popular support for combating impunity for the crimes committed during *La Violencia*. However, the ‘parties’ are not seen as committed to this. The ‘Truth Commission’ established under the peace agreements carried out its work in a mere six months after a 36-year war²⁷. It was regarded by many during the visit as *inadequate*. The popular demand for justice and reparation for victims is not seen as answered by the UN facilitated negotiations.

In contrast, the Archbishop’s Human Rights Office (ODHA) undertook a review of some 500 mass graves all over the country, a three year study of 55,000 reported human rights violations and a wide programme of training for forensic exhumations in its Project for the Recuperation of the Historical Memory (REMHI).

Impunity is near complete and continuing. This general rule was dramatically illustrated on 30 April 1999 when approximately *one hundred ‘civil patrollers’* broke into a prison and released two of their colleagues who had been sentenced to 25 years for killing a human rights defender. It was allegedly known in advance locally

²⁶ With mixed composition but with a Government majority. It set seven priorities set for MINUGUA for 1999, which change over time. These concern mainly political rights, the popular consultation of 16 May and elections later in the year.

²⁷ The Commission established by the *Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan people to Suffer*, AI48/954-S/1994/751, Annex II.

that the breakout was being planned. The prisoners were not transferred to another prison, nor were extra security measures put in place, to prevent their escape.

□ **Perception 2: The appearance, rather than the substance of sustainable democracy is being pursued**

The appearance, rather than the substance of 'democracy' is seen as being emphasised in the peace discussions. MINUGUA is said to approach elections "*as if they were a panacea*" even though Guatemala has an overwhelming rate of abstention.²⁸ It is not seen as stimulating "*the longer-term popular process of participation necessary*" to make such formal elements of democracy effective in practice. On the eve of the recent 'popular consultation' in which Constitutional reforms were presented to the people for approval (concerning the role of the army, the judicial and legislative organs and social rights), there was reported to be widespread ignorance of the content of the proposed reforms.²⁹ The changes proposed in the referendum were rejected by a slim majority of those voting on 16 May 1999, even though the changes had been encouraged by MINUGUA, national newspapers, the Government and the URNG.

□ **Perception 3: MINUGUA perceives a tension between human rights and 'peace'**

It is felt that MINUGUA will measure its success in terms of 'peace', "*meaning the absence of armed combat*". The appearance of such 'success' is being pursued at the expense of addressing in a sustainable manner the roots of human rights problems, such as impunity. The actions of MINUGUA are not seen as consistent with its position that: "The Mission believes that the ending of armed conflict is essential to, but not sufficient for, the achievement of peaceful coexistence in Guatemala."³⁰ It is perceived as being "*prepared to sacrifice human rights for a short-term political deal falsely named 'peace'*".

Some of this perception flows from the appointment by the UN of its mediator from the peace discussions to the position of Director of MINUGUA once the Comprehensive Peace Agreement was signed in 1996. This was widely raised as an issue of concern. The roles are seen as incompatible because there is little confidence that the UN integrates a human rights approach into its mediation role. The perception is that "*human rights can be negotiated away - even under UN auspices*". When that approach is seen as brought to the post of head of a human rights mission, confidence in that mission is undermined. Frustration was widely expressed at what are seen as short-sighted approaches to human rights, with people's worst fears seen to be confirmed by the following two cases.

□ **The Mincho Case**

In 1996, a URNG leader who was accused of carrying out a kidnapping was allegedly beaten to death while in the custody of the Guatemalan police. The case was widely reported in the international press. MINUGUA was accused of suppressing its own verification of this killing in police custody - so as not to upset peace negotiations at a

²⁸ 90% and 78.9% for the August and October 19 94 elections, respectively.

²⁹ "Reformas: Si o No? se ignora contenido: one week from the popular consultation, lack of knowledge is evident", Prensa Libre, 10 May 1999.

³⁰ Sixth report, para.164.

delicate moment. Its Director is personally accused of involvement in the scandal. At the end of 1997, some human rights NGOs went to the UN Secretary-General seeking the removal of the head of mission. The Secretary-General refused and restated his confidence in the Director. Ultimately, relations between the NGOs and MINUGUA became so strained that the NGOs requested the mediation of the international diplomatic corps in the capital.

□ The Gerardi Case

Monsignor Gerardi was the Auxiliary Bishop of Guatemala and the Co-ordinator of the Archbishop's Human Rights Office (ODHA). In April 1998, the Monsignor was battered to death with a cement block just two days after he had presided over the presentation of the church's Recuperation of the Historical Memory Report (REMHI) into *La Violencia* (mentioned above concerning impunity). The report had concluded that some 79% of the reported 55,000 human rights violations had been carried out by the Guatemalan security forces.

MINUGUA is accused of knowing more than it is saying regarding the involvement of the Guatemalan army in the murder. In 1999, the death threats against Guatemalan church figures and others who work with the Archbishop's Human Rights Office or the REMHI, continued.

These cases are seen as ones in which MINUGUA "*took a political decision to conceal human rights information in its own interest*". to be seen as a 'success' internationally and to ensure the peace 'process' was seen to be on track. The UN is seen as acquiescing in human rights violations, giving comfort to those responsible for the continued murders. The opposite of what is needed if there is to be change in Guatemala, many see MINUGUA as a distortion of what the UN's role should be.

The confrontation between human rights NGOs and MINUGUA became a public one which some suggest was used by the extreme right wing to weaken MINUGUA. As there is no wish by NGOs that their concerns should aid any human rights violators, their relative silence since then, can not as such be read as approval of MINUGUA's work.

By MINUGUA's own analysis: '*impunity is the most serious obstacle for the enjoyment of human rights in Guatemala*'³¹ Yet, the impression is widespread after the Mincho and Gerardi Cases that MINUGUA is prepared to offer impunity for maintaining a false 'peace'. Such an impression is damaging for the range of its work: undermining its credibility in encouraging people to vote 'yes' in the popular consultation of 16 May; making its verification reports seem less reliable; reducing its potential to contribute to the relations of confidence needed for dialogue or consensus.

³¹"The majority of the violations noted by the Mission remain without response on the part of the State in terms of identification and due sanction of those responsible. The fight against impunity involves for the state the legal duty to prevent, reasonably, the violations of human rights, to seriously investigate with the means at its disposal the violations which have been committed within the ambit of its jurisdiction in order to identify those responsible, to impose pertinent sanctions and to assure adequate reparation to the victim. MINUGUA has noted the link between impunity for *La Violencia* and the destruction of confidence in the justice system, faith in equality before the law - and the increasing wave of lynchings involving people 'taking the law into their own hands', 24 August 1998, "*La Batalla Contra La Impunidad: recomendaciones del Director*", <http://www.un.org/Depts/minugua/verif7.htm>.

Despite an internal UN investigation and the Secretary-General's stated confidence in both MINUGUA and its Director- as of May 1999 MINUGUA has not recovered its credibility after the Mincho case, and indeed the more recent case of Bishop Gerardi seems to have reinforced a general lack of confidence in the Mission.

□ **Perception 4: The MINUGUA mandate interpreted so as not to act as an agent of change**

Primary responsibility for the human rights situation rests with Guatemalans. However, through a selective and passive interpretation of its mandate, MINUGUA is seen as missing opportunities for a sustainable impact to improve the human rights situation. Illustrations of this paradox were received concerning human rights institution-building, the building of a culture of human rights and applying in practice the indivisibility of human rights. Each aspect of the feedback is noted in turn.

Institution-building: In the human rights agreement, both the Government and the URNG considered it necessary for the UN to support not only governmental, but *non-governmental* institution-building "with various bodies of society."³² However, this mandate is seen as marginalised within MINUGUA. It has been "*relegated to junior staff*" while its Joint Unit established with the UN Development Programme (UNDP) took two years to even agree a strategy.

Culture of human rights: MNUGUA has an express mandate to contribute to the creation of a *culture of human rights*

³² At para 3, www.un.org/Depts/minugua/inform1e.htm.

□ **Human rights are “for the protection of thieves”**

A distorted public perception of human rights was encouraged during *La Violencia* whereby human rights were equated with left-wing ideology. Now an additional distortion is said to have arisen because of the public equating MINUGUA with “*protecting thieves from justice.*” MINUGUA’s work includes fair trial issues in the context of an increasing phenomenon of public lynchings of alleged criminals. MINUGUA does not seem to be associated with the fight to combat impunity for the political crimes of today and yesterday - even though public lynchings are themselves part of the downstream effects of such impunity.³³ It is in this context that the damage of the Mincho Case to MINUGUA’s reputation, and therefore to its human rights work, can be illustrated.

The message has not been effectively conveyed that “*human rights are development, and development is human rights*” or that the effects of globalisation can raise human rights issues. This, in a context where MINUGUA’s first report cites Guatemala’s General Secretariat for Planning:

“75% of Guatemalan families live in conditions of poverty;

37.4 of the population are affected by malnutrition;

the infant mortality rate is 54 per 1000 live births; and

half of the population over 15 years of age is illiterate.

All the above indicators tend to rise sharply when applied to rural areas.

The mandated minimum wage is rarely paid.

Poverty is especially extreme among the indigenous population and

which remain largely outside the country’s political, social and economic

mainstream.

*This long-standing marginalisation has made the indigenous population the most vulnerable sector of Guatemalan society and the principle victim of human rights violations.”*³⁴

Full spectrum human rights: It is the view of many that “*it is a false ‘peace’ if the structural injustice which gave rise to the insurgency remains untouched*”. Without participation it is said that “*programmes are not aimed at tackling structural injustice.*”³⁵

From the outset, MINUGUA has had a mandate to act an agent of change, but it is not seen as viewing itself in that manner. It is seen as interpreting the express

³³ The phenomenon illustrates the dysfunction of the system of justice, lack of confidence expressed by ‘taking the law into own hands’ and the worrying trend to popular demands for ‘strong’ Government measures which frequently lead to human rights violations in response to a crime wave, reinforcing the tendency to authoritarian government.

³⁴ SEGEPLAN, emphasis added, first report, at para.17. More recently, Minugua points out that despite the fact that extreme poverty and socio-economic and political discrimination are recognised in the peace agreements as factors in public security - “the Government is only approaching it as a police matter. The lack of an adequate Government multisectoral policy in this area and the approach to public security only from the police perspective, makes it very difficult to achieve the hoped-for results” para.4, 9th report.

³⁵ The UN High Commissioner for Human Rights reiterated her view that “I think it is time to redress the balance and devote more attention to economic, social and cultural rights...The debate is in some ways artificial since we have only to look at the world around us to know that it is not a case of choosing one set of rights over another - both need to be vigorously championed and defended”, speaking at a conference organised by the Conference of Religious of Ireland, 17 May 1999.

mandate it received and its inherent human rights mandate, in a passive manner while opportunities for a sustainable impact are seen as having been missed.

□ **Perception 5: UN Development Assistance Framework without participation**

A process of vital importance for the future of Guatemala is underway, but none of those met seemed aware of its existence (other than UN agencies). The UN agencies in Guatemala are working to find a common vision of problems and common solutions across agencies because it is one of the pilot countries for the UN's efforts at achieving a Common Country Assessment within a UN Development Assistance Framework (UNDAF). The aim is to achieve goal-oriented collaboration, programmatic coherence and mutual reinforcement among UN programmes to assist governments in their efforts to implement the recommendations of nine global conferences and summits.³⁶ A draft Common Country Assessment was prepared in May 1999, and ten inter-agency thematic working groups established.

This process does not appear to be based on participation, rather it is “an exercise between the Government and an inter-agency entity [the country team].”³⁷ However, the point was made by the representative of the Guatemalan Government in the ECOSOC discussions of 1998:

“The participation of rural communities and the grass roots sectors is an integral issue if sustainable development is to succeed. ...*Civil society, which is the backbone of sustainability, must guide and shape public policy*”.³⁸

However, despite dramatic improvements at the macro political level, life has changed little for the majority, Guatemala's indigenous population. As Judith Zur has put it:

“The conditions which gave rise to rural insurgency persist and the mechanisms of terror created to suppress it have been renamed rather than dismantled - and in many places, not even that: according to recent army figures, nearly 400,000 men are still participating in the civil defence patrols. Many communities have found that abolishing the post of military commissioner or patrol chief has not abolished the post-holder's power: after fifteen years of impunity, no alternative authority structures remain. To many Indians, “the truth is that the violence always continues.”³⁹

³⁶See “Economic and Social Council told role of UN agencies fits with timetable for return of peace to Guatemala”, Press Release 14 July 1998 ECOSOC/5775, <http://www.un.org>. The Country Team members mentioned are: the Resident Co-ordinator and Resident Representative in Guatemala, his Deputy as well as representatives of Unicef, the Department of Economic and Social Affairs, the World Bank, the International Labour Organisation, the World Health Organisation, the UN Population Fund, World Food Programme, UN Volunteers, High Commissioner for Refugees, MINUGUA, UNESCO, and International Organisation for Migration.

³⁷ Mr Ricardo Stein, Secretariat of Peace, speaking of the Country Strategy Note, *ibid*.

³⁸ Emphasis added, Mr Jorge Escoto, representative of the Planning Secretariat of Guatemala, (see ECOSOC note 15)

³⁹ *Violent Memories: Mayan War Widows in Guatemala*, Judith N. Zur, Westview Press, Boulder Colorado and Oxford, UK 1998, see Annex A.

El Salvador:

'The violence continues, only the context has changed'

3.1 Context

The UN Observer Mission in El Salvador (ONUSAL) was established in July 1991 to verify the provisions of the agreement on human rights signed by that Government and the Frente Farabundo Marti para la Liberacion Nacional (FMLN) at San Jose the previous year. Six months before a ceasefire, human right officers were deployed. As with the later experience of Guatemala, negotiations conducted under the auspices of the UN culminated in the signing of comprehensive peace agreements. For El Salvador those agreements were signed in Mexico City in January 1992. The Human Rights Division of ONUSAL was joined then by UN police and military divisions. For the 1994 elections ONUSAL provided hundreds of election observers, and it was later phased out with much smaller presences (as MINUSAL) until 1997.

ONUSAL had a strong mandate and its purpose was "to investigate the human rights situation in El Salvador and *to take any steps it deems appropriate to promote and defend such rights*" to offer support to judicial authorities to increase respect for due process of law and to "work in close co-operation with existing human rights organisations and bodies" (including NGOs) It was effectively declared a success by the Secretary-General as a "paradigmatic multifunctional peace-keeping operation" in 1995.⁴⁰

As a follow-up to a recommendation of the UN Commission on Human Rights, in January 1997, the Government of El Salvador and the UN Office of the High Commissioner for Human Rights signed two technical co-operation agreements - on "*Human Rights training and documentation*" and "*Police and human rights.*" To implement these, OHCHR established a Technical Cooperation Office in El Salvador in May 1997 with six staff it categorised as professionals. The earlier, and much larger, UN human rights presence which included several hundred human rights officers at its height, and which began in 1992 as ONUSAL was the main focus of feedback received.

□ **Perceptions: Questioning the UN approach to 'peace', 'human rights' and 'success'**

IHRN found striking similarities between the concerns raised in preliminary feedback in both El Salvador and Guatemala. As many of the same issues are referred to above, they are outlined briefly here.

Generally, ONUSAL is seen as having interpreted its human rights role as primarily 'institution-building' and verification, interpreting its mandate passively and failing to maximise sustainability in the following elements of its mandate.

⁴⁰ S/1995/220, para.68.

Institution-building - 'with an incredible velocity we are going backwards': Areas of ONUSAL's mandate giving potential for engagement with the wider population (e.g. popular human rights education) are seen as having been ignored or marginalised within the mission. It is seen as having sidelined and replaced, instead of reinforcing, local human rights NGOs. There were efforts to support the local NGOs but these are seen as too little too late.

Years passed before state 'institution-building' started, and the approach concentrated on drafting laws and creating institutions. Now there is '*violent regression*' through changes in the laws which were part of the peace process, concerning, for example, the new national Civil Police, the Judicial Academy and the Office of the Procuraduria for Human Rights - all sectors which received major funding from international donors: '*A great deal of money has been spent with little result.*'

□ **The Office of the Human Rights Procuraduria**

The centrepiece of the protection of human rights in El Salvador under the peace accords was to be the new Office of the Procuraduria for Human Rights. This body with Constitutional status has wide powers including the function of investigating legislative, executive and judicial arms of the state in matters of human rights. International donors, especially UNDP, funded the specialised training of staff in fact-finding, reporting, international jurisprudence, and so forth. There was confidence in the future of the office when Mrs. M de Aviles was the highly respected Procurer. When she chose not to seek a second term, the current incumbent was appointed. He is regarded not only with a lack of confidence, but his appointment by the Legislative Assembly is seen as a deliberate strategy to undermine the office. Some 80% of the staff whose training had been so invested in, are said to have been dismissed or to have left the office in the last year. The office is regarded as 'dead'. (Update: the second Procurer resigned under pressure with allegations of corruption in 2000).

Issues of wide import are seen as raised by the situation of the Human Rights Procuraduria, including:

- Participation as an element of sustainability. The 'parties' to the peace accords agreed to create this office. A few years later they agree to 'destroy it' by politicising the appointment of the Procurer. This is seen as raising questions as to the sustainability of approaches that concentrate on deals between power elites to the exclusion of wider ownership and participation. The same issue is being raised in Guatemala today.
- UNDP is currently evaluating its support to the Procuraduria in the light of sustainability issues it raises, while it is criticised for not speaking out to protect the office it had worked to support.
- The need for the UN Development Assistance Framework pilot in Guatemala to look at possible lessons from El Salvador.

Implementation of the peace accords - impunity: A key element of the peace accords agreed between the parties in El Salvador were mechanisms to lead to an end to impunity. The Truth Commission report spoke of right to truth, administration of justice and reparation to victims. As in Guatemala, impunity for political crimes is

seen as intact in El Salvador. In both cases amnesty laws were passed within days of both 'Truth Commission's reports - the Governments and ex-guerillas are seen as placing their interests in impunity.

This is seen as another example illustrating the unreliability of the 'parties' as guarantors of sustainable improvements in the human rights situation. The population's views and those of victims, or the requirements of international law, were not seen as being applied. While there has been some acknowledgement of those who died as combatants, there is no memorial to the civilian dead (such as the thousands killed in massacres or the human rights defenders tortured and killed by death squads). Now a broad coalition of civil society groups has formed a committee to demand a "Monument to Memory and to Truth". Today, it is said that there are thirty-year old Salvadorians who do not know the truth of what happened, while the Government and military continue to deny certain events occurred and cover-up the fate of disappeared and kidnapped children. As in Guatemala, reconciliation is seen as requiring 'learning from the past.'

Another result is said to be today's impunity, a '*privatised fear*' and endemic insecurity. El Salvador is one of the most dangerous countries in the world with more than 6,000 victims of crime last year - more than the total in the last three years of war.

□ **Who is learning from experience?**

There has been no opportunity for regional sharing of the experience of civil society. In contrast, during IHRN's visit, a high-level delegation of Colombian military officers visited El Salvador to "study the process of the consolidation of peace".⁴¹ *What is being learned?*

⁴¹ "Colombian military studying the El Salvador peace process "A total of 28 officers from the Colombian Armed Forces, the majority of them Colonels visited El Salvador to study the process of the consolidation of peace. The delegation was headed by Brigadier-General Fernando Soler. The El Salvador Minister of Defence is quoted as saying the Colombian officials "seek to make closer the ties of friendship with the Army of El Salvador".", CoLatino, 13 de mayo de 1999, <http://www.colatino.com>

Full spectrum human rights: There is now said to be more space to exercise the freedoms of speech and association than previously. However, a more holistic approach is seen as needed to the human rights situation in El Salvador. On the macroeconomic level, it is experiencing growth and manageable inflation. However, according to UNDP it has regressed in the last years in terms of its Human Development Index. Poverty affects 51% of the population and around one and a half million people survive in extreme poverty - a little more than a quarter of the population. Around 45% of people do not have access to health services. Many expressed the view that it is not tenable to suggest that El Salvador is a success in terms of human rights if it maintains a model of economic development which excludes the majority of the population.⁴² Thus while there is strong economic growth and the Bank of El Salvador influences other the Central American banks - this is not seen as development. Concern has long been expressed that the sustainability of the peace process was not best served by the economic policies applied by the Government with the support of the international financial institutions.

Similarly, the situation concerning the human rights of women is also seen to be regressing - with the criminalisation and imprisonment of women for abortion, and with the reforms of the 1997 Penal Code seen as having the effect of reducing the protection of women from domestic violence. In addition, former Government and FMLN combatants speak of awaiting the land title promised under the accords, while hundreds of them were rendered destitute by Hurricane Mitch and central Government seen as ignoring their plight.

ONUSAL perceived a tension between human rights and 'peace': As in Guatemala, at a certain point there was a crisis of confidence in the UN's presentation of the human rights situation in El Salvador - portraying it as more 'rosy' than the reality, for example masking the continuing activity of death squads. This is seen as linked to its own need to portray itself as successful, regardless of the reality.

Overall:

Feedback from Central America

- The above summarises preliminary feedback on *Towards a Human Rights Partnership for Effective Field work* from Central America. The discussions aimed to stimulate a process of wider reflection. They were not intended, or designed, to evaluate the human rights operations in El Salvador or Guatemala, nor to be a scientific survey of opinion.
- Disaffection, disappointment, frustration and fatalism were expressed - not the re-invigorated, strengthened hope for future one might expect. What does it mean for the El Salvador 'model' of human rights field work when it is said that:

'The cycle of exclusion and violence has not been broken'

'Human rights have not been placed on a solid foundation'

'The design of the peace process came from 'outside and above' instead of the other way around'

'The mistake that both ONUSAL and some elements of civil society made was to ask "what can ONUSAL do" rather than what can host society do...'

⁴² "The Big Challenge: Globalisation versus Human Rights", Walter Rene Palacios, Specialist in Co-operation and International Relations: CoLatino, 13 May 1999, <http://www.colatino.com>

- The presumptions underlying the 'model' are questioned by people in both El Salvador and in Guatemala in very similar ways. While the presence is seen as providing some temporary protection for the activities of human rights defenders but the Missions are not seen as maximising sustainability because:
 - there is fear of what will come after MINUGUA's departure
 - The peace process excludes the majority of people and the approach of the UN Mission does not counteract that exclusion. For most of those met in Guatemala, MINUGUA is not relevant
 - The appearance, rather than the substance of sustainable democracy is being pursued
 - Impunity has not been effectively combated
 - NGOs and state institutions are not effectively strengthened
 - Structural causes of conflict are not addressed, in particular, discrimination in the enjoyment of economic and social rights
 - MINUGUA perceives a tension between human rights and 'peace': short-sighted political compromises undermine sustainability of human rights improvements
 - Civil society is marginalised in the conceptualisation, implementation and in determining the priorities, and in evaluating the impact of these operations. The view was widespread that civil society had been weakened by the process.

- There was widespread interest in, and appreciation of, these efforts to stimulate debate and reflect on the priorities of the Missions - combined with dismay at the idea of either ONUSAL or MINUGUA being 'models' of success and applied elsewhere without such reflection.

- The previous impact and on-going legacy of ONUSAL is not only being felt in El Salvador, but around the world as the basic 'model' continues to be replicated (Cambodia, Haiti, Guatemala...possibly next Colombia, East Timor, Kosovo, Sierra Leone). There was consensus from those met that popular reflection is an essential element in assessing that experience and ensuring that it is learned from.

- Continuation of the process: a process of follow-up designed locally among those met.
 - June-July: The organisations which IHRN met agreed to convene a meeting to advance the debate in each country and to carry on this reflection within their respective structures at grassroots level. **A focal point and convener** has been agreed in each country for these purposes. Initial meetings are expected to take place in June-July 1999 to develop strategies for the process. A **regional co-ordinator** has been designated to follow-up and stimulate the process.

- September: The results will be fed back through the structures of these organisations and debated at a further meeting, possibly around September at the national level.
 - Similarly, in both countries UN agencies have been invited to consider the document internally as well as on an inter-agency basis. IHRN has also recommended that UN agencies at a country-level be involved in pooling reflections with civil society.
 - Regional: at the request of the elements of the host society met, IHRN will try to facilitate a regional meeting to bring together the results of each national reflection process (El Salvador, Guatemala, and with observer from Colombia).
- This current process illustrates how **an effective learning process** for the UN and donor states designing international interventions, should be based on validated data. Such data would be incomplete without the experience of the host society in whose interest the missions are said to have been established.⁴³
- The discussion process has been said to be particularly timely because:
- Now is the time for a participatory discussion of what kind of international presence is needed to follow MINUGUA.
 - Similarly, Colombia should not automatically receive the ‘model’ which is being questioned in places where it has been applied. A start would be to encourage meaningful public discussion of what kind of international presence would meet the human rights needs of Colombia.
 - It is urgent to see what should, or can, be done to save the short-term gains made previously in El Salvador; and
 - ***Participation as a key to human rights sustainability*** In the context of the commitment of the UN Secretary-General to integrate human rights in all the activities of the UN system, Guatemala is part of the pilot process of the UN Development Assistance Framework. This is of vital importance not least because it is the only one of the pilot countries which has a field presence of the Office of the High Commissioner for Human Rights. The conceptual approach the Office brings will be an important precedent for the human rights approach of UNDAF globally. That approach should learn from lessons available in part by listening to host society in El Salvador, such as the inadequacy of an institutional reform approach without participation towards the creation of a culture of human rights. The discussion document is relevant to such reflections.

Similarly for another aspect of the Secretary-General’s commitment: the understanding of human rights applied by the political representatives, mediators and negotiators of the UN. The experience of Central America may indicate that It is not a question of guaranteeing separation between human rights verification and peace negotiations - rather the opposite. It is a question

⁴³IHRN makes detailed recommendations for an integrated learning cycle under the auspices of the Office of the High Commissioner for Human Rights in its report “Learning - To Integrate Human Rights”, March 1999.

of transforming the approach to negotiations by integrating human rights to enhance sustainability.

One element is to ensure that 'success' of human rights fieldwork is seen in terms of its contribution to the sustainable improvement of the human rights situation - not the mere absence of armed conflict.

B. Preliminary Feedback from The Great Lakes region

Rwanda and Burundi

January 2000, Kalliope Migirou

"Monitoring seemed to become an obsession and seen as an end in itself"

-Rwanda participant

"It is about time to consider beneficiaries of human rights missions as partners"

- Burundi participant

5. Background

In the previous section the two large-scale human rights presences of the UN for El Salvador and later for Guatemala, were run from the NY headquarters of the organisation, by the UN's departments of political affairs and peacekeeping. Their human rights officials were the first on the ground, because the first agreements reached between the parties had concerned human rights. Those human rights Divisions were later an integral part of the military peacekeeping operation which was ultimately established to verify compliance with the overall peace accords.

In contrast, it is the Geneva-based Office of the High Commissioner for Human Rights which established the UN human rights presences in Rwanda and Burundi in the mid 1990s. The involvement of the Office in such fieldwork has significantly increased in the past few years, with the number of its field presences growing from 1 in 1992 to 26 in 1999. The nature and format of OHCHR's field presences has varied considerably, ranging from the deployment of two field officers in Zagreb (Croatia) with the mandate of providing support to the Special Rapporteur on Human Rights in the ex-Yugoslavia, to the establishment of an office in Cambodia with a technical co-operation and monitoring mandate, or the establishment of field presences linked to the implementation of technical co-operation projects (Malawi, Mongolia, Gaza). The environments have ranged from post-conflict settings to on-going armed conflicts, from violent internal tensions to peaceful democratic transitions.⁴⁴ While OHCHR's field presences might have been perceived as "exceptional" only a few years ago, they are today a regular and substantial component of the Office's work.

Ten years after the first UN deployment of field-based human rights specialists in ONUSAL, it remains uncertain where responsibility for future HROs will lie within the UN system. All indications are that responsibility will remain ad hoc and fragmented among DPA, DPKO and OHCHR, while European regional organisations (the Organisation for Security and Co-operation in Europe, the Council of Europe and the European Union) are active, and expected to be increasingly so, in the field. This is one factor inhibiting organisational learning from experience.

⁴⁴ See *Human Rights in Action* 1999, overview of field presences by OHCHR.

6. The regional approach needed

A visit to Rwanda and Burundi took place in January 2000 as part of the process of discussion concerning *Towards a Human Rights Partnership for Effective Field Work* described in Part I.

- Regional approach: Burundi is linked in many ways with the situation in neighbouring Rwanda. The human rights situation in one, has an immediate influence on its neighbour. A regional approach is necessary, and was reflected in the visit.⁴⁵
- In both countries, a number of key actors from the host societies were met:
 - Civil society (local human rights groups, women's organisations, survivors' groups, development groups) as well as
 - National institutions for the protection of human rights, state officials, parliamentarians and UN agencies. The delegations of the European Union were also met in both countries.

Rwanda: the first field presence established by OHCHR

7.1 Context and OHCHR involvement

The UN Human Rights Field Operation in Rwanda (HRFOR) was the first field operation of the first UN High Commissioner for Human Rights. It was established as the first High Commissioner's response to the genocide which exploded in Rwanda in April 1994, just as he took up his post. As such, it differs significantly in structure and reporting lines from the experience of Central America outlined above.

From April to July 1994, Rwanda experienced the massacres of between 500,000 up to 1 million persons, mainly members of the Tutsi minority and moderate Hutus.

After having visited Rwanda in May 1994, the first High Commissioner for Human Rights urged that a Special Rapporteur on Rwanda be appointed to examine all human rights aspects of the situation. The High Commissioner also proposed that the Special Rapporteur be supported by field officers. These proposals were endorsed by the Commission on Human Rights meeting in emergency session on 25 May 1994, and shortly after, by the Economic and Social Council (ECOSOC).

In October 1994, agreement on deployment was reached between the HCHR and the new Government of Rwanda which had come to power in July. The objectives and functions of the OHCHR presence were broadly as follows:

- (a) To carry out investigations into violations of human rights and humanitarian law, including possible acts of genocide

⁴⁵ See the recent Human Rights Watch report, *Brutal Burundi War Draws In Rwandan Combatants, Rwanda Tribunal Should be Expanded to Include Burundi*, New York, March 23 2000, available online at: <http://www.hrw.org/press/2000/03/burundiback.htm>

- (b) To monitor the ongoing human rights situation and helping to prevent such violations through the presence of human rights field officers
- (c) To cooperate with other international agencies to re-establish confidence and facilitate the return of refugees and internally displaced persons and the rebuilding of civil society; and
- (d) To implement programmes of technical co-operation in the field of human rights, particularly in the area of the administration of justice, to help Rwanda to rebuild its judiciary and to provide human rights education to all levels of Rwandan society.

The Human rights Field Operation in Rwanda (HRFOR) reached a peak of some 150 human rights officers, and was present in Rwanda for four and a half years. In July 1998 when agreement had not been reached in negotiations with the Government regarding its continued presence and focus, the operation ended.

In 1996, a multi-donor evaluation of Emergency Assistance in the immediate aftermath of the 1994 genocide had been carried out. Its terms of reference were not interpreted to cover the human rights response to the genocide, and it recommended that an independent evaluation of the human rights field presence in Rwanda be carried out:

“The human rights operation in Rwanda is perceived among experts and informed people to have failed to accomplish its stated mission. Its impact on the prevention of human rights violations and promotion of human rights has been minimal.”⁴⁶

No such evaluation has been carried out by the UN⁴⁷.

With a visit to Rwanda by the current High Commissioner in 1999, discussions opened regarding possible new human rights technical assistance from that Office.

7.2 Perceptions

This section summarises the major perceptions expressed by the range of Rwandese met regarding the HRFOR experience and the difference it has made to human rights Rwanda. Many of those met expressed alternative ideas and suggestions concerning how the HRFOR could have improved its effectiveness or the sustainability of its work. Those suggestions had not been sought during that presence and these are also outlined below.

□ Perception 1: How Rwandans perceived HRFOR

- *"The common people in Rwanda did not know what exactly HRFOR was doing. The objectives of the mission should have been more clear"*
- The terms “*monitor*”, “*officer*”, “*observe*” used for the HRFOR personnel were criticised as inappropriate, contributing to mistrust on the part of the local society. A term like partners would have been more appreciated by the host

⁴⁶DAC Joint Evaluation of Emergency Assistance to Rwanda, March 1996, p.39

⁴⁷ The European Commission twice commissioned independent evaluations of its contribution to the HRFOR in 1995 by Roel von Meijenfled, and in 1996 by Paul La-Rose Edwards and Ingrid Kircher, before deciding to end that contribution, copies on file with IHRT.

society. Similarly, the terms “*mission*” and “*operation*” were seen as inappropriate for implying an emergency that has to be addressed.

- “*For most ordinary Rwandans, HRFOR was white UN jeeps and motorolas*”

□ Perception 2: Priorities and interpretation of its mandate

- The view was common that HRFOR did not consider carefully the particular circumstances prevailing in Rwanda nor design its priorities accordingly. “*HRFOR seemed to lack a serious prior analysis of the situation in Rwanda and of the particular context of the country*”
- Prevention: should be the focus of a human rights mission rather than merely reacting to events. Similarly, the UN role in the peace negotiations and the UN peacekeeping mission which was in place when the genocide began in 1994 should be transparently examined and learned from
- Issues which should be of concern to OHCHR, and reflected in the focus of its field work include:
 - Human rights implications of international trade rules and globalisation
 - Debt-relief many of those met highlighted that priority should have been placed on the advocacy role that the OHCHR and HRFOR could have played for debt-relief in the context of Rwanda. This debt was incurred by the former, genocidal, regime and was partially used in planning acts of genocide. It was felt to be unfair to expect post-genocide Rwanda to bear the consequences of this debt. Sixty per cent of its Gross Domestic Product (GDP) is allocated to reimburse the debt. In the view of many, these resources should be used to re-enforce efforts at reconstruction and at the improvement of the overall human rights situation. While recognising that in the immediate post-genocide situation OHCHR had many emergencies to address, many felt that as the four years of its presence went by, this issue should have been understood as a priority.
 - Lack of priority to survivors’ issues: Large numbers of the survivors of the genocide faced human rights violations which HRFOR, in co-operation with the local NGOs and specialised UN agencies, could have ensured were addressed. Most lacked shelter and faced discriminatory provisions concerning other matters of survival, for example, access to credit or inheritance of property from a husband or parent. According to customary inheritance law, and subsequent discriminatory practices, women could not inherit their husbands’ or fathers’ property. This practice became of widespread importance after the genocide when the great majority of the population in Rwanda were women and most of whom became heads of the household or fostered surviving orphans.⁴⁸ With a high rate of illiteracy among women, many had faced difficulty retaining their own property. Legal assistance and representation was also greatly needed for survivor’s civil claims in genocide trials. In general, the view was widely held that HRFOR did not support the large numbers of survivors enough, creating anger and disappointment. Instead HRFOR’s main priority was perceived to be “*the rights of detainees accused of genocide*”

⁴⁸ To date the law on property and ownership and inheritance was passed by parliament giving equal rights to men and women

□ **Perception 3: Presence as deterrence**

- The presence of HRFOR, as with the other international actors present after the genocide, was seen as useful for regaining some stability and creating some measure of confidence in the population. However, the view was also common that *“human rights violations that occurred in Rwanda after the genocide, as inevitable consequences of the genocide, would have occurred anyway with or without the presence of HRFOR”*. For long periods, HRFOR human rights officials did not leave the capital due to the security situation, itself a factor constraining possible deterrent effect of presence.
- Many of those met felt it would be unacceptable to simply attribute positive developments and any absence of human rights violations to HRFOR. The Government, together with the civil society, should be credited for their efforts to increase stability and improve the human rights situation.

□ **Perception 4: Focus and relevance of the HRFOR view of monitoring**

- HRFOR was perceived as acting as if it were the UN police force and the watchdog acting on behalf of the international community. Monitoring and information gathering were perceived as its principal aim and activity.
- The aim of the limited monitoring that was carried out, and the subsequent reporting to the headquarters were not clear, *“Monitoring seemed to be an obsession and an end in itself”*. Local human rights groups expressed frustration because these reports were never shared with them.
- The methods of monitoring applied were not always considered credible and trustworthy (some reported allegations by villagers without on-site or other verification)
- Monitoring lacked any gender analysis or perspectives. This was particularly criticised given that an estimated 75% of the population after the genocide were women and children facing major gender-specific human rights issues. The women also had the potential to lead the reconstruction and reconciliation but their potential was not effectively engaged by the HRFOR
- Monitoring focussed only on some civil and political rights. A holistic approach respecting the universality, interdependence and indivisibility of the full spectrum of human rights did not apply, as economic, social and cultural rights were not monitored.⁴⁹ A number of these were emphasised as urgently requiring in-depth diagnosis to guide action in post-genocide Rwanda:

⁴⁹ Despite the broad agreement with the Government that the HCHR would monitor the “human rights situation”. Concerning the weak application of a holistic approach in the work of HRFOR, see Todd Howland, “Mirage, Magic or Mixed Bag? The United Nations High Commissioner for Human Rights’ Field Operation in Rwanda”, 21 *Human Rights Quarterly* 1 (1999).

- The right to shelter: many houses were destroyed during the war and others were occupied by survivors or 'old caseload' returnees. A broad range of people were homeless such as survivors of genocide 'old caseload' returnees and internally displaced persons.
- The right to land: "*Land is the backbone of the society. It is the principle source of livelihood and security*" Both government and NGO officials expressed the view that rights to land in Rwanda are of great importance. It is a potential source of conflict given its scarcity, overpopulation, and the mainly agricultural nature of the society.⁵⁰
- A particularly important aspect of the right to land concerns discrimination against women (above). HRFOR, it was suggested in discussion, could have worked in co-operation with local NGOs to both monitor the situation and sensitise the local authorities regarding particular cases.
- Villagisation or 'imidugudu' in Rwanda is another aspect of land rights. Since 1995, the practice has been used by the Government as a response to the settlement crisis after the 1994 war and genocide. When the 'new caseload' returnees started going back to Rwanda in 1996 their resettlement became an acute problem for the Government. Those met stated that HRFOR could have co-operated with both the state and local NGOs to address economic and social rights violations involved in this practice.⁵¹
- The right to education, health and food: The genocidal previous Government had destroyed the state infrastructure while fleeing the country. This was particularly so in the sectors of health and education and especially in the rural areas. There is a high prevalence of malaria and AIDS. One NGO noted: "*There are more dead people from malaria and AIDS than the ones reported killed by HRFOR*". Moreover, after the genocide, large numbers of victims were deeply traumatised physically and psychologically.⁵² Many victims of rape now suffer serious health implications including some who were intentionally contaminated with HIV. A number of infants have been born as a result of rape and are also HIV positive.
- Those met stressed that only the enjoyment of the full spectrum of human rights can create the conditions for "*positive peace*" which they contrasted with "*negative peace*" meaning merely absence of war but without full enjoyment of human rights.

⁵⁰ All the related issues to land have been regulated by customary law. A draft law is under its way aiming at defining land ownership and introducing "Proper Land Rules"

⁵¹ Although the concerns of the government are understandable in the application of this policy given the scarcity of land and the overpopulation there have been concerns among members of the international community, who believe that such a programme should be applicable with the full understanding, participation and consent of the population, UN Doc A/54/359(Sep. 17, 1999), 54th session, Report of the Special Representative of the Commission on Human Rights to the GA on the situation of human rights in Rwanda.

⁵² *Etude sur les violences faites aux femmes au Rwanda*, by the Avega Agahozo, Kigali Mars 1999

□ **Perception 5: 'superficial' contact with host society efforts**

After the 1994 genocide, the infrastructure of both the Rwandese state and its non-governmental sector was destroyed, security was precarious and there was an abundance of urgent needs. It was the view of most of those met that both the state and civil society needed assistance at all levels to reach the capacity of working towards the improvement of the human rights situation in their country. HRFOR and its efforts are perceived as solutions offered from outside without strengthening the host society efforts and mechanisms.

- *“Monitoring and reporting certain human rights violations without strengthening the civil society and state institutions to undertake their shared responsibilities for the respect of human rights is an abuse of power”*
- *“The creation of a sustainable human rights culture should come from inside the society that has the problem” or, as it was eloquently expressed “We are a part of the problem we should be a part of the solution”.*

The need for a strong partnership between HRFOR and the different actors of the host society was highlighted: to avoid duplication of effort and waste of resources while helping ensure sustainability of any improvements. The Special Representative of the UN Commission on Human Rights for Rwanda has highlighted the importance of civil society in promoting and ensuring a culture of respect for human rights and the rule of law: *“The strength of civil society will be a key indicator in the promotion and respect for human rights”*.⁵³ He also urges that assistance be provided for capacity-building: particularly basic training, logistics and material assistance. Those met highlighted these issues:

⁵³ UN Doc A/53/402(Sep.18, 1998)

- *"The civil society of a country is the major force not only to analyse accurately the particular human rights situation but also to design the appropriate interventions".*

Rwandese NGOs are active and innovative in addressing the immense needs in post-genocide Rwanda. Many human rights groups are involved in activities from monitoring; money and societal membership; empowering action based on information; management; and freedom of the press.⁵⁴ Seeking to support the survivors of genocide, there are local NGOs involved in trauma and legal counselling,⁵⁵ reconstruction of destroyed houses and construction of new ones; income generating projects.⁵⁶ However, the local NGOs face many problems which hamper their effective functioning. The needs are enormous in relation to capacity and their administration is not always sufficient.⁵⁷ Working with others to ensure material support: HRFOR should have worked, through its advocacy with donors and other UN agencies, to ensure that adequate human and material resources were available to local NGOs.

- Participation of civil society essential to the democratisation process in Rwanda: the right to access to information before certain decisions are taken as well as the right to participate in decision-making itself are important factors to the democratisation process and they should have been given attention by HRFOR. Instead, secret reporting and decision-making were its hallmark.
- The need for grass roots participation: many NGOs emphasised that the needs of people in different rural areas require different types of intervention. Devolved participation and decision-making from the capital, as well as from headquarters in Geneva is needed for local interventions.
- The promotion and protection of human rights should not be assumed as a task to be carried out by international human rights presence in a country, replacing local efforts. On the contrary, independent national mechanisms should be the aim, strengthening state institutions which have primary responsibility to respect and ensure respect for human rights by others.

In Rwanda, the National Human Rights Commission was established in May 1999 and its seven members elected by the National Assembly. The Commission aims to investigate and follow up reports of human rights violations committed by anyone on the Rwandan territory (whether State organ, individuals under the cover of the State organs or any national organization). Its functions are: to sensitise and train the Rwandese population in matters of human rights; to inform relevant authorities, and to eventually initiate judicial proceedings in case of human rights violations by any person.⁵⁸ It has elaborated a plan of action.⁵⁹ While it is

⁵⁴ *supra* note 4

⁵⁵ Rapport D'Activites, Association Pour la Defence des Droits de la Femme et de l' Enfant "HAGURUKA", Exercice 1998

⁵⁶ Rapport Annuel 1996, Réseau des Femmes Ouvrant pour le Developpement Rural

⁵⁷ Some of these problems are illustrated in the Rapport d'Activites Post-Beijing of the umbrella organisation PRO-FEMMES/TWESE HAMWE, Kigali, November 1999.

⁵⁸ Articles 2-4 of Loi No 04/99 du 12/03/1999 portant creation de la commission nationale des droits de l'homme, J.O no 6 du 15/03/1999

too early to assess its work, the initiative is considered by those met to be a significant step towards the development of a culture of human rights and one which should be supported and encouraged by the international community.⁶⁰

7.3 Building a Partnership: The viable alternative

- *"It is about time to consider beneficiaries of human rights missions as partners"* All those met were of the view that a human rights presence should be engaged in a process creating a partnership with the different elements of the host society with the aim of creating a culture respectful of human rights.
- It was emphasised that during this process, grass-roots participation should be ensured and the concerns of different actors of the society should be taken into consideration before a plan of action is elaborated. In the case of HRFOR the co-operation was seen as *"superficial"* in nature and restricted to the organisation of some projects and seminars.
- Throughout this process, priorities and clear goals should be set. It was felt that HRFOR did not have clear objectives and lacked an on-going evaluation of its work. Without clear goals, it was not clear how or when HRFOR would accomplish them nor how it would become clear that the mission might responsibly end.

Priorities and goals should reflect the changes occurring in the host society and the interventions designed should be adapted to those changes. In the case of HRFOR, it was felt that the officials arrived like "experts" knowing already before arriving how to address the human rights situation. They did not seem to analyse carefully the transformation the society was going through and adapt its interventions accordingly. Such changes included local elections, the drafting of a new constitution and a number of laws passed by the parliament attempting to address discriminatory customary practices which were seen by some to *"signal a clear movement towards democracy."*⁶¹

Since local elections held in March 1999, each local administrative unit (each cell) has an Executive Committee of ten members. They are responsible for matters relating to education, health, social affairs, gender, youth and culture, development, security, information and finance. At the higher, sector level, there are Sector Councils⁶² with responsibility to approve or modify decisions taken in cells and to take any appropriate action.

The Government has also created the National Unity and Reconciliation Commission⁶³ with the mandate *"to promote unity and reconciliation among the Rwandese people."* It is to conceive and disseminate ideas and initiatives aimed at promoting peace among Rwandese and to inculcate a culture of national unity and reconciliation. It is mandated to monitor state organs, political parties, other

⁵⁹ Plan d'action a moyen terme de la commission nationale des droits de l'homme du Rwanda: Periode du 25.5.1999 au 24.5.2002 presentation generale, November 1999

⁶⁰ *supra* note 4

⁶¹ *supra* note 4

⁶² They are composed of representatives of each cell in the sector as well as the representatives of the sector's Executive Committee. In addition, two wise persons, two women and two youths are members of the Sector Council.

⁶³ Statute No 03 of 12th March 1999

leaders, as well as the public in general concerning respect for the policy of national unity and reconciliation.

- None of the actors from either civil society or the Government met were aware of the existence of the OHCHR's regional approach for the Great Lakes region which it had announced in 1999. Many felt this indicated a lack of a constructive partnership.

7.4 Integrating human rights as a shared UN responsibility

- The UN Secretary General's reform package aims at integrating human rights throughout all the UN's activities as a shared responsibility. Several of those met highlighted the importance of this commitment based on Rwanda's own experience. Before the 1994 genocide, human rights was not a significant consideration in the funding and work of some UN agencies in Rwanda.⁶⁴
- A Memorandum of Understanding between UNDP and the OHCHR was signed at headquarters level concerning co-operation in 1998. However, from discussions with a UNDP official nearly two years on, its office in Kigali does not have clear instructions regarding how to integrate human rights in its daily work. Moreover, the view was expressed that there is not sufficient collaboration among the different UN agencies in the field of human rights.
- HRFOR had the potential to play an advocacy role vis a vis donor states and other UN actors concerning the human rights violations relevant to their work. The opportunity to prioritise human rights coherence and co-ordination among them was felt to have been missed.

⁶⁴ Todd Howland, *supra* note 1; Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda*, Kumarian Press, 1998

8. Burundi: OHCHR presence during on-going acts of genocide

8.1 Context

Civil war was ignited in Burundi after the assassination of the democratically elected president, Melchior Ndadaye, on October 21, 1993. Inter-ethnic massacres followed the assassination. Some estimates of those killed since reach 400,000 while hundreds of thousands of others fled the country, mainly to Tanzania and former Zaire.

The 'Convention of Government' eventually signed in September 1994, included a wide range of political parties and provided for a coalition government. In July 1996 Major Pierre Buyoya usurped power for the second time with a coup d'état overthrowing that coalition government. In response, East and Central African leaders imposed an economic embargo on Burundi to demonstrate their commitment to democratic principles.⁶⁵

Parallel to the peace process underway in Arusha Tanzania, Major Buyoya launched internal peace talks in 1997 which culminated in the formation of the so-called partnership government along with the expansion of the Burundian National Assembly.

The war, in its seventh year, has involved crimes against humanity and acts of genocide, according to a UN Commission of Inquiry. Social frustration due to poverty and the civil war is seen in the widely followed strike which took place country-wide in January 2000. Trades unions called it as a protest against recent tax measures and price rises for basic goods and fuel.

8.2 OHCHR involvement

In 1994, technical co-operation activities were initiated by OHCHR in Burundi with successive agreements to continue signed with the Government in 1995, 1996 and 1997.

In addition, by Spring 1995, the Chair of the UN Security Council and the Commission on Human Rights⁶⁶ had both emphasised the need for what they called 'preventive' action in Burundi through the presence of human rights experts and observers throughout the country. In this context, the High Commissioner for Human Rights visited Burundi. By an exchange of letters with the Government in April 1995 and an agreement of co-operation signed in November, the OHCHR Mission of Observation in Burundi was established.

Today there are three components to OHCHR-Burundi (known by its acronym in French OHCDHB) due to the piecemeal manner in which it developed. The Office is composed of technical co-operation, Mission of Observation, and Assistance to

⁶⁵ *Burundi: Internal and Regional Implications of the Suspension of Sanctions*, ICG Burundi report No 3, 4 May 1999

⁶⁶ CHR resolution 90/1995.

Administration of Justice. The three have each been elaborated in separate documents with the Government.

An internal OHCHR evaluation of the office in Burundi took place from 29 January to 9 February 1999 “with a view to assessing the impact and scope [of its activities] as well as to identifying new priorities for the 1999 strategy.” The priorities are to depend on “the outcome of the Arusha peace negotiations, the prospects for a real cease-fire, and the capacity of the country to address long-lasting unsolved issues.”⁶⁷

Recently, a more integrated approach has been sought by restructuring the office into three units: Observation, Promotion and Justice. OHCHR describes the main functions of the office in the following terms:

□ **Technical cooperation**

- Strengthening the judicial system
- Training of the military, the police and the *gendarmerie* in the field of human rights
- Capacity building and support to human rights organizations, civil society, and in particular to national media and NGOs
- Training and education sessions
- Promoting human rights culture and providing document on human rights

□ **Observation**

- Investigating allegations of severe violations of human rights (including the right to life, and of forced or involuntary disappearances and arbitrary detention)
- Collecting testimonies in the field from local and provincial civil and military authorities regarding violations of human rights
- Visits to the main detention centres of the country, with a focus on individual and private interviews, and regular assessment of detention conditions
- Judicial assistance to the detainees in order to speed up the judicial process
- Field visits to regroupment camps, visits to injured victims of human rights violations in hospitals, etc.
- Reports (weekly and monthly).

□ **Legal Assistance**

- Provision of six international lawyers working alongside Burundese colleagues with a view to legally assisting and defending those accused of criminal responsibility for acts committed in the aftermath of former President Ndadaye’s assassination; assisting related civilian parties and families of victims
- Restoring confidence of the Burundese in the judiciary system. Indirectly contributing to the reduction of the number of death sentences or in the speeding up of the judicial process for those detainees having committed minor offences

⁶⁷ *Human Rights in Action*, OHCHR up-date 1999.

8.3 Perceptions of OHCHR Burundi

This section is a summary of the major perceptions expressed concerning the OHCHR office in Burundi and the difference it is making to human rights in Burundi. The views strongly echo the feedback received regarding the HRFOR in Rwanda. Some of the many ideas and suggestions made concerning how the Office in Burundi could improve its effectiveness or the sustainability of its work, are outlined below.

□ Perception 1: How is OHCHR Burundi perceived?

- The ordinary citizens of Burundi are not well informed of the functions or objectives of the OHCHR Office. Such knowledge of its work is limited to the organised associations in the capital. This reflects the general exclusion of the ordinary citizens of Burundi from decision-making, especially those in the rural areas, who are not organised or represented by anyone.
- The UN has played a role in encouraging negotiations between the warring parties in Burundi.⁶⁸ The civil war, as well as the internal and external peace negotiations are driven and conducted by political elites. The ordinary citizens of Burundi experience the consequences of both the civil war and the international reaction to the coup d'état, sanctions. However, their concerns, fears and hopes are not seen as taken into consideration in the peace process.
- As was the case with those met in Rwanda, none of those elements of the host society met in Burundi were aware of the OHCHR 'regional strategy' for human rights announced in September 1999, and had not been consulted as to its relevance or appropriateness in Burundi's context. Indeed, the OHCHR Office in Burundi, while aware of the policy, felt that it had not itself been adequately consulted adequately in its elaboration. The importance of consultations with its field office, and the delegation of adequate authority to the field to address emergencies and adapt the interpretation of the mandate to the prevailing local circumstances, were emphasised.

□ Perception 2: Relevance and utility of the OHCHR-Burundi view of monitoring

Despite the range of elements in the mandate of the Burundi Office, the main priority of the office is seen as: monitoring some aspects of the human rights situation and reporting this back to headquarters in Geneva. The focus and methods used in monitoring are seen as leaving the several major gaps. Comprehensiveness, and therefore accuracy, of the picture received in this context is questioned as a sound basis for policy-making:

- It is the common perception that the human rights situation in the "regroupment" camps is not effectively monitored. The rights to life, personal security, freedom of movement, choice of residence as well as the rights to property, shelter, work, health, education and sufficient nutrition are

⁶⁸See *Proxy Targets: civilians in the War in Burundi*, Human Rights Watch, 1997, p. 125

extensively violated in these camps.⁶⁹ These human rights violations need to be monitored and addressed by the Office in co-operation with other UN agencies. However, human rights officers do not have access to the camps, for security reasons.

- The OHCHR-Burundi reports are provided only to the Government. It is seen as problematic that they are neither published nor shared at all with Burundi's non-governmental human rights defenders. As such, the reports do not contribute to public information on the human rights situation or raise awareness of the issues locally.
- As had been the case in Rwanda, it was felt that the objectives of the produced reports are not very clear, while "*the impact of these reports on the improvement of the human rights situation cannot be really perceived.*"

□ Perception 3: presence as deterrence

The question of whether presence of a certain kind can act as a deterrent to certain types of human rights violations, appears to be a theoretical one in Burundi. Presence of OHCHR officers has long been restricted to the capital for security reasons, while human rights violations in regroupment camps are not monitored, let alone deterred.

□ Perception 4: a 'façade' of collaboration with civil society

Strengthening the civil society: This is of particular importance as the civil society is considered rather weak⁷⁰ but with potential importance for the creation of a culture of human rights. However, the Office in Burundi is not seen as seeking to strengthen the efforts and capacity of local NGOs. Local human rights groups have initiated monitoring violations of human rights, as well as human rights education and judicial assistance. Collaboration with them by the Office was considered rather as a "*façade*" without any substance. Moreover, it is felt that instead of re-enforcing their initiatives - the Office duplicates them and often without success.

8.4 Sample priorities expressed in the host society

The UN Special Rapporteur on the human rights situation in Burundi emphasises that monitoring and denunciation cannot be the only means for combating violations of human rights. She calls for initiatives on education and promotion of human rights to be organised in collaboration with the Office in Burundi.⁷¹ Specific recommendations are needed with support to the civil society and the state authorities to address specific violations. Similarly, most people met expressed that a more holistic approach is needed:

⁶⁹ Presentation orale du Rapporteur Special sur la situation des droits de l'homme au Burundi, Marie Therese Keita Bocum, Assemblée Generale, 54^{eme} Session Point 116e de l'ordre du jour, New York, le 5 Novembre 1999

⁷⁰ One reason for the weaknesses of civil society is that it is primarily constituted of the urban elite. In the rural areas the population representing the 90% of the overall population are not organised and do not represent any popular movement, see ICG report, supra note 18

⁷¹ supra note 19

- In the macro economic context Burundi has experienced a deterioration of its economy during the past six years. The majority of donors have suspended development assistance, while sanctions, imposed by neighboring countries has contributed to the economic crisis. In 1998, in rural areas 58% of the population were under the poverty line. As concerns the health services, the political and economic crisis has paralysed an already weak national health system.
- Women face discrimination in every sector including suffering higher illiteracy rates, lower education levels; limited rights to own and inherit property; under-representation in decision-making structures including the regional peace negotiations. Many became head of their household as a consequence of the civil war.

Womens' associations have developed a number of initiatives to support the 52% of the population who are women. They have intervened in the areas of womens' economic advancement, the search for peace as well as on discriminatory legislation and customs. In their view the real problem remains the need to sensitise the population to removing such discrimination. Involvement of the grass-roots population in the process is seen as essential to the improvement of the human rights situation of women. Support for their work is seen as lacking from the Office in Burundi.

- A policy of prevention and promotion of human rights would be more effective if it were framed in certain traditional values.⁷² It was suggested for example that a system of local councils, the so-called *Bashingantahe*, are perceived as "local defenders of human rights" and that they be considered for support.⁷³
- The media: It was considered important that close collaboration be established between the Office in Burundi and the media. Journalists have an essential role to play in the creation of a culture of human rights, and as such a group within civil society, they should be a priority for close collaboration.⁷⁴ This is particularly so as there are few independent newspapers or radio stations reporting on the political or military situation in Burundi.
- Some initiatives have been launched by the Office with some NGOs in the capital, but many emphasised that any civil society in the rural areas needs to be targeted and strengthened. Similarly, it was felt that state institutions responsible for human rights promotion and protection should be strengthened. However, it is understood that the presence and initiatives undertaken by the Office are limited by both security and financial restrictions.

8.5 Integrating human rights across the activities of the UN

Regarding the integration of human rights in the UN agencies' work, the OHCHR Office in Burundi does not seem to have clear guidance as to how it is to be implemented, nor its own role in facilitating this integration in the work of its partner UN agencies. UNDP officials consider the programme agreed with OHCHR at headquarters to be rather vague.

⁷² Report of the Special Rapporteur, supra note 19

⁷³ However there are concerns about their independence, ICG report, supra note 18

⁷⁴ Concerning the media in Burundi see also ICG Report, supra note 18

Meanwhile, contrasting views of the Buyoya regime are expressed by UNICEF, the UN's humanitarian co-ordinator in the region, and the UN Special Rapporteur on the human rights situation, for example.⁷⁵ There is little sign of coherent UN system-wide policy based on a common analysis of the human rights situation. While the Director of the OHCHR Office has described its role as to encourage the government to respect its responsibilities, one commentator summarised the situation in 1997 thus: "With only twelve observers who face serious limitations on their ability to travel due to security concerns and with considerable resistance from the Government, the effectiveness of the programme is unclear."⁷⁶ As of January 2000, the same view was widely held.

9. Concluding remarks-Rwanda and Burundi preliminary feedback

9.1 Overall

- Overall, the reaction to the discussion process was very positive in both countries. The discussion document was strongly seen as by those met as expressing concerns which they themselves share. During the visit it was striking that most of those met had already given thought to the issues raised and were ready to comment on them directly from their own experience. The vision of the project and the emphasis placed on the host society, was found to be innovative and was warmly welcomed.
- The discussions which took place were not intended, or designed, to evaluate the HRFOR in Rwanda or the current OHCHR presence in Burundi. Certainly, the impact of a human rights mission, in a context of multifaceted violations of human rights in a post conflict society is difficult to assess. The discussions aimed rather to stimulate on-going debate on how international human rights field presences could be improved by widening the circle of views to include the host society. The learning process for the UN and donor states designing international interventions would be incomplete without those voices - ostensibly the primary beneficiaries of such presences.

It is clear however, that frustration and disappointment on the part of the local population is the hallmark of their experience of international human rights field presence. Definitely, mere presence as deterrence is not considered as a successful approach for the improvement of the human rights situation. As it was expressed, such presence can be useful at a certain point to help regain stability and confidence among the population such as immediately post-genocide Rwanda. However, this is rather temporary in character. In Burundi, there is no suggestion that the presence has contributed to stability as such.

- There are similarities in the frustration and disappointment expressed by elements of the host society in both countries. In the case of Rwanda, the duration of that large operation was from 1994-1998. Among the many OHCHR presences now fielded it remains significant for many reasons: it was the first run by that Office and it was the largest to date in terms of human rights officers deployed. Of particular significance here, it was strongly criticised during its life for policy and management weaknesses by international human rights NGOs, by the European Commission (one of its main funders), the Rwandese Government and by officials which worked within HRFOR. Despite the recommendation of that

⁷⁵ See Human Rights Watch report, *supra* note 50.

⁷⁶ *Supra* note 50.

range of actors, it has not been the subject of an independent evaluation on the part of the UN. This is in contrast to the large multi-donor evaluation of the international response to the humanitarian crisis which the genocide engendered. The lack of an effective process of learning from the experience in Rwanda is highly likely to have contributed to the fact that the hallmarks of HRFOR are found in the approach currently applied in Burundi.

9.2 Regarding the process itself

- It was not surprising, given the context of the 1994 Rwanda genocide (including the effective withdrawal of the UNAMIR peacekeeping presence while it was taking place), that some of those met there were critical of the UN system in general and its failure to address such mass human rights violations. As part of that UN system, the human rights presence carried those negative associations. However, despite their own experience in Burundi and Rwanda, many felt that these missions could still have an important role to play if they were engaged in a constructive partnership with the host society to address the human rights problems effectively.
- Today in Rwanda, some of those met are discussing co-operation with OHCHR and were reluctant to draw conclusions on the impact that the earlier human rights field presence had had. Others were more critical, and expressed disappointment at lack of funding through the human rights field presence for their initiatives. Still others were frustrated by what they saw as donor preference for funding international human rights presences rather than funding local NGOs to carry out similar projects.
- Most of those met expressed frustration at the large disparity of resources provided to the human rights efforts of the host society - compared to the relatively far greater resources provided to temporary international presences.
- Authorities who had negotiated one of the agreements with OHCHR concerning its presence, were in a position to provide their input in designing its framework. However, they also expressed disappointment at the implementation of the mandate. They saw importance given to some aspects of the mandate while other aspects were neglected, even those which had been expressed as priorities in the framework agreement.
- Regarding the discussion process: the project was conceptualised and implemented in each phase, including this visit, by people familiar with the region as well as the problems and aims of different actors in the host societies. This facilitated the process itself. The local preparation of the visit and the prior dissemination of the document was found useful.
- Particular constraints to improving participation
 - Access to information: In both countries there was, in the view of many of those met, a lack of clarity about the exact function and objectives of the human rights field presences
 - Weak organisation and infrastructure of civil society. Some of the better-organised NGOs were consulted on certain projects initiated by the human rights presences, at central level. This was not the case for the majority of the local NGOs.

- The rural population, who are not always organised in an NGO or otherwise, have no means of providing input. NGOs themselves tend not to have the capacity to create the infrastructure needed to convey rural voices.

9.3 Continuation of the process

- In both Rwanda and Burundi, a high level of interest was demonstrated in the discussion document and in the efforts of the IHRT to stimulate debate on the vision of human rights applied in the design and priorities of such missions.

As follow-up to the visit, the organisations met agreed to convene a meeting to advance the debate in each country and to carry on this reflection within their respective structures at grassroots level. A focal point has been agreed in each country for these purposes.

Likewise, in both countries UN agencies have been invited to further consider the issues raised by the discussion document internally, as well as on an inter-agency basis.

C. Preliminary Feedback from Colombia

February 2000

“Derechos Humanos para vivir en paz”

“Human rights: in order to live in peace”

- *Defensoria del Pueblo*

A visit to Colombia took place in February 2000 as part of the IHRT discussion process with the support of the Trocaire.⁷⁷ It proved to be timely in that several issues of immediate concern came to the fore. Reflecting those views received during the visit, IHRN issued an urgent preliminary report. Issued on 16 February, it is attached below.

The level of interest, engagement and feedback during the visit was very encouraging. This surpassed expectations given that the emphasis in the discussion document on the need for preventive pre-conflict strategies can seem academic in Colombia. However, many of the principles raised were found to be of relevance.

10. Origins of the OHCHR office in Bogota

The origins of the Office of the OHCHR in Colombia lie in intensive NGO lobbying to have a UN Special Rapporteur appointed by the Commission on Human Rights to report publicly on the situation there. Seen as necessary to avoid such an appointment, in April 1996, the President of Colombia invited the UN High Commissioner for Human Rights to open an office in Bogotá. After extensive and detailed negotiations, an agreement to establish an office was signed six months later. A limit of six international staff was imposed by the Government, later raised by agreement to seven, and then to twelve in 1998. The term of the Office was originally seventeen months, later extended up to April 2000. Recent negotiations have led to a renewal for a two-year term. The limit on the number of international human rights officers has been removed and the possibility of regional offices agreed.

From the outset, the Office in Bogota has been primarily funded by voluntary contribution to OHCHR by the European Commission. Rather than fund the OHCHR directly, the Commission has used an NGO, the International Commission of Jurists acts as administrative intermediary, working on matters such as the pre-selection of the candidates and contracts. The European Commission nominated the Director of the Office, in the first instance a former Spanish Ambassador. The current Director is a former Swedish ambassador, previously with a background in UNDP.

⁷⁷The Ireland-based development NGO, see www.trocaire.org.

11. Functions

The Office describes its mandate in Bogota as being:⁷⁸

- To “observe the human rights situation in Colombia” with a view to:
 - advising the Colombian authorities on the formulation and implementation of policies, programmes and measures to promote and protect human rights; and to
 - enable the High Commissioner to make analytical reports to the Commission on Human Rights
- To promote, in conjunction with ICRC, respect for and observance of human rights and international humanitarian law in Colombia.
- To advise the representatives of civil society, non-governmental human rights organisations and individuals on human rights related matters.
- To seek the strengthening of national institutions such as the Ombudsman’s Office, the Office of the Attorney General, the Office of the Prosecutor, other future national institutions and the judiciary through technical co-operation activities. Particular focus shall be given to training activities for law-enforcement officials, lawyers and members of the judiciary.
- To provide advisory services to ensure that draft human rights legislation is consistent with international human rights standards. For example, regarding the Military Penal Code, the law on enforced disappearance, the law on internally displaced and the law dismantling the regional justice system or faceless tribunals.
- To ensure that the recommendations and decisions of United Nations bodies are duly taken into account by government agencies with related duties and responsibilities, and advise them on the adoption of specific measures for their implementation.

12. Context in Colombia⁷⁹

Policies of political, economic and social exclusion have produced social unrest and created a climate of violence which has affected Colombia since the early 1930s. A 30-year civil war continues. Guerillas which emerged in the 1960s and 1970s are present in over half the country’s municipalities, with approximately 100 fronts. Some 17% of politically motivated killings are attributed to them as well as involvement in 50% of kidnappings, which reached a total of some 2,600 in 1998 (the remainder being attributed to common criminals). Over the years, the state reacted by strengthening the army and by arming civilians. In the 1970s drug-traffickers established their own armed groups, exacerbating further the climate of violence and corruption.

⁷⁸From OHCHR *Human Rights in Action*, 1999.

⁷⁹As well as the UN and NGO sources cited here, see materials referred to in Colombia Assessment, Version 4, September 1999, Country Information and Policy Unit, UK Home Office, www.homeoffice.gov.uk/ind/col14.htm

Anti-guerrilla groups/paramilitary death squads are often associated with the drugs trade. Over the last twenty years, they have persistently been shown to have links with the Colombian security forces by sources from UN reports to the US State Department Country Reports. For example, the latter reports for 1997 and 1998 state that 69% of human rights violations are attributed to those paramilitary death squads.

There is little apparent will to investigate or punish those responsible: the army is accused of being directly involved in killing civilians in the east where the paramilitaries are weak. Elsewhere, the army tolerates *“egregious violations of international humanitarian law; providing the paramilitaries with intelligence and logistical support to carry out operations and actively promoted and co-ordinated joint manoeuvres with them.”*⁸⁰ The army consistently fails or refuses to distinguish civilians from combatants. Impunity is the norm.

Human rights defenders: including trade unionists, journalists and government investigators live in constant fear for their safety: suffering surveillance, harassment phone calls, graffiti campaigns and threats by the military, intelligence, police, paramilitary and guerrilla forces. They are accused of being guerrilla sympathisers and dozens of them have been killed to silence criticism of human rights violations.

Internally Displaced Persons: In 1998 alone, violence and insecurity led to 300,000 civilians fleeing from their homes in rural areas, one of the worst years on record. Estimates of the total number of IDPs are around 1 million people

Regional effects: In early 1999 Colombia's neighbours announced they were increasing military activity on their border to prevent incursions by Colombian guerrilla groups and drug traffickers.

In this context, the US Congress approved an aid package in February 2000 for Colombia. The first instalment is \$1.6 billion dollars, with eighty percent of this is earmarked for the anti-narcotics efforts of the Colombian military. It is feared that it is unlikely to stop the flow of drugs to US, but is likely to strengthen paramilitaries, while *“the aid package will cause more innocent men, women, and children to flee their homes”*⁸¹

While signs of improvement can be found, in so far as numbers of extra-judicial killings may be down on previous years, the most common adjective used is that Colombia is in crisis.

Various peace talks have opened, and closed, with the two most prominent guerrilla organisations, FARC and ELN since the 1980s.⁸²In April 1998, in the lead-up to Presidential elections, the then President Samper established the National Peace Council comprising politicians and representatives of social and labour organisations with the aim of following up the preliminary peace agreement reached with the ELN. In 1998 both the Presidency and a majority in Congress were won by the Conservative Party's candidates, ending 12 years of Liberal Party rule. President Andres Pastrana promised to make the implementation of a peace policy his first priority. At the request of guerrillas, he ordered the demilitarisation of an area the size of Switzerland, in order to initiate negotiations, but talks stalled in 1999. A Norwegian initiative led to a February 2000 visit by state and guerrilla delegates on a joint

⁸⁰Human Rights Watch World Report 1999.

⁸¹US Committee for Refugees.

⁸²Revolutionary Armed Forces of Colombia, and National Liberation Army, respectively.

European tour to learn of various models of economic progress and other issues related to proposed peace negotiations.

More than 35,000 people have been killed in the last decade alone, and the conflict has reached a level of "unrestrained human degradation that [recently] became more apparent . . . and merits unequivocal moral repudiation."⁸³

The political conflict is estimated to account for a fraction of the overall violence in the country - leaving 90% of violent crime outside the scope of the peace process. For example, there is structural discrimination against women while violence against women including rape rarely prosecuted successfully. Similarly, 'social cleansing' of street children, prostitutes homosexuals and others deemed socially undesirable is attributed mainly to the police or paramilitary groups. Some 18 million of the 40 million Colombians live in extreme poverty, unemployment has increased considerably and the economic disparity between urban and rural areas remain great. The economy deteriorated to such an extent that in 1999 with the worst recession in 100 years, the Government declared a state of 'economic emergency'. Reported data indicates that Colombians spent 40% less on food that year.

13. Perceptions of OHCHR Office Colombia

Several of those met divide their view of the UN's engagement with the human rights situation in Colombia into three contrasting phases. These are: up to the 1997 establishment of the field Office; the first phase of the Office 1997-99 under its first Director, and the current third phase under the new Director of the Office in Bogota. The issues signalled on 16 February (below) signal the watershed currently faced by the UN in Colombia.

□ Phase 1: '*Technical Assistance while killings increase*'

Up to 1997, one of the aspects of UN engagement with the human rights situation in Colombia was the then UN Centre for Human Rights in Geneva providing technical assistance to Colombia at the request of the Government (see 4.3 for other aspects). The period coincided with a reported increase in extra-judicial killings. During 1996 and 1997 killings by paramilitary groups increased significantly. Strong indications that these groups act with the support of, and in direct collaboration with, the armed forces, remain today.

While fieldwork is the focus of the discussion process, several of those met called for a review of the role and impact of technical assistance in such a context. Some felt that this UN engagement '*encouraged the feeling that Colombia 'could get away with murder'*' without incurring international criticism.

⁸³ "Colombia Criticized on Human Rights: U.N. Report Says Pastrana Government's Efforts Have Been Inadequate", Serge F. Kovaleski, Washington Post Foreign Service, 4 March 2000, page A-11

□ **Phase 2: The establishment of the Office in Bogota 1997-1999**

In this first perceived phase, the mandate of the Office was negotiated, its first Director was nominated and approved, and a public perception of the Office established.

- **Leadership.** All Colombians who were met, without exception, raised a distinction between the first phase of the Office in Colombia under the first Director and the current Director, Anders Kompass, who took up the post in 1999. In a human rights crisis there are interests which would prefer to convey a human rights office in a negative light. However, the following are commonly held views expressed in the course of the visit regarding the first Director:
 - Lacking competence, not knowing human rights law
 - Making unguarded (or misreported) comments '*which stigmatised human rights defenders by association with 'guerrillas'*'. This can be a death warrant in Colombia and was seen as increasing the risk to human rights defenders
- **'Confusing the relationship between human rights and peace':** Over the years, successive Colombian Governments have asserted that winning the war against the guerrillas is a pre-condition for the enjoyment of human rights. The first Director of the Office was seen as sharing this view, effectively subordinating human rights to peace. Disquiet culminated in the HCHR herself clarifying the position of her Office both when presenting the first report of her Bogota Office to the Commission on Human Rights in 1998, and during her visit to Colombia in October that year.
- **Weak negotiation of the mandate at the outset:** The Office's mandate as agreed by OHCHR envisaged an annual public report to the CHR as well as periodic reports. In the first year, the Colombia Office's periodic reports were given only to the Government and were not in practice analytical. In 1998, the Government agreed that the circle of readers could be expanded to include UN agencies, states and the ICRC. Today, the Colombian public remains excluded from the circulation list of such reports. The approach concentrated on state actors and implied the exclusion of civil society as actors for change. Lack of transparency raised questions as to the accountability of the Office. In light of the negative perceptions of the first Director of the Office, concerns were raised regarding the content of those reports.

In the view of many, the experience should be reviewed in order to advance understanding for future negotiations by the OHCHR: What are the circumstances in which secret reports can be effective in achieving change, and when is it not justified to for them to over-ride the principle of transparency which should be the norm for OHCHR activity.

- **'Observation the only priority':** During the first two years, the Office concentrated on observation activities. The results are the published reports made a

- Annually to the Commission on Human Rights.⁸⁴ These are provided to the Government for comment in advance and it circulates written comments on them at the Commission. This practice is seen as appropriate to contribute to the accuracy of reports. However, the challenge is to ensure that this due process procedure is not mis-interpreted by the Government as an opportunity to water down criticism. This practice may be contrasted with the criticism of the OHCHR presence in Rwanda which arose in 1996 when it disseminated field reports in New York - leaving the Rawness Ambassador there to communicate it to the Government.
- ***Some human rights observed.*** In this period, the annual reports focus on violations of human rights which are symptoms of the armed conflict. These account for some 10% of violent deaths. The reports are not marked by in-depth causal analysis nor do they refer to root causes as such. Omissions noted by those met concerned for example economic, social and cultural rights (ESC). These are mentioned in passing but without analysis of the human rights violations which are part of the structural root causes of armed conflict, in turn producing other human rights violations. There is no reference to land issues for example.⁸⁵ Similarly, the Defensoria del Pueblo in Bogota named discrimination in access to health care as the number one topic of concern to the public who addressed allegations to that office in 1999. The OHCHR reports do not analyse such patterns, e.g from region to region; urban to rural, nor track possible political motivation. The 1999 report urges the Colombian Government to “*incorporate a gender perspective*” in all its policies, but the reports themselves lack gender analysis or perspectives.

While the reason given is lack of capacity in the office (at the time limited to 6-12 international officials),⁸⁶ some of those met commented that OHCHR does not convey that it takes Colombia’s ESC responsibilities seriously. The first report contains one heading for “main violations of human rights law ” and a separate one for “Economic, Social and Cultural Rights”. It cites the National Department of Planning stating that:

“Income distribution in Colombia is among the most uneven in Latin America; the richest 25% of the population earn 30 times more than the poorest 25%. It is also one of the few Latin American countries where income distribution has worsened in this decade.”⁸⁷

At the same time, despite its acknowledged lack of analysis of ESC rights, it is seen as echoing the “*peace first*” approach when the same report offers the view that:

“It is clearly because of the spread and intensity of the conflict, which entails the diversion of public resources and results in enforced displacement of the

⁸⁴The three reports to date of the OHCHR Office in Colombia to the Commission in Human Rights; E/CN.4/1998/16, 9 March 1998; E/CN.4/1999/8, 16 March 1999; Letter with comments of Colombian Government on the OHCHR report of 1999, E/CN.4/1999/141; and the most recent, was shortly to be available in 2000. The Office also issued public statements when it considered certain cases or situations of a particular importance, some 17 times in 1998.

⁸⁵ Concern is expressed in at discrimination against women, while “*in spite of the Governments efforts, Colombia is far from achieving the full enjoyment of economic, social and cultural rights*”, para 163, 1999 report to CHR, *ibid*.

⁸⁶The Office “has not had the capacity to carry out a detailed follow-up of this important group of rights, nor has it received complaints of violations of these rights, 1998 report, para 74, *supra* note 67.

⁸⁷Para. 76, 1998 report, *supra* note 67.

population, that fewer and fewer Colombians are able to exercise these rights.”⁸⁸

In the above context, the general impression was that first Director was too close to the Government to effectively defend human rights, and that everything was negotiable with OHCHR. Those met raised this as an issue but emphasised that the other officials of the Office were appreciated as competent and committed. Regardless of the accuracy of the perceptions, these elements damaged the credibility of the Office. They are seen as a factor in the ease with which successive Governments have since ignored the recommendations of the Office (below).

□ **Phase 3: a ‘new, credible Director’ for the Office**

Public calls by human rights defenders for the removal of the first Director culminated in the arrival of a new Director in April 1999. He has spoken out strongly on the human rights situation and the Office is *now* well regarded in terms of credibility and commitment among state, and non-state human rights defenders. The Government has re-negotiated the terms of the OHCHR presence so that Office is in place for two years, without limit on staff numbers. It has agreed to a high level dialogue with the Office, and is open to receiving more analytical, critical reports than was the case in the first phase of the Office.

The Office is now perceived as reflecting on its role, seeking to consult with human rights defenders (state and non-state) on its Office strategy and as being open to learning from the Office’s experience.

- ***Presence as protection and deterrence?*** During the visit NGOs were being invited by the OHCHR in Colombia to reflect on its potential role in expanding its regional presence outside the capital. In that context, there is a high level of interest in knowing more about the UN, about the Office in particular, and how it can work better with them. For the OHCHR Office, it is conscious of the challenge of trying to move beyond a focus on Bogota, and expand partners outwards from the relatively highly developed NGOs of the capital.

This outreach has added to the positive perception of the Office. In contrast to the perceived increased risk to human rights defenders resulting from the ‘cosy’ (a term used in a meeting) relationship with Government of the first Director, now several state and non-state human rights defenders feel that the Office should expand its presence in the regions. Their need for protection is great and the potential for a preventive effect is seen by those met as very real. Most political executions, massacres and forced displacements occur following some kind of announcement in Colombia. However, precisely because the need for protection is great, the security constraints are severe. For example, it is the policy of many organisations not to travel by road between cities. During the visit, the main road from Bogota to Medellin was blocked for 72 hours by ELN guerillas, with vehicles held stretching 7km -12 km.

- ***Possible Technical assistance?*** In addition, during 1999, an Office Work plan was elaborated towards specific objectives or outputs. These were intended to be clear, measurable and realistic given the timeframe, human-financial resources available to the Office and feasible in the present political-

⁸⁸Para 188, 1998 report, supra note 67.

institutional context in Colombia. Prioritisation of activities is needed given the Office's broad mandate, limited resources, the gravity of the human rights situation and the complex Colombian reality: "*Conscious of the need to underpin reporting with constructive solutions for change, in 1999 the Office has initiated efforts to widen activities into the area of technical co-operation,*"⁸⁹ elaborating a Global Programme of Technical Assistance.

Partners in Colombian institutions are intended to be: the Office of the Presidential Advisor for Human rights (Office of the Vice-President), Office of the Ombudsman (Defensoria del Pueblo), Office of the Prosecutor (Fiscalia General de la Nacion), Office of the Attorney General (Procuraduria General de la Nacion), Ministry of Education, Colombian Universities and discussions were taking place regarding possible institutional strengthening programme with Colombian human rights NGOs.⁹⁰

Colombia's legal system is highly developed. The OHCHR aims for small projects linked to specific observed analysis. Although 2000 was to be the pilot year, by March OHCHR Colombia was still unaware of whether these projects would in fact be funded. After months of building relationships with state counterparts, there is a risk of a collapse of confidence in its technical assistance work if funding does not materialise. This is a matter of real concern, particularly given the important political function of opening dialogue with state actors (which are not monolithic) to help nurture internal human rights defenders.

OHCHR headquarters is seen as having been unclear as to its policy on whether technical assistance is defined as limited to state actors, excluding capacity-building support for NGOs. This is seen as a fundamental issue concerning relationships with host society.

- **Constraints - Geneva headquarters:** The key weakness of the work of the Office in Colombia today was described by several of those met as deriving from headquarters in Geneva. The work of the office itself is a project for which voluntary funds must be sought for its daily work. Both increased presence and technical assistance are subject to the same uncertainty. Lack of human and financial resources in Colombia and at headquarters are real constraints. However, the determinative issue identified by informed observers met on this visit relates to the need for a thorough management overhaul of OHCHR Geneva. Mismanagement manifests itself on all levels from administration, to substance and methodology, to political strategy. Informed observers suggest that only a dramatic recognition of this by donors will lead to change.

The lack of support for the Office in Colombia from headquarters on these levels is seen as manifest in the need for strategic international support for the Office at the watershed moment as now occurring in Colombia (below). The challenge is seen as two-fold: *what is the vision of human rights OHCHR applies in its work and what is its capacity to bring that vision to influence the processes that may lead to change there.* In this context, the following inter-linked issues were raised: the impact of the Office's recommendations;

⁸⁹ Meeting with Donor Community and UN agencies, *Up-date on Operations in Colombia, Theme: National Institutions*, 27 May 1999, Geneva

⁹⁰ OHCHR project preparation document, COL/98/RB4 *Support to Human Rights Operation in Colombia*, Revision G Explanatory Note.

proposed US aid and peace negotiations; the UN Development Assistance Framework; and the broader work of UN actors in Colombia.

- ***“It is easy for the Government to ignore the litany of recommendations”*** It is clear from discussions and from the focus on ‘observation’ in the first phase of the Office, that the problem in Colombia is not lack of human rights recommendations. It has received a high level of attention and scores of recommendations by UN mechanisms and procedures since the late 1980s as well as the high profile visit by the High Commissioner in 1998. But, as the OHCHR reported in 1999, all these recommendations have been largely ignored *“despite the fact that they are specific recommendations which have been reiterated for a number of years.”*⁹¹ These include the Human Rights Committee; the Special Rapporteurs on Torture; Extra-judicial, Summary or Arbitrary Executions; on the Independence of Judges and Lawyers; the Committee Against Torture; the Committees on the Elimination of all Forms of Racial Discrimination; the Committee on Economic, Social and Cultural Rights; the Committee on the Rights of the Child; the Committee on the Elimination of Discrimination Against Women; the Representative of the Secretary-General on Internally Displaced Persons.

Almost all those met emphasised that the Office can be, and is, easily ignored politically. The critical issue for the Office is not more or better reports, it is achieving influence directly, or indirectly on the decisions made by the Colombian Government. The views of the UN are seen to be unimportant to the Government while real influence lies with the USA. In this context, there was widespread concern at possible negative effects of the Office’s presence (as was perceived in the pre-1997 period for technical assistance). More than one respected commentator raised the risk of the Office being used politically against the advancement of human rights. Views vary as to the form the risk may take. On the one hand, being used *‘to convey a veneer of unwarranted diplomatic respectability’* or on the other, being used *‘to illustrate how out of control the human rights situation is, and justify military intervention’*. Either way, combating the risk of being used negatively is seen as requiring a sustained, high-level political strategy by OHCHR.

- ***“Lack of effective international pressure to address human rights - while talking of peace”***: From the outset, that Office and others have made it clear that the Colombian state is implicated as a matter of human rights law in the behaviour of paramilitary groups. For example, in 1999:

*“The High Commissioner is seriously concerned about the growth of paramilitary groups, whose violent activities have become the main source of human rights violations and war crimes, and at the blatant inadequacy of the measures adopted by the Colombian authorities to prevent their activities, combat them, disband them and bring their organisers and members to justice. She regrets the continued reliable evidence of the participation and complicity of members of the security forces in the crimes committed by these illegal armed groups.”*⁹²

A key concern raised regarding the current work of the Office in Bogota is its analytical and political capacity to ensure human rights, the full spectrum, are at the heart of peace discussions.

⁹¹Para 153, 1999 report, supra note 67.

⁹²Para 158, 1999 report, supra note 67.

Firstly, those met emphasised the need for human rights analysis of the deep-seated social and economic injustice in the society which gave rise to, and which fuels, the conflict: *'Why do disaffected uneducated men join militias, why do peasants plant coca?'* Instead, current peace efforts are seen as focusing exclusively on symptoms of armed conflict, as with the first period of OHCHR Office. Furthermore, the risk is seen to be that any such human rights analysis will be viewed by the Government, influential states and some UN actors, as *"an obstacle to peace."*

The challenge reached a head in Spring 2000 when the report of the OHCHR to the Commission on Human Rights concluded that the government of President Andres Pastrana has failed to take adequate steps to protect human rights. President Clinton was at the time seeking congressional approval of a two-year, \$1.6 billion aid package, the bulk of which is aimed at military training, equipment and intelligence-gathering:

*"The administration has tried to assure wary lawmakers that Pastrana is committed to improving human rights and has been working to sever links between the army and the illegal paramilitary groups. The new UN report strongly criticises the 18-month-old Pastrana administration for its overall response to Colombia's Human rights crisis. It also rebukes paramilitary militias and their Marxist rebel enemies and says that little has changed since previous governments in dealing with such problems as impunity within security forces, displaced people and the weakness of public institutions that investigate and prosecute human rights violations."*⁹³

Similarly, the European tour by delegates, part of the Norwegian peace initiative was taking place around this time. The *"peace first"* view was expressed again as Government policy in response to the OHCHR report.

In December 1999 the post of Under-Secretary-General, Special Advisor to the UN Secretary-General for International Assistance for Colombia was created. Not widely known in Colombia, the terms of reference are included below. Significantly, he is *"to consult widely"* including Colombian Governmental and non-Governmental actors *"on how best the UN system can be of service for protecting and promoting human rights."* While there is no formal UN role in the peace process, the Special Advisor is informally facilitating. The Special Adviser, Jan Egeland is former Vice Foreign Minister of Norway and a self-described human rights defender. He is advising a Secretary-General committed to fully integrating human rights in all its work, and in the view of most of those met, his role in Colombia will be measured in those terms. Once again, the issue arising: *what is the vision of human rights which will be applied?*

The issue is a major challenge for OHCHR and the future of its Office in Colombia. It underlines the importance of the *"peace first"* controversy which arose under the first Director of the Office. That controversy also arose for human rights field presences in El Salvador and Guatemala (see the preliminary reports of feedback from those countries above). OHCHR is seen as requiring a concerted UN position and international political strategy if it is

⁹³Supra note 66. Similar concern regarding US aid to the Colombian military is expressed by organisations such as Human Rights Watch and the US Committee for Refugees, see www.refugees.org/news/crisis/colombia_aid.htm

to ensure those and other experiences are learned from. The question of what vision of human rights is applied on this issues by the USA, by the Special Advisor to the Secretary-General and by the other UN agencies is a crucial one for the potential contribution of the OHCHR Office in Colombia.

- ***Participatory development: those met had not heard of the UN Development Assistance Framework:*** During the visit, the UN in Colombia led by UNDP was finalising with the Government its Development Assistance Framework (UNDAF). This is intended as an agreed assessment of development needs and priorities between the UN system and the Colombian Government. It is to reflect the Secretary-General's commitment that human rights be fully integrated in all aspects of the UN's activities from political negotiations to development (contained in his Programme of Reform of July 1997).

On 16 February 2000, IHRN expressed its concern that despite the Guidelines agreed by UN agencies for the UNDAF pilot process, of which Colombia forms a part, none of the array of human rights defenders (state and non-state) had heard of the process. It was made clear that the draft was not available before being published in final form. Similar disquiet at what was seen as inadequate consultation and inadequate human rights analysis of development in the draft was expressed by some UN actors in Colombia.

From the UNDAF Guidelines, this is clearly not intended to be a secret process and UNDP itself advocates transparency and accountability as key elements of 'good governance'. Its Administrator confirmed this policy when he addressed the concerns of those met, in a letter to IHRN:

"For two years now, we have been conducting a process of consultation for the preparation of the UNDAF [in Colombia], involving UN agencies, civil society and private sector organisations, churches and governmental institutions."⁹⁴

Concern had been expressed that if the UNDAF for Colombia was finalised in this manner, the resulting program will not reflect, or address, either the causes or the symptoms of the human rights crisis in the country. In what is seen as a wasted opportunity, the OHCHR Office in Geneva did not provide the advance preparation or technical support needed to ensure this pilot exercise would be solidly founded in a human rights framework. As such, that would not reflect UNDP's own policy, reiterated by the Administrator in these terms:

"Let me assure you that UNDP will continue to focus on human rights as the key to human development in Colombia. We remain firmly convinced that 'the absence of a culture founded on full respect of human rights is the primary obstacle to peace and harmonious relations in Colombia, to economic growth and to reasonable conditions of development.'⁹⁵

It has been clarified since the visit that in parallel to the UNDAF process, the Colombian Government, with the Inter American Development Bank (IDB), is convening a consultative group meeting for some donors in Spain in Summer 2000. The Government will present their Plan Colombia and a package of

⁹⁴ Letter to IHRN, 7 March 2000.

⁹⁵ Ibid.

developmental and humanitarian projects prepared by the Colombian Planning Ministry with technical assistance from the IDB. The UNDAF will not be the basis for the meeting.

- ***UN system-wide human rights coherence:*** The UNDAF experience is seen as illustrating the point that while the commitment to fully integrating human rights in all aspects of the UN's work has the potential to unite the UN system towards a commonly understood goal, this will require time and support.

Division of labour is necessary and positive. For example, one of the stated principles governing OHCHR Technical Assistance in Colombia is that "OHCHR will undertake projects where it has a comparative advantage. It will not undertake projects that would more appropriately fall under the mandate of other UN partners"⁹⁶ On the other hand, the focus of 'observation' in the early period of the Office in Colombia essentially ceded the ground, as far as ESC analysis was concerned, to others such as UNDP.⁹⁷ Yet, the perception from the UNDAF experience in Colombia is that unless the OHCHR at Geneva headquarters ensures the specialist support for UNDAF is available in-country for a human rights analysis of development, ESC rights risk falling between the two stools of UNDP and OHCHR.

Similarly, the question of UN system-wide coherence arises with respect to the UN role in peace discussions, formal or informal. The "*peace first*" view of the Colombian Government finds echoes in the way the UN in El Salvador and Guatemala was perceived, as described in preliminary feedback above. For example, in the light of continuing impunity and dysfunction in the justice systems there, those met in Colombia were concerned to learn from, rather than repeat, that UN approach to impunity.

During the visit, inter-agency discussions made it clear that UN actors working with IDPs for example, may share information with OHCHR. However, it is not at all clear in what circumstances they can be relied upon to stand beside the Office when it publishes its report. This concern arises out of perceived tensions between human rights and humanitarian action.⁹⁸

Coherence of human rights vision across the system will need to be nurtured and OHCHR has the mandate as focal point for human rights. It will, however, need to invest in building its headquarters capacity to play that role, particularly to reflect the full spectrum of human rights. The role of the field presence of OHCHR in supporting this process of full integration in other actor's work is a critical one for OHCHR to clarify.

13.4 Concluding observations

Some of the themes arising in Colombia are drawn out here. While one challenge is the political heed taken of the UN system's human rights recommendations, another

⁹⁶ Supra note 72, emphasis in original.

⁹⁷ Among ESC, the OHCHR Work plan has chosen to focus on trade union rights, and one aspect of the right to education (adding human rights to schools' curricula).

⁹⁸ See joint project of IHRT with the Humanitarianism and War Project *When Needs are Rights: an Overview of UN efforts to Integrate human rights in Humanitarian Action*, April 2000.

is the challenge of developing a vision of human rights that is incremental, long-term and deep-seated.

- **Need for political strategy:** The risk of the OHCHR Office in Colombia being used politically against the advancement of human rights was raised as a matter of concern. To combat this risk is seen as requiring sustained, high-level political strategy by OHCHR. This would need to prioritise states such as USA, the OAS, other UN actors such as DPA, local and international NGOs and public opinion, and not least, the EU. The latter, while a primary funder of the Office, which reserved to itself the nomination of the first Director of the Office, is perceived as having no strategy of political support for the Office. OHCHR management in Geneva is not seen as having the capacity to ensure the strategic political support needed by its Office.

While the effects of lack of management support from Geneva is known, a cycle reinforcing the status quo is at play. Although some of those met had called for the removal of the first Office Director in Colombia, they were very conscious of the risk of undermining the Office publicly by exposing the need for change in Geneva. Similar concern had been experienced in Guatemala concerning the head of mission there.

- **Management:** The emphasis of those met on the contrasting phases of the Office in Colombia raises basic issues of policy, management and administration of OHCHR. Such issues should not depend on the personality of the Director of the Office. Yet the current reality is that OHCHR field presences, even in the same region, function in complete isolation from each other and with inadequate support from headquarters.
- **Leading learning:** There are positive lessons to be learned from the approach to host society in the various phases, particularly recent efforts to innovate by encompassing NGOs in technical assistance. There is a willingness to identify those lessons in the Office in Colombia which OHCHR Geneva should support.

In addition, the opportunity to support the UN in learning from its experience of facilitating peace processes presents itself to OHCHR. However, informed commentators see no prospect of Geneva ensuring that learning takes place from peace processes elsewhere. The reason, as expressed in one meeting, is seen as being a prevailing attitude in Geneva is seen to be *'we are so good we don't need to improve'*.

Significantly, the issue of inadequate support from OHCHR headquarters to maximise the human rights potential of UNDAF arose also in the other country in the sample which was an UNDAF pilot: Guatemala. The UNDAF has been planned and prepared since 1997, and Colombia is a second phase pilot country (Guatemala was one of first phase). Now UNDAF is being replicated 1999-2000 in is termed 'a global roll-out'.

These pilots should be reviewed to ensure they are improved upon before becoming standard practice all over the world. When NGOs from other pilot countries from around the world meet at the Commission on Human Rights, experience may be compared. Who has been consulted; has OHCHR ensured that human rights analysis of development was at the centre of these pilots, and consulted accordingly.

Yet such consultation is not part of the policy or practice of OHCHR itself. In Colombia (as with all the other sample countries) neither the Office in Colombia

itself, nor elements of the host society were consulted on the regional strategy announced by headquarters for Latin America. This returns to the issue of management constraints in OHCHR which affect the credibility and effectiveness of its field presences.

- ***Vision:*** The emphasis on ‘observation’ and its priorities as well as the methods used, raise the issue of what vision of human rights would be offered by OHCHR to a peace process or to a development process. To date, the focus of the Office’s reporting has been reactive, focusing on individual cases of certain types of human rights violation. There have been an estimated 300,000 such cases of political violence in a situation which has continued for ten years. Yet there is no indication of a multi-disciplinary OHCHR analysis of the root causes of the human rights crisis which need to be addressed, nor of structural issues such as pull factors fuelling the conflict.⁹⁹ There is a need for OHCHR-wide policy and methodology for staff engaged in diagnosis to reflect human rights as indivisible and inter-dependent in practice as well being pre-conditions for peace. This is seen linked to the missed opportunity in the UNDAF discussion.

- ***Dynamic mandate of OHCHR:*** The OHCHR approach to negotiating each mandate ab initio with a host Government as if there were no over-arching mandate of the High Commissioner, has led to inconsistency in the practices of the Office concerning the host society. While secret reports to be transmitted only to the Government was agreed at the outset in Colombia, by contrast, at one point, the Rwandese Government was the last to receive reports of the field presence there. Ad hoc approaches to what should be matters of Office policy ultimately contribute to loss of credibility.

Similarly, an exclusive focus on a country-specific agreement with the host government can obscure the broad, dynamic leadership role of High Commissioner accorded by the General Assembly resolution creating the post in 1993. That mandate sets the parameters within which country-specific arrangements should be made - not the other way around. This is felt by some to have contributed to the failure to ‘gear up’ for the UNDAF opportunity by OHCHR Geneva concerning the pilots in both Guatemala and Colombia.

Among those met, the constraints on the Office are well understood, perhaps due to the negative perception of the Office during its earlier period. Expectations of the Office cluster around the themes of some civil and political rights, receipt of individual cases, writing reports, and accompanying human rights defenders under threat. Given the lobbying for a Special Rapporteur which preceded its establishment in Colombia, to some of those met in Colombia, there was no real difference between an OHCHR office concentrating on ‘observation’ and a Special Rapporteur producing reports. The fact that the OHCHR is mandated to *remove obstacles* to the enjoyment of human rights is not widely considered.¹⁰⁰

⁹⁹ Estimates of the young men employed in the on-going insecurity are 10,000 paramilitary, 20,000 guerrillas and 50,000 bodyguards. How can the funding by the drugs trade be removed from paramilitaries, in one area said to run to \$4million dollars per month. In the Sur Bolivar area of the de-militarised zone, 800million pesos per month is received by the *autodefensas* for 45% of the value of the crop grown on between 20-30,000 hectares of coca, producing around 10,000 kilos of cocaine every 2 months, *El Espectador*, 8 February 2000.

¹⁰⁰ See the Joint Declaration by Colombian NGOs to the 56th session of the Commission on Human Rights, March 2000, agreed by some 60 NGOs.

14. An appeal for urgent action

In view of the feedback received in Colombia and the situation found, the following appeal for urgent action was published by IHRN.

Colombia: a critical moment for human rights and the United Nations Preliminary report, 16 February 2000

An urgent and clear signal should be sent by the international community to the Colombian Government to demand that it meet the full spectrum of its human rights obligations. This is the principle conclusion of a mission to Colombia just completed by the Ireland-based International Human Rights Network. The call is prompted by views expressed in a series of consultations held in the course of the mission with national human rights institutions, non-governmental organisations, church groups and UN agencies, including the Office of the High Commissioner for Human Rights (OHCHR). The mission to Colombia is part of a series of on-going consultations in relation to the contribution which UN field human rights work can make to the sustainable improvement of a human rights situation.

The following critical developments require an urgent response:

- **The human rights situation in Colombia is deteriorating.**
- **Human rights are the means to peace:** It has been confirmed that the UN Secretary-General's new Special Advisor for international assistance to Colombia is playing an important role in facilitating current peace discussions. It is now urgent for him to ensure effective learning from similar UN-facilitated peace negotiations, such as in El Salvador and Guatemala rather, than repeating the same approach in Colombia. While viewed by some within the UN as successful for the resolution of armed conflict - there has been no evaluation of the real effects on human rights of the model of 'peace' used by the UN. For example, in El Salvador, nine years after the peace accords:
 - Structural impunity remains
 - Human rights NGOs feel they were weakened by the UN's intervention
 - The key state human rights institution created by the accords, the Office of the Ombudsman, has now been dismantled despite major investment of international funds through UNDP
 - The underlying socio-economic human rights issues which caused the conflict remain unaddressed
- **UN development approach not based on human rights analysis:** The UN in Colombia led by UNDP is now finalising with the Government its Development Assistance Framework (UNDAF). This is intended to be an agreed assessment of development needs and priorities. Consultations reveal that the process has been rushed through without adequately consulting key state, and non-state, human rights defenders. The process was not led with the expertise appropriate for a human rights analysis of development. Similarly, the OHCHR Office in Geneva did not provide the advance preparation or technical support needed to ensure this UNDAF pilot exercise would be solidly founded in a human rights framework. If the UNDAF for Colombia is finalised in this manner, the resulting program will

not reflect, or address, either the causes or the symptoms of the human rights crisis in the country. As such, it will neither reflect UNDP's own policy, nor comply with the Secretary-General's directive, that human rights be fully integrated in all aspects of the UN's activities from political negotiations to development (contained in his Programme of Reform of July 1997).

- **Donor Round Table:** The Colombian Government, with the Inter-American Development Bank, is convening a Round Table of Donors in Spain in June 2000 to marshal economic support for the Government's 'Plan Colombia'. The Secretary-General's Special Advisor and UN agencies are expected to participate, and although it is widely assumed that the UNDAF framework will be the basis for this pledging conference, the Round Table is being prepared as a distinct process.
- **Proposed \$1.6 billion aid from USA:** 80% of the aid package is earmarked for the Colombian military. There is real fear among human rights defenders that this will lead to an escalation of the armed conflict; cement impunity for human rights violations and undermine civilian control of the military. It is also feared that it will negate human rights in the peace process while undermining the position of the OHCHR in Colombia.
- **Vulnerability of the OHCHR office in Colombia:** The work of that Office to address the symptoms and root causes of human rights violations in Colombia is today being threatened by those in the Government, and others, who see its work as an *obstacle to peace*. As an urgent response, this requires not only the international political support called for here, but also, there needs to be adequate support for the Office from its headquarters in Geneva on all levels: political, financial, management and administration. Otherwise:
 - Its recommendations will remain readily ignored by the Government
 - The major opportunity for human rights impact through UNDAF will be lost, and
 - The threat to the personal security of its staff will be increased.
- This Appeal for Urgent Action is **addressed to:**
 - Secretary-General of the United Nations, Kofi Annan
 - UN High Commissioner for Human Rights, Mary Robinson
 - Administrator, UN Development Programme, Mark Malloch Brown
 - Special Advisor to the UN Secretary-General for Colombia, Jan Egeland
 - Chair, UN Commission on Human Rights, Anne Anderson
 - Presidency, European Council of Ministers, Minister of Foreign Affairs of Portugal
 - Special Envoy of the EU Council of Ministers, Javier Solana
 - President of the European Parliament
 - European Commissioner for External Relations, Chris Patten
 - European Commissioner for Development, Paol Nielson
 - Chair, Development Committee of the European Parliament
 - Chair, Human Rights Committee of the European Parliament
 - Presidency of the Council of Europe, Justin Harman
 - Vice-President, Republic of Colombia, Gustavo Bell Lemus
 - Secretary of State, USA, Madeleine Albright
 - Co-ordinacion Colombia-Europeo-Estados Unidos

- Amnesty International
- Human Rights Watch
- Lawyers Committee for Human Rights
- Colombian and US Catholic Bishops Conferences.

15. Terms of Reference of SRSR (as received)

APPROVED TERMS OF REFERENCE

TITLE: Special Advisor to the Secretary-General on International Assistance To Colombia

LEVEL: Under-Secretary-General

MANDATE: a) To serve as focal point for the UN system in its efforts to mobilise international assistance from UN agencies, national and multi-lateral organisations for social, humanitarian, human rights drug control (alternative development projects) and peace-building activities.

b) To serve as a channel for the exchange of information and advice between the Secretary-General and the Colombian Government and other relevant actors, as well as focal point for co-ordination between the UN system and other international organisations and agencies providing assistance and advice to Colombia.

c) To consult widely, on behalf of the Secretary-General and in co-operation with the relevant UN Offices in Colombia, with governmental and non-governmental institutions and actors within and outside of Colombia on how best the UN system can be of service for protecting and promoting human rights, humanitarian assistance, development and peace in Colombia.

WORK METHOD: Based in Oslo, the Special Advisor will pay regular visits to Colombia for discussions with the Colombian Government and Colombian society at large. He will meet with and advise the heads of relevant UN agencies and other interested international organisations, as well as donors and interested governments and institutions. The Special Advisor will, for operational purposes, work in Colombia in close co-ordination with the UN Resident Co-ordinator and UN Country Team. In addition, he will maintain a small staff of advisers and have an office in Bogota (in the UNDP building) as well as in Oslo. The Special Adviser will report regularly to the Secretary-General on the progress of his work and will keep the Under-Secretary-General for Political Affairs fully informed. The Special Advisor will also inform other relevant offices about his activities.

FUNDING: The Office of the Special Adviser shall be set up initially with extra budgetary funds and draw on seconded staff from relevant UN organisations. A Trust Fund will be established.

TIMING: The new position of Special Adviser will be announced on 1 December 1999.

PART III: CONCLUSIONS AND RECOMMENDATIONS

A. Common themes indicated by feedback

Each of the countries concerned have involved complex human rights situations. To draw general themes involves greatly condensing issues in order to facilitate their discussion. In addition, the discussion process itself was modest in scale and resources.

Within these constraints, however, several major issues echo across the different continents and across the ten years of international human rights fieldwork which the sample countries straddle. These common themes were discussed by the participants at the Partnership Forum in April 2000. They concern firstly, the right to participate as such, and secondly, raise the question of how meaningful participation in international interventions may be advanced.

1. Participation is a human right

The feedback received from each country included a general endorsement of the right to participate in decisions which affect one's life, as a human right.

□ **Theme 1. Reinforcing exclusion: UN work on peace 'processes', human rights and development**

- In several of the sample countries, the UN facilitates peace "processes" which exclude the majority of the population from the discussion. By not counteracting that exclusion, the UN approach undermines the sustainability of human rights gains (El Salvador, Guatemala, Burundi). It remains to be seen if the UN's new informal role in the Colombia process will break the pattern.
- Human rights field presences have at times replaced and not reinforced local human rights efforts. International 'experts' were seen as arriving with a formula to apply, without a thorough analysis of the country itself and concentrating on inter-acting with those holding power - to the exclusion of those needing empowerment (El Salvador, Guatemala, Rwanda, Burundi, Colombia first phase).

Far from partnership, relations have frequently been poor between the human rights presence and local human rights actors. Support for local civil society was described as 'superficial' or a 'façade' in Rwanda and Burundi. Civil society is seen as undermined by lack of information such as the practice of secret periodic human rights reporting to Government (OHCHR Rwanda and Colombia). In some countries, relations reached crisis point with confrontation including public calls from human rights defenders for the removal of the head of the international presence (Guatemala and Colombia). In Rwanda, the presence was asked to leave by the Government. A crisis of confidence had similarly occurred in the first such human rights field presence (El Salvador).

The most frequent cause of these crises of confidence is UN actors acting as if there is a tension between human rights and 'peace'. The UN actors are

seen as prepared to condone impunity for human rights violations (El Salvador, Guatemala, Colombia (first phase)).

- Exclusion in development: The UN Development Assistance Framework is intended to be an assessment of development needs and priorities agreed between the UN system and the relevant Government. For its pilot phase, UNDAF Guidelines were agreed among the UN agencies - including the commitment to consult with civil society.¹⁰¹ Colombia is a second phase pilot country, Guatemala was one of first phase. None of those met in either pilot country were aware of the UNDAF process having taken place in their country. After IHRN's visit, NGOs in Colombia were informed the document would be available only when it had been finalised. In both cases OHCHR presences felt that Geneva headquarters did not provide the advance preparation or technical support needed to ensure the pilots were solidly founded in a human rights framework with an effective participation process. Now UNDAF is being replicated in 'a global roll-out' (1999-2000).

The pilot experience does not appear to reflect UNDP's own stated policy, nor to comply with the Secretary-General's directive that human rights be fully integrated in all aspects of the UN's activities from political negotiations to development (contained in his Programme of Reform of July 1997).

- Without empowering the rights-holders in whose name the presence has been established, it is the appearance, rather than the substance of sustainable democracy which is seen as pursued in UN approaches (El Salvador, Guatemala, Burundi, Rwanda)

□ **Theme 2. Selective approach to human rights**

Human rights presences are seen as taking a selective approach to human rights. As examples, they are seen as:

- Focusing on the symptoms of conflict, without analysing and making recommendations relating to root causes. Access to resources such as land is seen as central issue in the cycle of human rights violations and conflict in Rwanda, Burundi, Colombia and Central America. It has either not been the subject of analysis or remedial recommendations by the field presences at all, or, where it has been central to their express mandate (as in the El Salvador peace accords) that aspect of their mandate has not been achieved
- Completely lacking gender analysis and perspectives in understanding the situation or seeking human rights solutions
- Reinforcing, rather than addressing distorted popular views of human rights common in polarised societies. Despite express mandates to contribute to a culture of human rights in Guatemala the view is commonly held that the UN's work means 'human rights are for thieves', while in Rwanda 'human rights are for those accused of genocide'

¹⁰¹ *UN Guidelines : Common Country Assessment (CCA)*, UN Development Group, April 1999.

The full spectrum of human rights and the principles of their indivisibility and inter-dependence are not seen in the practice of UN interventions. This does not reflect stated policy.¹⁰²

- Paradoxically, human rights field presences are seen as interpreting their mandates, and finding methods, so as *not* to act as an agent of change. Aspects of the mandates expressly relating to empowerment such as institution building have tended to be addressed late, with inadequate resources and without a long-term strategy (all five sample countries: El Salvador, Guatemala, Rwanda, Burundi, and Colombia).

□ Theme 3. Overall lack of accountability and learning

- From the earliest to current presences, there is little indication of effective learning from one experience to the next. The hallmark of these presences is the continuing lack of independent evaluation of their impact, effectiveness or sustainability. Meaningful participation of the host society in evaluating their impact is seen neither as a matter of principle, not as a means of improving relevance and effectiveness.
- In each case, disappointment and frustration were expressed rather than the re-invigorated, strengthened hope for the future one might expect after the major international attention and financial investment which these interventions usually involve. Experience of exclusion and powerlessness was common in the decisions for human rights work ostensibly carried out in their name.
- Overall there was:
 - Strong endorsement of the proposition that there should be meaningful participation of host societies in designing, setting priorities and evaluating such international interventions; and
 - Interest in pooling experience with others to propose practical means for concerned host society actors to achieve that.

2. How can meaningful participation in such international interventions be advanced?

Can a more effective balance be found which focuses not only on the state's 'supply' side by reminding it of its human rights responsibilities - but also supporting the 'demand' side, the voices of the humans whose rights are in issue and whose voices are the forces of sustainable change.

1. Who should participate (and who decides this)
2. Through which organisational forms?
3. In which processes?

¹⁰²See for example the Opening Statement by the High Commissioner for Human Rights to Commission on Human Rights, 20 March 2000, www.un.org

4. To what degree of power and influence?

Learning by analogy: the feedback indicates the rich experience of participation to draw on from the development field, both insight and error. Two-way integration of human rights and development practice is needed.

Participatory approaches are powerful in that they allow the voices of the poor and marginalised to be heard, if appropriately facilitated. This may be threatening to 'host governments' and international organisations alike.

Realistically, to address this involves first of all analysing who the different groups are and their interest, real or apparent, in the issue. That analysed, it is likely that separate processes for state, and non-state, actors will be appropriate before moving towards a joint process. In many cases, while participatory processes have ensured that 'the voiceless' are at the table (so to speak), they often fail to ensure they have the capacity to effectively put across their points. Initial separate processes can be useful in building up (empowering) confidence.

Constraints from the perspective of the international organisations include 'people are too busy', 'it takes so much time' or 'you never get agreement'. These are rarely mentioned in the development literature as it is those advocating participation that are motivated to publish. Secondly, there is concern that these approaches 'raise expectations' by carrying out participatory assessments - the great majority of which are not followed up. Commitment to follow-up is crucial to effective participation (Part IV).

However, the main criticism is rather that people say they are using participatory methodologies when in fact they are not - and that this does more harm than good.

B. The Partnership Forum

The Forum for host society feedback convened by IHRN in Geneva in April 2000 endorsed the *Towards a Human Rights Partnership for Effective Fieldwork* discussion document, identified conclusions and recommendations and undertook to follow-up the process.

3. Conclusions

1. Meaningful participation in decisions which affect one's life is a human rights issue: it is both a means to the enjoyment of human rights, and a human rights goal in itself.
2. Exclusion is itself one of the root causes of human rights crises and armed conflicts. In our experience, by failing to address exclusion, international interventions have not achieved their aims.
3. We have noted the extent to which interventions have been selective and driven by political, rather than human rights criteria.
4. In the past, participation in international interventions has been inadequate, and a narrow view of what human rights are, has been applied. Civil society has been excluded from
 - UN work in facilitating peace 'processes'. That work has focussed on those who are armed fighters even though military de-mobilisation alone does not create sustainable peace. The UN has acted as if there is a tension between human rights and peace and continuing impunity is the result;
 - UN human rights operations have failed to identify, analyse and target structural root causes of human rights crises;
 - UN development approaches (such as the recent pilot processes for the UN Development Assistance Framework in Guatemala and Colombia)

4. Recommendations

1. Civil society should be understood as essential agents of change to improve the human rights situation. Women are the most excluded of these potential agents of change and their human rights situation among the most ignored in the selective approach taken to human rights.

Those mandating, funding or fielding international interventions, including all the actors of the UN system, should aim to break the cycle of exclusion through all their work: in development work, in the approach brought to political negotiations and in human rights work.

2. In all this work, the full spectrum of human rights should be applied as well as the principles of universality, inter-dependence and universality of human rights.
3. Participation should be meaningful, it should be early, and it should be on going. Through this means prevention of conflict can be promoted.

We are conscious of the challenges involved; civil society can be fractured, participation takes time and resources. However, similar challenges are faced in achieving the enjoyment of other human rights.

The challenges can be met if there is real commitment to do so with a preventive approach of long-term engagement, and active learning from the decades of trial and error concerning participation in development.

4. Meaningful participation is therefore not limited to voting in elections. It is an on-going process of inclusion. It involves:
 - actively seeking out the voices of those who carry moral weight in a society and those with real representativeness (and not just the NGOs in the capital)
 - Then ensuring that those voices are heard and have real influence.

There are various moments and levels where participation is needed, These include in the:

- diagnosis of the problems to be addressed
- design of international interventions
- interpretation of their mandate
- setting of priorities and their implementation during the life of the intervention
- in its follow-up, and
- Evaluation of its human rights impact.

Guiding principles of meaningful participation include that it be:

- community-based as well as national in focus
 - on-going
 - founded on equal partnership
 - non-discriminatory and
 - Informed through effective access to information.
5. This meaningful participation will not simply 'happen'. It must be actively planned and ensured, as part of these international interventions even when it is not expected or demanded. Civil society should benefit from moral, legitimising, awareness building, technical and financial support from these international actors. It is the essence of partnership that participation be respected as a human rights issue.
 6. As a human rights issue, the right to participation is an essential element of the commitment the Secretary-General has made to integrate human rights in all the work of the UN.
 7. As focal point for human rights in the UN system, the role of ensuring meaningful participation is inherent in the mandate of the Office of the High Commissioner for Human Rights (OHCHR). It should seek a comprehensive approach to conflict and ensure participation in all the UN's interventions in a country from political peace negotiations to the establishment of development priorities - as well as its human rights presences. This is in addition to the direct roles of other UN actors such as the Department of Political Affairs or the UN Development Group. The Charter speaks of "we the peoples of the United Nations" and its habit of focussing on its relations with governments will need to be broken.

The UN should act as a model of participation to demonstrate how governments themselves should relate to their populations. In turn, the OHCHR should act as a model of participation for the rest of the UN system. This includes being an effective advocate vis a vis other international organisations on the priority human rights concerns of the host country (such as relief for international debt incurred by the previous genocidal authorities in Rwanda).

8. By demanding meaningful participation, the host society is also seeking accountability. The human rights impacts of these international interventions need to be assessed through that participation. The OHCHR should lead the UN system by ensuring that such an on-going process of learning from experience be developed.
9. Donors have the responsibility to similarly ensure that international interventions, whether by the UN or other international organisations, learn from their own experience, the necessity of respecting the right to meaningful participation.

5. Follow-up

Host society participants undertook to follow-up the discussions at country level with UN actors and other international organisations. Similarly, representatives of international organisations undertook to follow-up the discussions at their headquarters and circulate the feedback to their representatives at country level.

6. Intervention from the European Commission

RELEX/129/2000.EN



EUROPEAN COMMISSION
DG EXTERNAL RELATIONS

Directorate GENERAL MATTERS AND MULTILATERAL RELATIONS

Human Rights and Democratisation

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Brussels, 25 April 2000

Speech by Mrs S. SUOMALAINEN Adviser for Human Rights

DG External Relations, Directorate GENERAL MATTERS AND MULTILATERAL RELATIONS

The International Human Rights IHRN/Network Forum - Geneva 28 April 2000

No region or country can hope to achieve stability or embark on a programme of sustainable development *without first comprehensively addressing the question of the fundamental rights and dignity of the individual citizen, and formulating an adequate response.*

To quote Mr Kofi Annan, "Today's human rights violations are the causes of tomorrow's wars." As Mr Christopher Patten, the European Commissioner for External Relations, told the Human Rights Commission in a speech delivered on 27 March 2000, "Debating human rights in the abstract can never be an excuse for inaction on the ground."

It is because we hold such convictions that the European Commission chose to finance the IHRN project whose conclusions have just been presented to this meeting. We are thus partly responsible for the fact that so many experts from civil society are gathered here today in Geneva.

I would like to begin by thanking those experts for the time and effort they have put into preparing this debate. The aim is an open-ended discussion and one which can probe beyond appearances.

I hope that this exchange will enrich the work of every one of us, as we strive to improve the lives of those who are still deprived of their most fundamental rights.

I would also like to thank the directors of the International Human Rights Network for their determination to remind us of what lies at the heart of any action on human rights - namely, the rights of those people in whose name we undertake our missions in the field.

Today we have a magnificent opportunity to learn from your experience and listen to your advice. We must examine your recommendations in detail, and as honestly as we are able, so as to find ways of using them to improve our own performance.

Participation as a right

It is very interesting to note that - to put it as simply as possible - ***participation is a right***. More precisely, "the right to participate in decisions which affect one's life is both an element of human dignity and the key to empowerment"¹⁰³. I would add that the only guarantee we have that any given form of participation is genuinely sustainable and enjoys more than the "appearance of sustainability"¹⁰⁴, is if it stems directly from the action of the people concerned. For it is they who are best placed to defend their own rights and to propose solutions appropriate to their own cultural context.

Nor must we forget that individuals have a hand in the action of the State. The relationship is necessarily reciprocal.

Today, the model for this reciprocity is the democratic system - namely, a government which is committed to acting transparently and responsibly towards the people who have elected it.

Such a society is organised on the basis that there is no power and no legitimacy other than those stemming from the people themselves. This prevailing vision of society necessarily entails participation and the use of participative methods. Thus any action based on principles which are incompatible with the ethic of participation - for example, an action determined by particular interests, which may well be concealed - is *de facto* unsustainable and in the long term will inevitably come to naught.

Actions of the European Commission

The 1997 Amsterdam Treaty affirmed the European Union's commitment to development and the consolidation of democracy, the rule of law and respect for human rights and basic freedoms, as essential components of its external relations¹⁰⁵. Since 1995, every agreement between the Commission and a non-member state has had to contain a clause asserting respect for democratic principles and human rights¹⁰⁶.

The European Union's approach to partnership with other countries is above all a constructive one. It is based on four fundamental principles: ownership, participation, dialogue and differentiation. The aim is to create an environment which will encourage good governance. This is not a specific policy, so much as a way of proceeding that is grounded in certain principles: the primacy of the rule of law, people's participation in decisions which concern them, and equity, transparency and integrity in administering the distribution of resources. Such an approach is closely related to human-centred sustainable development. Without it, sectoral policy and development planning are unlikely to prove effective.

Human rights and good governance are essential political virtues. They therefore play a crucial role in determining the Commission's country strategies, of which they form an integral part. This is a message, an "achievement", which should be emphasised more than it has been in the past.

In practice, all European Commission interventions in the domain of human rights comprise two elements: as the governmental level, we support the holding of elections, the establishment of the rule of law and of parliamentary democracy; *at the same time*, we seek to support the development of civil society within the context of

¹⁰³ Draft common themes indicated by the preliminary feedback report (IHRT).

¹⁰⁴ Preliminary feedback report (IHRT), p.17

¹⁰⁵ Articles 177 and 11 of the Treaty of Amsterdam.

¹⁰⁶ COM(95) 216 final.

the democratisation process. Where the local context so dictates, we may choose to support only civil society movements (for example, in Nigeria).

The reforms proposed by the Secretary General of the United Nations represent a shift in this direction. They aim to integrate human rights as a shared responsibility across all activities of all the UN agencies - an approach that is very close to existing Commission practice. Agencies would then establish joint frameworks for development aid to a given country, which would include a commitment to consult with civil society.

To return to the subject which concerns us today, I would like to look at two examples of how the European Commission has in practice supported UN operations in the field.

In *Rwanda*, the Commission funded both a European delegation of some thirty observers as part of the United Nations mission, and two independent evaluation exercises carried out during the intervention. The Commission consistently urged that the following fundamental principles should be adopted and respected: management by objectives, so as to ensure adaptability in the face of change, adequate procedures for selecting and training staff, and a clear strategy for withdrawal laid down from the very outset of the mission. In addition, we argued that it was vital to employ participative methods. We believe that local civil society must be involved in operations from the very beginning, and that one of the aims of any mission is to help strengthen the capacities of concerned local parties.

To meet the needs of those parties, the European Commission earmarked funds for microprojects in its intervention budget.

However, having failed to obtain the minimum guarantees we required, the Commission subsequently chose to suspend this type of aid, preferring instead to provide direct assistance both to the Rwandan legal system and to certain civil society associations for genocide survivors.

In *Colombia*, the Commission agreed to make a substantial contribution to the cost of establishing the High Commissioner's Office in Bogota, funding the salaries of the international staff (five people out of an office of six), at a time when the project was plagued by major financial problems. The five foreign experts were selected and recruited by an independent organisation, the International Lawyers' Commission, which received a grant from the Commission.

More recently, the Commission decided that this start-up support was no longer required. It was therefore withdrawn, and funds were made available instead for direct aid in line with our general strategic options for Colombia. This aid focused on two types of operation: humanitarian aid to displaced persons (through ECHO) and the promotion of human rights. In 1999, an EUR 11.5 million multiannual programme for the Andean region was approved, of which 40 % will go to support NGO activities in Colombia.

A holistic approach

As well as the principle of participation, I would like to emphasise the core of the whole matter - the promotion and defence of people's rights. But what rights should we be promoting and defending?

Let me remind you of the words of Mary Robinson, who is quoted in the report we have debated today as saying that it is "time to redress the balance and pay more attention to economic, social and cultural rights."

The European Commission shares this vision. The interdependence and indivisibility of rights is not just a rhetorical gesture, but a profound reality. *In this age of globalisation - a phenomenon whose potential for indirectly undermining the rights of the individual is still unquantified - it is increasingly important to approach the question of rights in a holistic perspective.*

Social and economic justice underwrite our ability to fully exercise our civil and political rights. They provide the necessary material context which allows us to take full advantage of our civic and political freedoms. The knowledge that we are secure in our economic, social and cultural rights strengthens the sense of social solidarity which can enable a community to come through difficult transitional periods.

That is why we *believe in a holistic vision* of rights, based on an extended analysis of the local context which should be carried out before commencing any operation on the ground, and with the broad participation of civil society. That is also why we believe that simply monitoring the situation on the ground is never a sustainable long-term solution.

In conclusion, I would like to emphasise how far all of us who are here today share the same fundamental commitments and concerns. That is why I am optimistic about future collaboration between international organisations, governments and civil society. The various mandates analysed in this report all bear witness to the same principles. If there are weaknesses, they would appear to be mainly in the way those principles are translated into action.

I remain convinced that rights are won, not given; it is a dynamic process. We all live within certain constraints from which we have to try and free ourselves. For we are all responsible - the civil society movement, which has to operate in difficult and sometimes dangerous conditions, and for which I have the greatest respect, and the staff of the international organisations - *for ensuring that every day we work to see our common commitments translate into a real strengthening of capacity* for action on the ground, and into worthwhile projects which will effectively further *the aims we all share.*

This meeting today can only reinforce the dialogue between the European Commission and NGOs, which is our main priority.

C. Reflection on the process itself

IHRN's experience of the process in 1998-2000 has had weaknesses as well as strengths, and may provide insights of relevance to field presences themselves as they consider participatory methods.

7. Overall

Participation is both time and resource intensive, and central issues of methodology arise which can themselves determine outcomes (such as those raised in the Common Themes above). The aim of having a process which continued after IHRN's visits through those met bringing the issues to the grassroots of their organisations, and channelling feedback, was not generally achieved. There were constraints both from the perspective of those met, and from the perspective of IHRN.

8. Factors from the perspective of those met

As with human rights more generally, participation (paradoxically) must be effectively demanded. The demand for participation concerning human rights fieldwork was generally low. For the great majority of the population in each of the sample countries there is little expectation of participation in decisions shaping human rights fieldwork.

Factors contributing to this include:

- General lack of access to information, a symptom of broader exclusion from political decision-making
- Compartmentalisation between 'human rights' NGOs and those working in 'development'
- Other urgent priorities such as survival in a human rights crisis (e.g. Burundi and Colombia)
- Where the human rights field presence was in the past (El Salvador, Rwanda) it can seem less relevant

For specialist human rights NGOs, especially those in capital, constraints to their participation concerning the human rights fieldwork include:

- Security threats faced generally by human rights defenders
- Often some of the main human rights NGOs are the focus of liaison by international human rights presences. Those are often the NGOs with similar priorities and methods as the field presences, and these NGOs may consequently feel adequately consulted
- Other priorities for their scarce time and resources (such as the then forthcoming elections in the case of Guatemala)

9. Factors from the perspective of IHRN

A process of participation cannot be created overnight: it is an on-going incremental process. In addition to the constraints from the perspective of those met, IHRN would seek to improve practical matters such as:

- Its estimate of the time and funding needed for administrative tasks (communications long distance, time zones, difficulties of phone/fax/email connections, time needed and cost of translation of documentation).

For a small NGO without an office or administrative support, these tasks are a constraint in such a process.

***PART IV. POOLING LEARNING ACROSS DISCIPLINES:
PARTICIPATORY DEVELOPMENT***

A. Learning by Analogy: Participatory development

By Orlaith McCaul¹⁰⁷

This section provides background to understanding participatory approaches. It begins by giving a brief overview of the concept of participation and how it is viewed in development. It then goes on to discuss different approaches and strategies to enable participation of relevant stakeholders in needs identification, project planning, monitoring and evaluation. It highlights some of the strengths and weaknesses of these approaches and key concerns that have been articulated regarding their application and effectiveness. It will then examine some examples of participatory approaches in practice before concluding with some preliminary thoughts regarding its possible application to human rights field presences.

1. The Concept of Participation in Development

1.1 Historical Background

The concept of participation in development is not new. By the late 1940s, the early initiatives of development assistance and of planned interventions in underdeveloped countries to advance development and change had commenced. However, it was mainly in the 1950s, and particularly in the 1960s, that these initiatives, via the processes of community development, sought to involve local people in efforts to improve their communities.

“Community development in the 1960s built the infrastructure of rural and urban communities; it also developed local skills and abilities and encouraged local people to play a part in and to take some responsibility for supporting and implementing a range of physical infrastructure works. Community development at this time also sought to build community-based organisations to serve as vehicles through which local people could get actively involved. It promoted literacy campaigns to enable people to better understand and relate to existing administrative bodies and it sought to generate a sense of cohesiveness and solidarity among community members.” (UNDP, 1999)

The 1950s and 1960s saw the community development movement flourish and, particularly in Africa and Asia, national programmes sought to build community infrastructure and to break down communities' exclusion from development activities. The style was quite generalised, and the community development worker was seen as a government official working at the interface between the outside forces of modernisation and the natural conservatism and suspicion of rural communities. Community development did promote communities' involvement, *but it was for an already agreed purpose*. Control was usually exercised externally and communities were seen as contributing to and supporting the national development agenda and not necessarily as being instrumental in determining its content or direction.

¹⁰⁷ Paper commissioned by IHRT 1999. Orlaith Mc Caul is Lecturer/Development Officer, Development Studies Centre, Kimmage Manor Dublin.

While this relatively limited vision of community involvement persisted into the 1970s, it has largely lost its predominance.

“Changing analyses and examinations of underdevelopment in the late 1970s and 1980s began to offer different explanations of the causes of people's poverty and to suggest different forms of project design. Poor people were seen as excluded and marginalised both from *broader societal* participation and also from direct involvement in development initiatives. Simultaneously, development policy makers and planners began to argue for societal level political participation and also to devise strategies whereby poor people could become more directly involved in development efforts. In development terms the last decade or so has been largely dominated by efforts to promote people's participation in development, which would involve a fundamental shift - both in attitudes and in methodology - if it was to break decades of top-down, non-participatory practice.” (UNDP, 1999, emphasis added)

Since the early 1990s the major donor development agencies¹⁰⁸ have advocated for, and committed resources to, participatory development, recognising the problems caused by non-participatory development (see box 1.1).

Box 1.1 Examples of Non-Participatory Development

- ❑ The existing planning procedures for the project are not based on the understanding of the critical ingredients of participation; namely participation in decision making, participation in implementation, participation in benefit sharing and participation in evaluation. When the villagers undertook projects on their own . . . the participation of the local people in terms of all these dimensions was total. But when it came to the planning of activities under the World Bank project, their participation was only partial and limited to the need identification and subsequent implementation of a few rural works projects . . . In most other sectoral activities the participation of the people at the village level was simply non-existent.
 - ❑ In the traditional approach to development it is well known that the administrators of development projects and the beneficiaries do not sit on the same side of the table. In fact they sit at different levels, the former being always at a higher level. What follows, therefore, is quite inevitable. Each looks at each other with suspicion. To the official, the villager is lazy, ignorant, unresourceful and irresponsible. To the villager, the official is conceited, unsympathetic, unconcerned and corrupt. Each does not take the other into his confidence. Instead of getting together they continue to stay apart.
 - ❑ Community participation is non-existent. At times the people of a given area are not even informed of project implementation in their area. At other times, after plans are made, the community is informed through formal meetings where the officers justify their plans, but modification is not considered.
 - ❑ Projects tend to be identified and designed by donors in consultation with central government officials, and the budgets and timetables are planned in a rigid way which make it difficult for the community to play a significant role. The emphasis upon the achievement of physical outputs within a limited period of time and with close supervision and accountability are added difficulties.
 - ❑ Overall, the principles guiding beneficiary participation in Bank-financed projects have been quite abstract and of limited operational impact. Beneficiaries were not assigned a role in the decision-making process, nor was their technological knowledge sought prior to designing project components.
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¹⁰⁸ Such as the World Bank, USAID and UNDP

Adapted from UNDP (1999)

In the practice of participatory development to date, and in an ideal world, the following are the kinds of **key principles** which have been accorded more importance. However, as will be discussed in later sections, there are wide variations in the rationale behind employing participatory approaches:

- **The primacy of people:** Whatever the purpose or ultimate goal of the project, people's interests, their needs and their wishes must be allowed to underpin the key decisions and actions relating to the project. It is not a question of including people as and when it is felt by project management to be convenient; people must sit centre-stage and their interests be taken into consideration during the whole course of the project.
- **People's knowledge and skills must be seen as a potentially positive contribution to the project:** A project which does not seek to make use of local knowledge and skills may not only be less effective but will also be squandering a useful resource. A participatory project should seek every possibility to base its activities upon local resources, both to avoid situations of dependence on external ones and also to help develop local capabilities, which will be important if the development is to be sustained. Participation is to do with developing people's capacities and this can best be achieved by building on and strengthening their existing knowledge and expertise.
- **People's Participation must empower women:** Participatory development should seek to improve gender inequalities through providing a means by which women can take part in decision making. Women's participation must be transformative, not be merely tokenistic; while there are often enormous social and cultural barriers which hinder women's participation, participatory development should seek to bring about change and to create the circumstances where women's voices can also be heard. This is a sensitive and critical issue, but efforts to involve women in an appropriate manner must be central.
- **Autonomy as opposed to control:** As far as it is realistic to do so, one should seek to invest as much responsibility as possible for the project with the local people, and thus avoid having absolute control in the hands of project staff. Such a principle is not always realistic and it should not be pushed too far in all circumstances; but there must be a discernible move to minimise the control of project staff and to maximise the potential responsibility of local people.
- **Local actions as opposed to local responses:** Encouraging local people to make decisions and to take action within the broad parameters of the project, as opposed to merely responding passively to initiatives proposed by others. The more that these kinds of local initiatives can be encouraged, the more a sense of ownership will develop among local people; but the major obstacle may be project staff who are unwilling or unable to promote local ownership of project activities and outcomes.
- **Allow for some spontaneity in project direction:** Promoting people's participation will mean that, as far as it is reasonably possible, the project should be allowed to develop in accordance with the abilities of local people to play an increasing role and to begin to assume some responsibility. Unless the project is able to plan for and to accommodate people's participation, it will remain a straitjacket and may push on to predetermined objectives regardless of whether local people are on board or not. Participatory projects do often take longer but, if they are truly

participatory, the outcome is more positive and sustainable.

2. Interpreting Participation

Since the late 1970s there has been a range of interpretations of the meaning of participation in development. The following are a number of examples:

'With regard to rural development . . . participation includes people's involvement in decision-making processes, in implementing programmes, their sharing in the benefits of development programmes and their involvement in efforts to evaluate such programmes.' (Cohen and Uphoff, 1977)

'Participation is concerned with . . . the organised efforts to increase control over resources and regulative institutions in given social situations on the part of groups and movements of those hitherto excluded from such control.' (Pearse and Stifel, 1979)

'Community participation [is] an active process by which beneficiary or client groups influence the direction and execution of a development project with a view of enhancing their well-being in terms of income, personal growth, self-reliance or other values they cherish.' (Paul, 1987)

'Participation can be seen as a process of empowerment of the deprived and the excluded. This view is based on the recognition of differences in political and economic power among different social groups and classes. Participation in this sense necessitates the creation of organisations of the poor which are democratic, independent and self-reliant!' (Ghai, 1990)

'Participatory development stands for partnership which is built upon the basis of dialogue among the various actors, during which the agenda is jointly set, and local views and indigenous knowledge are deliberately sought and respected. This implies negotiation rather than the dominance of an externally set project agenda. Thus people become actors instead of being beneficiaries.' (OECD, 1994)

'Participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them.' (World Bank, 1994)

The above reflect the broad nature of a process of participation and the fact that interpretation is linked to an agency's development perspective. There are, therefore, no universal interpretations or models of participation applicable to all development programmes and projects. Many development agencies are now making explicit statements on what they understand by participation and such statements are instrumental in determining strategy and methodology. Chambers (1998: 2) in Blackburn and Holland, makes this remark:

"Participation is today a sacred cow of the international agencies that control and direct vast intellectual and material resources in the name of development. How does their understanding fit with the people in southern and northern NGOs, popular organisations, community based associations and, increasingly, with government officialdom? All may be engaged in

participation speak, but whether they agree with each other on what they mean by participation is another matter”.

Although there is little agreement on what participation is or ought to be, some literature has been quite influential in broadly shaping the interpretation of the concept. Cohen and Uphoff's interpretation has had a major influence in terms of identifying the key-stages of the project cycle in which participation could occur: decision-making, implementation, benefits and evaluation. In a different way, Pearce and Stiefel's interpretation has been similarly influential in suggesting a more structural and political role for participation and not one simply linked to development practice.

3. From Targets to Beneficiaries to Stakeholders to Partners

Cohen and Uphoff and Pierce and Stieffel have been credited with having set the tone in the 1980s for a considerable body of participatory practice (UNDP, 1999). This participatory practice has been influential in, if not changing attitudes towards local communities, then at the very least changing language when referring to them. Project documents, proposal and reports, dated around the late 70s use the term **'target population'**, when referring to the community in which a particular intervention was to take place. Changes were made to this terminology, in the mid eighties and communities became known as **'beneficiaries'**; this has evolved in the 1990s into the notion of **stakeholders** and more recently **partners**. Currently much of the debate and practice regarding participation is based upon the concept of **stakeholders** and the relative importance and influence that different stakeholders can have on the outcomes of development activities.

4. Why Participation?

4.1 Process: participation as a means

This is where participation is seen as a process whereby local people co-operate or collaborate with externally introduced development programmes or projects. In this way participation becomes the means whereby such initiatives can be more effectively implemented. In this form, generally people's participation is sponsored by an external agency and it is seen as a technique to support the progress of the programme or project. The term 'participatory development' is commonly used to describe this approach and it implies externally designed development activities implemented in a participatory manner. This approach would appear to be quite widespread and essentially promotes participation as a means of ensuring the successful outcome of the activities undertaken¹⁰⁹. (Chambers, 1997, UNDP, 1999)

¹⁰⁹ There have been hundreds of studies carried out in recent years showing that participation is a critical component in ensuring the success of development projects (Montgomery, 1983; Kottak, 1991; USAID, 1987; Baker et al, 1988; Bagadion and Korten, 1991; Cernea, 1991; Guijt, 1991; Pretty and Sandbrook, 1991; Uphoff, 1992; Narayan 1993; World Bank 1994; Scoones and Thompson, 1994; Pretty 1995). These studies are representative of a wide geographical spectrum and sectors. Amongst a number of other considerations, the evidence shows that long term economic and environmental success can only come about when people's ideas and knowledge are valued, and power is given to them to make decisions independently of external agencies (Pretty et al, 1995: 60).

4.2 Product: participation as an end

In this form participation is seen as a goal in itself. This goal can be expressed as the empowering of people in terms of their acquiring the skills, knowledge and experience to take greater responsibility for their development. People's poverty can often be explained in terms of their exclusion and lack of access to and control of the resources which they need to sustain and improve their lives. Participation is an instrument of change and it can help to break that exclusion and to provide poor people with the basis for their more direct involvement in development initiatives. (Chambers, 1997: 4)

The critical issue to bear in mind is that people's participation in development is concerned with two things:

- **Structural relationships** and the importance of developing people's capacities and skills to **negotiate** and to seek the resources and changes which they require in order to improve their lives; and
- The **methods** and **techniques** whereby local people can be brought to play a part and to develop a stake in development programmes and projects.

Another way of distinguishing between different forms of participation is to think in terms of levels or degrees of participation. These can be understood along a continuum and can range from participation as essentially an act of manipulation to a degree of participation in which stakeholders become partners in the development initiative and begin to assume full responsibility for its management:

Pretty et al (1995) building on the earlier work of Adnan et al (1992) give a useful interpretation of thirteen ways different organisations interpret the term participation (Box 1.2).

Box 1.2 Interpretations of Participation

Typology	Characteristics of each type
Participation by manipulation	The lowest rung applies to situations of 'non-participation', where participation is conceived as the opportunity to indoctrinate.
Passive Participation	People participate by being told what is going to happen or has already happened. It is a unilateral announcement by an administration or project management without listening to people's responses. The information being shared belongs only to external professionals.
Participation in information giving	People participate by answering questions posed by extractive researchers using questionnaire surveys or similar approaches. People do not have the opportunity to influence proceedings, as the findings of the research are neither shared nor checked for accuracy.
Participation through information	When stakeholders are informed about their rights, responsibilities, and options, the first important step towards genuine participation takes place. The main drawback at this stage is that emphasis is placed on one-way communication, with neither channel for feedback nor power for negotiation.
Participation by consultation	People participate by being consulted, while external professionals define both problems and solutions, though they may modify these in the light of people's responses. Such a consultative process does not concede any share in decision making, and professionals are under no obligation to take on board people's views
Participation for material incentives	People participate by providing resources, for example labour, in return for food, cash or other material incentives. Much on-farm research falls in this category, as farmers provide the fields but are not involved in the experimentation or the process of learning. It is very common to see this called participation, yet people have no stake in prolonging activities when the incentives end.
Participation through consensus building	Here stakeholders interact in order to understand each other and arrive at negotiated positions which are tolerable to the entire group. A common drawback is that vulnerable individuals and groups tend to remain silent or passively acquiesce.
Functional participation	People participate by forming groups to meet predetermined objectives related to the project, which can involve the development or promotion of externally initiated social organisation. Such involvement does not tend to be at early stages of project cycles or planning, but rather after major decisions have been made. These institutions tend to be dependent on external initiators and facilitators, but may become self reliant.
Interactive participation	People participate in joint analysis, which leads to action plans and the formation of new local institutions or the strengthening of existing ones. It tends to involve interdisciplinary methodologies that seek multiple perspectives and make use of systematic and structured learning processes. These groups

	take control over local decisions, and so people have a stake in maintaining structures or practices.
Participation in decision making	When consensus is acted upon through collective decisions, this marks the initiation of shared responsibilities for outcomes that may result. Negotiations at this stage reflect different degrees of leverage exercised by individuals and groups.
Participation in risk sharing	This level builds upon the preceding one but expands beyond decisions to encompass the effects of their results, a mix of beneficial, harmful, and natural consequences. Things being constantly in flux, there is always the element of risk, where even the best intended decisions may yield the least desired results. Hence accountability is fundamental at this level, especially when those with the greatest leverage may be the ones with the least at risk.
Participation through partnership	This relationship entails exchange among equals working towards a mutual goal. Note that equal as applied here is not in terms of form, structure, or function but in terms of balance of respect. Since partnership builds upon the preceding levels, it assumes mutual responsibility and risk sharing.
Self mobilisation	People participate by taking initiatives independent of external institutions for resources and technical advice they need, but retain control over how resources are used. Such self-initiated mobilisation and collective action may or may not challenge existing inequitable distributions of wealth and power.

5. Arguments against Participation

There are arguments against the promotion of greater people's participation. They can be summarised as follows:

- ❑ Participation costs time and money; it is essentially a process with no guaranteed impact upon the end product. Participation can greatly add to the costs of a development activity and therefore its benefits have to be carefully calculated;
- ❑ Processes of participation *can be seen* to be irrelevant and a luxury in situations of poverty and it will be hard to justify expenditure on such a process where people need to be fed and their livelihoods secured;
- ❑ Participation can be a destabilising force in that it can unbalance existing socio-political relationships and threaten the continuity of development work;
- ❑ Participation is driven by 'ideological fervour' and is less concerned with seeking to secure direct benefits for people from development activities than with promoting an ideological perspective into development; and
- ❑ Participation can result in the shifting of the burden onto the poor and the relinquishing by national governments of their responsibilities to promote development with equity.

6. Five Key Operational Issues in Promoting Participation

While acknowledging the above arguments against participation, the dangers identified can be minimised or avoided by adopting certain operating principles

- It is critical that efforts to promote participatory development understand and examine the political and cultural context in which participation is to occur. Participation does not take place in a vacuum, but its development and progress will be influenced by a variety of factors inherent in the context. Time should be made available, therefore, at the beginning of any participatory project, to identify and to analyse the factors which could influence the process. In this respect a stakeholder analysis is a useful first step.
- In the preparation and design stages of the programme or project, it must be clearly understood that participatory processes do not necessarily follow structural, pre-determined and linear directions. Participation must not be seen merely as an input into a project, but as an underlying operational principle which should underpin all activities. Participation must be intrinsic to the project's development and not simply an activity which is used from time to time to provoke beneficiaries' interest.
- 'Participation in development' is not the same as 'participatory development'. Projects must seek to promote a real and authentic involvement of people in the development process and not merely seek to make the more common, top-down and technocratic approach to project development more participatory. Participation implies a radical change in project operations and not simply the adjusting of the project planning cycle, for example, to allow for a degree of local involvement.
- A key element in the promotion of a participatory form of development is the training which staff receive in its methodologies and techniques. In the past decade or so participation has revolutionised project practice and yet many staff have yet to move beyond the level of a general understanding. At the operational level it is imperative that staff be trained in participatory development in order that they can be effective in promoting and guiding it. At a higher level, this raises the issue of the mainstreaming of participation, its principles, its approaches and its methods across the board within an institution.
- In order to be able to understand its progress and to judge its contribution to the outcome of the project, it will be critical to set up and to operate mechanisms at the project level to monitor participation within the project and, subsequently, to evaluate its effect. To date this have proved to be a major difficulty in participatory projects and many development agencies are struggling to devise appropriate systems.

One commonly used methodology, to promote participation is Participatory Reflection and Action (PRA). We now turn to a review of PRA and the literature on it.

7. The origins and growth of PRA

7.1 Origins

Participatory Reflection and Action has evolved from several sources and traditions. Chambers (1992), drawing on Whyte (1977), Peltó and Peltó (1978) and Rhoades (1990) outlines five main influences.

- Activist Participatory Research
- Agroecosystem analysis
- Applied anthropology
- Field research on farming systems
- Rapid rural appraisal

Of the above, the most influential methodology was Rapid Rural Appraisal (RRA). Three main concerns of development workers led to the emergence of RRA. Firstly there was a growing dissatisfaction with the biases associated with rural development tourism¹¹⁰. The second origin was a disillusion with the normal processes of questionnaire surveys and their results. Chambers (1993:15) describes the experience; "Questionnaire surveys tended to be long-drawn-out, tedious, a headache to administer, a nightmare to process and write up, inaccurate and unreliable in data obtained, leading to reports, if any, which were long, late, boring, misleading, difficult to use, and anyway ignored." Questionnaires had come to be recognised as an inappropriate way of gathering information about local realities. Questionnaires, by their very nature, give answers to the questions that the person or people, who developed them, think are important. They do not in many cases, leave sufficient room for local realities to become apparent.

The third origin of RRA was a growing concern with the ever-increasing cost of administering and analysing traditional forms of research. This was coupled with the shift in thinking which recognised the value of local knowledge. The question of how to tap indigenous technical knowledge (ITK) as a source of information, for analysis and use by outsider professionals led to the development of RRA.

The Institute of Development Studies in Sussex, an influential body in the development of participatory approaches, held a series of workshops in the late 1970s related to the search for more appropriate ways for outsiders to learn about rural life and rural conditions. At the same time parallel moves were being made in institutes throughout Asia and Africa. Methods and principles began to emerge. The University of Khon Kaen, in Thailand, is cited by Chambers (1993: 8) as being a world leader in developing the theory and methods, especially for multidisciplinary teams and for institutionalising RRA as a part of professional training.

7.2 Difficulties

By the mid 80s RRA had begun to be seen as an acceptable research methodology (Chambers, 1980; Belshaw, 1981; Carthers and Chambers, 1981). This was after much argument was put forth highlighting its cost - effectiveness and timeliness as a research tool. Chambers (1992) speaks of professionals who were using RRA, but were reluctant to admit to it in writing, fearing for their professional credibility.

¹¹⁰ A concept developed by Robert Chambers likening development workers to 'tourists' who never really got to the heart of the matter. This he felt was due to certain biases inherent in them.

“They felt compelled to conform to standard statistical norms, however costly and crude their applications, and obliged in their reports and publications to use conventional methods, categories and measures. In a classic statement, Michael Collinson described how he would take only a week to conduct an exploratory survey to identify agricultural research priorities, but would then feel obliged to follow this with a formal verification survey, which represented the major commitment of professional time and funds. This more costly exercise had always confirmed the exploratory survey but the numbers that this formal survey provides are the only hard evidence produced by the diagnostic process. This is extremely important in convincing ‘the Establishment’ (Chambers, 1992:7).

The point that Chambers makes in quoting Collins on is an extremely important one. Who are the Establishment? If ‘time and again’, cheaper, faster participative methods proved to be yielding the same, if not more accurate and timely results as conventional questionnaire methods, what then did the establishment have to fear?

7.3 Participatory Rural Appraisal

In the mid to late 1980s the words ‘participation’ and ‘participatory’ entered the RRA vocabulary, led by theorists and practitioners of rural development such as Norman Uphoff and Michael Cernea (1985). Large institutions showed an interest in the concept, for example USAID in their support of Cornell University’s Rural Development Review and the World Bank, on whose behalf Cernea edited Putting People First. At a conference in Khon Kaen University in 1985 the concept of participatory RRA was generated (Chambers, 1992; 9). The dominant purpose of Participatory RRA was seen as stimulating awareness amongst those who partook, with the outsider’s role as catalyst.

In the late 1980s two significant participatory RRA's were conducted, one in India and one in Kenya. In India the Aga Khan Rural Support Programme (AKRSP) with the support of IIED carried out a Participatory RRA in Gujarat. In Kenya the National Environment Secretariat, in association with Clark University, conducted a Participatory RRA in Mbusanyi in Machakos District. These two experiences were seminal for the development of PRA.

Its subsequent uptake and development in India was concentrated, mainly, but not exclusively, in the NGO sector. A cross fertilisation and spread took place internationally. Influenced by IIED and with the support of the Ford Foundation and SIDA, 30 field based workshops took place, manuals were written and RRA notes were published

7.4 Definition of PRA

Blackburn and Holland (1998; 1 and 173), suggest that a consensus has built up that the words rural and appraisal are no longer adequate words to describe the approach and its applications. PRA is being used in both urban and rural setting. PRA is also being used for more than appraisal in the project cycle, it is being used to plan, implement, monitor and evaluate development interventions, so in that sense appraisal does not reflect its true usage. Blackburn and Holland suggest it be called Participatory Reflection and Action. Whatever we choose to call it, PRA is a technique which enables learning, from, with and by communities and which provides the means by which people can investigate, analyse, and evaluate a given situation. This learning facilitates informed and timely decisions regarding development projects to be made by the relevant people.

“PRA stresses changes in the behaviour and attitudes of outsiders, to become not teachers but facilitators, not lecturer but listeners and learners. ‘Hand over the stick’, ‘use your own best judgement at all times’ and ‘They can do it’ (having confidence in the abilities of local people whether literate or not) are among its sayings. When well conducted. PRA approaches and methods are often open-ended, visual as well as verbal and carried out by small groups of local people. They have proved powerful means of enabling local people, including the poor, illiterate, women and the marginalised, themselves to appraise, analyse, plan and act.” (Chambers 1998; xvi).

7.5 The Features of PRA

There are eight key features to PRA;

- **Triangulation:** A form of cross checking. Accuracy is achieved through drawing from diverse sources of information , not statistical probability. Triangulation is done in relation to:
 - Composition of the team
 - Sources of information
 - Methods used to gather information

- **Multidisciplinary team:** The members of the PRA team should consist of a mix of different skills and disciplinary backgrounds. This is done to ensure a more comprehensive picture of a particular situation. This should circumvent the possibility of single focus or personal bias data collection and analysis. The team should also include both men and women to give a gender balanced view of the topic of research.

The team should also include community members. For reasons described in another discipline,¹¹¹ that of Johari’s window. Johari argues that at a personal level there are things about ourselves that we are happy for other people to see. Johari also argues that there are things about ourselves that we know, but do not wish anyone else to know about, and we therefore hide those things so that others will not find out about them. Johari also argues that there are things about ourselves that are not clear to ourselves but can be clear to others, and finally there are things that neither we ourselves know, or those observing or interacting with us know. The same can be applied to a community or a group. That way by including insiders and outsiders on a PRA team there is a greater chance of enlarging a window and therefore getting the deepest insight possible into the given situation or community.

- **Mix of Techniques:** The PRA techniques are taken from a wide range of possible tools. One might conduct an interview with a teacher regarding teaching methodologies employed in a class and elicit a certain amount of information. If one then goes to that teacher’s classroom to observe the teaching methods, one may very well find a very different approach being taken than that originally claimed. Indeed one could go further to engage the children of the class to

¹¹¹ Psychology.

undertake a role play of the various techniques the teacher uses and this could again broaden the understanding of the topic.

- **Flexibility and informality:** This feature relates to the semi-structured and adaptive nature of PRA. Whilst research plans are made, they are considered to always be flexible. Changes and adaptations are made to the process depending on how the fieldwork proceeds.
- **In the Community:** Most of the activities that are done during a PRA are done with or by the community. This ensures that the emic perspective is at the forefront of any analysis. The analysis is also done in the community, as is the planning. Unlike other forms of research (including RRA), the majority of the work is done in the community and by the community.
- **Optimal Ignorance and Appropriate Imprecision:** The PRA team is encouraged to avoid unnecessary detail, excessive accuracy and over-collection of data. The team must decide what kind of information is required, for what purposes and how accurate it has to be. Exact figures and percentages are not necessarily required in PRA.
- **On the Spot Analysis:** Another key feature of PRA is the immediate nature of the analysis of the information gathered. Teams are encouraged to constantly review information that is gathered, when it is being gathered. The analysis builds up understanding and can help to narrow the focus of a PRA as knowledge is accumulated.
- **Offsetting Biases and Being self-critical:** The PRA team is encouraged to actively seek out the poorest, most marginalised and disadvantaged groups in the research area. They are encouraged to research at the worst time of the year and to avoid talking only to well off and/or better educated, articulate men. The team is also encouraged to be aware of their own biases and to take care not to let those biases influence their focus or analysis. (adapted from Theis and Grady, 1991: 27)
- **Seeking Diversity:** PRA seeks to examine what is seen and what is not seen, what is said and what is not said, who is met and who is not met. PRA seeks to find variability rather than averages and tries to maximise the diversity and richness of information. (Chambers 1992; 14) Most of all the team is encouraged to avoid making value judgements about others. PRA, to a much greater extent than RRA, focuses on attitudes and behaviour of outsiders in their interactions with rural people.

7.6 Overview of PRA Techniques/Methods

PRA makes use of a wide range of methods to gather and analyse information. Each method can be adapted to suit the particular PRA that is being conducted. See appendix 1 for a description of the most commonly used tools.

7.7 Conducting a PRA

Before carrying out a PRA the team designs a research plan. Firstly, this involves a clarification of the goals and objectives of the PRA. Once these have been agreed, the main topics that the team will focus on, are decided upon. Each of the topics is examined and the research team develops a list of subtopics, indicators and key questions that they wish to centre their work around. For each of the topics and subtopics, sources of information are identified and tools are selected and designed for the collection and analysis of information. When the research plan is developed the team then go to the community to carry out the PRA.

PRA is a form of interactive participation and may lead to self mobilisation. The difficulty is that organisations can engage people in passive participation and call it a PRA. This author has attended many research presentations of individual researchers who have claimed to have done, or be intending to do, a PRA. The distinction that needs to be made is that they may be using participatory research techniques to carry out their project, not carrying out PRA. Many project proposals similarly claim that PRA's were carried out to 'plan' and to 'monitor' projects. On closer inspection, it can be surmised that participatory methods were used, but PRA were not conducted. A group discussion held with women involved in a credit scheme to assess the impact of that scheme on their lives, does not constitute a PRA - although many organisations believe, or would like to believe, that this is so.

7.8 Criticism of PRA

PRA has recently come under considerable criticism (Warner, 1996: 330). What is interesting to note, however, is that much of the criticism is related to misuse of the approach rather than the approach itself.

Two principal criticisms were identified by Warner (1996; 331). The first, which was also highlighted by Thrupp et al, (1994), was that community participatory planning remains peripheral and isolated from mainstream government and agency development policy and planning. The second criticism is one referred to by Chambers (1994) and Mosse (1993), that community participatory planning remains a set of ad hoc techniques for information extraction, rather than a structured method for participatory project planning and empowerment.

The first is a criticism not of the techniques, but the fact that they have not been mainstreamed, showing a lack of acceptance of them as an acceptable planning methods by 'mainstream organisations'. Even this argument is difficult to uphold. Many 'Mainstream' organisations' have begun to use participatory planning methods, as have many government departments. If there is a criticism it concerns how and why they are using them. Who's interests are they serving by utilising these methodologies?

The second criticism is a more forceful one. Given that, the basis for community participatory planning is not so much the application of structured 'methods', but the selection and application of a broad range of 'techniques' (McCracken, 1988), it is easy to see why PRA could be seen to be ad hoc. Also the criticism that they are used in an extractive manner rather than as a structured method for community based project planning and empowerment, is, in many cases, a very accurate one.

But this relates to misuse of the tool rather than the tool itself being 'extractive' or 'unstructured'.

A further possible criticism of PRA (Robinson-Plant, 1996:532) concerns the cultural appropriateness of the techniques employed. That practitioners simply impose assumptions derived from our own cultural practice onto other people's cultures. This author is unsure of how this criticism is arrived at as PRA practitioners are strongly encouraged to adapt the tools to the cultural setting that they are engaged in. It must be noted however that the criticism is often related to the method of ranking (see appendix 1) which it is argued is essentially a western notion. In particular, the technique of wealth ranking comes up for a lot of discussion. This author has had difficulty in using this tool, but has had the good sense to adapt or even discard it as inappropriate in particular cultures.¹¹²

8. Participation and its implications for use on human rights

fieldwork

There has been very little published work done to date on the use of participatory methods in human rights focused projects¹¹³. There are, however, examples in practice of how the use of participatory methods, led to the emergence of human rights issues.

As part of the research for this section, the author conducted a focus group discussion with six development practitioners¹¹⁴, trained in participatory methods with extensive experience of working in a participatory manner. The purpose of the focus group discussion was to ascertain the following:

- Have they used participatory approaches in planning or evaluating human rights projects?
- Has the use of participatory approaches, in their experience, led to the emergence of human rights issues?
- Specifically, what methodologies would they find useful in addressing human rights issues?

None of the participants in the focus group discussion had specifically worked on human rights projects using participatory methodologies. However, some discussion arose regarding the difference between what would be perceived as human rights and basic rights (which development projects seek to address). Despite not having a specific focus on human rights issues, they shared similar experiences of using participatory approaches in planning 'development' projects, through which, particularly in the needs identification stage, human rights issues emerged. Examples cited tended to be gender focused although ethnically related (minority rights) themes also emerged. What was of note in each case was that those participating did not name these issues as human rights issues per se, but instead listed them as problems that they were facing.

¹¹² An example of one such difficulty was a wealth ranking conducted with a Maasai community. Problems arose on many levels. Maasai's see cattle as a sign of wealth, but 'never count cows' (allegedly), they also count the number of children they have as a sign of wealth - despite the pressure on resources that come with large family sizes

¹¹³ The Kenyan Human Rights Commission and the new Northern Ireland Human Rights Commission are currently trying to use participatory methods to plan projects

¹¹⁴ Zambian, Kenyan, Tanzanian

In relation to the final issue of appropriate methodologies, it was felt by the group that the point to highlight is that not what method would bring out what response, rather the entire approach, one of respect for local knowledge, the attitude of learning 'with', the non threatening methodologies, can engender a feeling of trust between the parties involved and with that in place, the likelihood of human rights issues emerging would be considerably increased compared to the employment conventional methods of data collection.

□ Example:

Frank Kirwan, elected to use participatory approaches to data collection in a study he embarked on which sought to address the special struggle faced by Ogoni women in development. His hypothesis was that Ogoni women were disadvantaged because:

- They are members of an ethnic minority
- Population growth in Ogoni is extremely high
- They are women
- They live in an environmentally ravaged oil producing area

He chose participatory research methods because:

“It was a more participatory and active approach to examining the situation for Ogoni women” which would hopefully “lead to the building of rapport and trust among the people taking part. Through this building of rapport and trust and entry into the active nature of the process it was hoped that this would lead to a more qualitative and true relating of the experience of Ogoni women.” In quoting Atte (1998: 34) he explains his approach as “both an attitude and a methodology. It provides the mindset, which enables the outsider (usually the elite) to interact with the insiders (usually local people) as equals for mutual benefit. It helps outsiders to understand the community systems by using the visual techniques of diagrams, models, counting and quantifying devices, as well as techniques of direct observation, participation and discussion. When local people partake in these activities and thus help to analyse their own systems, (which is normally done in a formalised way), a two-way learning process is enhanced. The process empowers local People to take charge of their own situations and negotiate with outsiders from a position of strength and confidence”.

For Kirwan (1999:54) the process was to be transformative and emancipator, where women could articulate their own experience and ideas and synthesize them into coherent and visible knowledge. The methods he used with the groups he worked with included timelines, mapping, daily activities charts role-plays and ranking.

An example of a role-play focused on ethnic minority status is outlined below:

□ Drama 1

“The women dramatised situations during the army occupation. The women were going about their necessary daily activities. The people in one group as they were going to the market were robbed, forced to frog jump, had their goods scattered and were then detained. In another incident a cyclist was killed by the military. The three women going to church were kicked and robbed. The soldiers were quoted as saying “Foolish people, they say they go live on their own, now they done die.” They dramatised how the army radioed

HQ to say that they had been successful in what they had been sent to do.”
(Kirwan, 1999: 69)

As a result of that role-play and another by another group, the following list of relevant issues was compiled by the group regarding their ethnic minority status.

- Because the Ogoni are not many, the chances for education, for jobs and for political office are denied them by other ethnic groups.
- Other ethnic groups call the Ogoni “Pio Pio”, intended as an insult. In fact, it means pure Ogoni.
- When the Ogoni claimed their rights the other ethnic groups expected them to be submissive and to beg. Instead the Ogoni kept their dignity and resisted.
- Exploited at market when garri and other farm produce are sold, the traders from the other ethnic groups then make more profit than the Ogoni producers do.
- Because of poor profit for the Ogoni from their farming there is no chance to train the children well. Some girls go to families as house servants and are badly treated and blame their parents.
- During the army occupation the Ogoni were robbed, raped and exploited.
- When Ogoni men were killed many women became widows, thus adding to the poverty levels
- Many have physical disabilities as a result of the army violence. Often there was poor medical care.
- Many pregnant women had their stomachs cut open.
- Many children were bashed to death.

This simple example as outlined by Kirwan (1999: 70 &71) shows the potential of participatory approaches to highlight human rights issues.

9. Conclusions

Participatory approaches are not new, yet there is a significant mountain to climb in ensuring that they are used effectively by those engaged in human rights-development work.

The key to this effectiveness lies in well trained facilitators who work in a manner that is respectful of the needs, rights and knowledge of local people along with an institutional recognition and adoption of appropriate systems which enables mainstreaming of the approach.

The following section outlines some of the practical resources available for identifying and nurturing those facilitators and those organisational systems.

B. Signposts to experience and resources available

The experience gained of participation in the field of development is naturally analogous to that of field human rights work. Development is, like participation, a human rights issue. Development is both a means to human rights, and a human rights goal in itself.

10. Pooling learning

As the above background paper indicates, human rights field presences have available to them a vast existing experience of both insight and error concerning participation. Resources concerning participatory methods which the development field has generated in the last decades are signalled here. The wheel does not have to be reinvented. Rather, it is a question of learning from this experience to put the recommendations identified in the discussion process into practice. The political, development and human rights actors behind the interventions discussed need to pool efforts through cross-disciplinary learning.

On the one hand, a human rights analysis needs to be injected into current thinking concerning participation. Experience to date of participation has been confined almost entirely to development actors - and then only on the basis that participation is a means to enhance programme effectiveness.

On the other hand, new experience of a human rights approach to participation needs to be spread from the relatively narrow field of development to all the other sectors in which the UN is active: peace and security; economic and social affairs and humanitarian action - given that human rights is intended by the Charter to permeate them all.

11. An overview of Participatory Methodologies¹¹⁵

- ***Analysis Group Discussion:*** An intensive semi-structured session in which the information gathered in the field is analysed and recommendations for further action are made.
- ***Case Studies and Portraits:*** The use of case studies to elicit information or analysis.
- ***Construction of Diagrams:*** The presentation of information in a condensed and readily understandable visual form.
- ***Direct Matrix Ranking:*** A method of putting things in order based on a set of chosen criteria.
- ***Direct Observation:*** Systematically observing objects, events, processes, relationships, or people and recording these observations.

¹¹⁵ By Orlaith McCaul.

- **Flow/Causal Diagram:** A visual presentation showing causes, effects, and relationships between key variables.
- **Focus Group Discussions:** A discussion on a specific topic, or series of topics, in detail, with a small group of people who are knowledgeable or who are interested in the topic(s).
- **Group Walks:** Insiders and outsiders walking together through an area observing and discussing surroundings.
- **Histogram:** A visual presentation of the history of a particular place.
- **Historical or Future Mapping:** Visual presentations of how a place looked x years ago and how someone would like it to look x years in the future.
- **Historical Profile:** A summary of key historical events in sequential order and notes as to their importance for the present situation of a given community.
- **Historical Seasonal Calendars:** A visual presentation of key trends on a seasonal basis over recent years.
- **Indigenous Categories:** A tool that focuses on the importance of particular 'categories' to a given community. For example 'wealth' may in one culture be categorised by the size of one's home, whereas in another it may be categorised in relation to the number of children in a given family.
- **Innovation Assessment:** Used particularly in agricultural production research, a ranking exercise that helps to assess the usefulness or effectiveness of particular innovations in methods or technologies.
- **Livelihood Analysis:** A diagram which is used to help to interpret the behaviours, decisions and coping strategies of households with different socio-economic characteristics
- **Mapping and modelling:** The construction of maps or models using locally available resources to show a particular area's geographical spread. Done separately by men and women, maps can show differences in the importance of particular places to each sex.
- **Mobility Mapping:** This map records and allows for comparison and analysis of the spatial mobility of different groups of people in a community. It shows contacts outside a community, ease and access to frequency and reasons for travel.
- **Oral Histories:** Given often by an elder or a set of elders in a community, this entails the telling of the 'story' of a community over a remembered period
- **Pairwise Ranking:** A method which allows people to determine their main problems or preferences, the criteria by which these are deemed to be of importance and allow for a simple analysis of the priorities of different individuals
- **Participant Observation:** The use of observation techniques to examine for example body language, dominators, quietness etc during an interview.

- **Participatory Mapping:** A technique which brings people together to construct, using locally available materials, a map of their area, highlighting places of importance etc.
- **Pie Chart:** The use of circles as symbols to show for example the importance of one organisation over another or the time spent on one thing over another.
- **Preference Ranking and Scoring:** Enable a quick determination of main problems of preferences of individual villagers and enables the priorities of different individuals to be easily compared.
- **Proverbs:** These can be very telling of belief systems in a culture or community.
- **Ranking by voting:** A form of preference ranking where preferences are determined by votes.
- **Seasonal Calendars:** This is a calendar which shows the main activities, problems, and opportunities throughout the annual cycle in diagrammatic form. It helps to identify the months of greatest difficulty and vulnerability, or the significant variances which have an impact on people's lives.
- **Secondary sources:** These are sources of information which are relevant to the area or subject of the planned PRA and are available in published or unpublished form (e.g. reports, statistics, maps, aerial photos, films).
- **Semi-structured Interviews:** This is one of the main tools of PRA. It is a form of guided interviewing where only some of the questions are predetermined. Rather than using a formal structured questionnaire a checklist of questions as a flexible guide is used. Many questions may be formulated during an interview if needed.
- **Social Mapping:** A form of mapping which shows the social and residential stratification of a community to include for example differences in wealth, ethnicity and religion.
- **Stories:** As with proverbs, the oral tradition in a community can be very telling as to the history of a community.
- **Systems Diagram:** A form of mapping or diagramming which shows visually the links in various systems.
- **Time Trends:** These show quantitative changes over time and can be used for many variables including: yields, livestock population, prices, migration etc.
- **Transect walks and diagrams:** A transect is a diagram of main landuse zones. It compares the main features, resources, uses and problems of different zones.
- **Venn/Institutional Diagram:** Also known as chipati, or more recently as pizza diagramming, it is most commonly used to show the key institutions and individuals in a community and their relationships and importance for decision making.
- **Wealth Ranking:** A form of ranking that allows a community to investigate perceptions of wealth differences and inequalities. It helps the team to discover local indicators and criteria of wealth and well being and enables the team to establish the relative position of households in a community.

12. Resources

This section is a brief selected bibliography and websites concerning participatory policy/discussion/training materials. The sample illustrates the range and variety available.

□ **Devline** <http://www.ids.ac.uk/index.html>

The website is located at the Institute for Development Studies (IDS) of the University of Sussex, UK, contains

- databases
- IDS research, teaching, training
- Library on PRA (www.ids.ac.uk/pramain.html) and other participatory approaches
- Contacts for people and organisations around world

□ **Electronic Development Information System (ELDIS)**
<http://www.ids.ac.uk/eldis/eldis.html>

The website is at the British Library for Development Studies and is a gateway to information on development and the environment (links to databases, full text materials, library catalogues) and Participation/PRA information sources

□ **Electronic Resource Centre for Human Rights Education** <http://www.hrea.org>

The website is maintained by Human Rights Education Associates (HREA) and supported by grants from the Dutch Foreign Ministry (<http://www.minbuza.nl>) and the Open Society Institute (<http://www.soros.org>).

- Example of materials: A Guide to Choosing to Participate (Brookline: Facing History and Ourselves, 1998). Language: English. Keywords: manual, teachers, secondary school level, high school level, history education, civil rights, democracy, USA. URL: <http://erc.hrea.org/Library/teachers/fhao98.html>

□ **Institute for Development Research (IDR)**

44 Farnsworth Street, Boston MA 02210; Tel: 617 422 0422; Fax: 617 482 0617
www.jsi.com/idr/idrmast.htm

The IDR, a non-profit education, consulting and research organisation aims to promote the participation of under-represented and impoverished groups in social, political and economic development processes. IDR also produces training and resource manuals offering institutional capacity-building tools to development practitioners and trainers

□ **International NGO Training and Research Centre (INTRAC)**

Based in the UK, provides integrated approaches to training, consultancy and research including participatory methods, e.g.

- *People's Participation in Development Projects*, Oakley P., 1995, London: INTRAC

Pact

1901 Pennsylvania Ave, NW, 5th floor, Washington DC 20006
Tel: 202 466 5666, Fax: 202 466 5669

Pact is a non-profit organisation based in Washington DC with field offices in developing countries. It aims to contribute to the growth of civil societies - where citizens acting together can express their interests, exchange information, strive for mutual goals and influence government. It works with strategic partners to identify and implement participatory development approaches at the community level. Pact's Publications programme (across from UN HQ in NY) produces and distributes training tools and educational materials.

Participatory Action Research (PAR)

Webster at Cornell University, NY, USA <http://www.parnet.org> contains

- PAR events
- Institutions, courses
- Publications
- Practical advice and techniques

Participatory Learning and Action

Webster at the Sustainable Agriculture Programme, IIED, London UK
<http://www.oneworld.org/iied/resource> contains

- Information on the application of PRA methods
- Lists of PRA practitioners
- Information on other participatory methodologies

Sample Practical tools: towards participation (frameworks, indicators, measurement) and partnership

- *Who are the Question-makers? A Participatory Evaluation Handbook*, J. Donnelley (managing editor), New York: UNDP Office of Evaluation and Strategic Planning
- *Tools for Community Participation: A Manual for Training Trainers in Participatory Techniques*, L. Srinivasan New York: PROWWESS/UNDP
- *Power, Process and Participation- Tools for Change*, R. Slocum, Lwichtart, D. Rocheleau and B. Thomas Slayter (eds.), 1995, London, Intermediate Technology Publications

- *Guidance Note on How to do Stakeholder Analysis of Aid Projects and Programmes*, Social Development Department , Overseas Development Administration (now DFID), 1995, London:HMSO
- *A Manual for Socio-Economic and Gender Analysis*, by Barbara Thomas-Slayter, Rachel Polestico, Andrea Lee Esser, Octavia Taylor and Elvina Mutua; ECOGEN, 1995, Pact Publications, 777 UN Plaza, NY www.pactpub.com
- *Evaluating Social Development Projects*, Peter Oakley and David Marsden; Oxfam; 1990, Pact Publications, NY
- *Whose reality Counts? Putting the Last First*, Robert Chambers; Intermediate Technology Publications, 1997, Pact Publications, NY
- *Who Changes? Institutionalising Participation in Development*, by James Blackburn with Jeremy Holland; Intermediate Technology, 1998, Pact Publications, NY
- *Selections of Institute for Development Research (IDR) Reports: Participatory Action Research; Strengthening Civil Society as a Sector; NGOs in Policy Influence*, Pact Publications, NY
- *Field Manual for Participatory Rural Appraisal: Partners for Development*, 1998, Pact Publications, NY
- *Exit Strategies: Transitioning from International to Local NGO Leadership*, by Richard Holloway; 1997 Pact Publications,
- *Participatory Program Evaluation*, Judi Aubel, 1993 Catholic Relief Services
- *Participatory Learning and Action: A Trainer's Guide*, Jules N. Petty, Irene Guijt, John Thopmpson and Ian Scoones: IIED, 1995, Pact Publications, NY
- *Participatory Development Tool Kit: Trainign Materials for Agencies and Communities*, Deepa Narayan and Lyra Srinivasan; The World Bank, 1994, Pact Publications
- *Tools for Community Participation: Manual/video Package for Training Trainers in Participatory Techniques*, by Lyra Srinivasan; PROWWESS/UNDP, 1993, Pact Publications, NY
- *Documenting, Evaluating and Learning from our Development Projects: A Participatory Systematisation Workbook*, by Daniel Selener with Christopher Purdy and Gabrielle Zapata, 1996 International Institute of Rural Reconstruction
- *Who Counts Reality: Participatory Monitoring and Evaluation: A Literature Review*, by Marisol Estrella and John Gaventa, Working Paper 70, Institute for Development Studies

OECD

- *Development Assistance Manual, Development Assistance Committee (DAC) Principles for Effective Aid*, OECD, 1992, Paris
- *Strengthening Development Partnerships: A Working Checklist* Development Assistance Committee, 1998, Paris
- *Review of the DAC Principles for Evaluation of Development Assistance*, Development Assistance Committee Working Party on Aid Evaluation, 1998, Paris
- *DAC Guidelines for Gender Equality and Women's Empowerment in Development Co-operation*, Development Assistance Committee, 1998, Paris
- *Evaluation of Programs Promoting Participatory Development and Good Governance: Synthesis Report*, DAC Expert Group on Aid Evaluation, 1997, Paris
- Dialogue and Analysis Grid for Democratisation, DAC/WB/UN initiative to develop global democracy and good governance indicators reflecting the principles agreed in the major UN conferences, VIII/1140/98/EN

UNHCR www.unhcr.org

- *A Framework for People-Oriented Planning in Refugee Situations Taking Account of Women, men and Children: a practical planning tool for Refugee Workers* by Mary B Anderson, Anne M. Howarth (Brazeau) and Catherine Overholt, UNHCR, Geneva December 1992
- *People-Oriented Planning at Work Using POP to Improve UNHCR Programming: A UNHCR Handbook* by Mary B Anderson, Geneva December 1994

UNDP www.undp.org

- *Empowering People: A Guide to Participation*, UNDP 1997, see <http://www.undp/csopp>
- UNDP and Civil Society Organisations: Building Alliances for Development

Unicef www.unicef.org

- "Youth Participation: Unicef's experience working with young people", Programme Experience Series, Programme Division, NY, July 1999.
- *Children's Participation*, Roger A. Hart; Earthscan/UNICEF, 1996

□ World Bank www.worldbank.org

- *The World Bank and Participation*, Operations Policy Department 1994, Washington DC: World Bank
- *Consultations with the Poor: Methodology Guide for the 20 Country Study for the World Development Report 2000/01*, Poverty Group, Poverty Reduction and Economic Management Network, The World Bank, February 1999

- *World Development Report 2000/1: Attacking Poverty*, www.worldbank.org/poverty/wdrpoverty
- *The World Bank Participation Sourcebook* <http://www.worldbank.org/html/edi/sourcebook/sbhome.html>
- *Participatory Evaluation*, Deepa Narayan, 1993, The World Bank

□ **General**

- “Civil Society: Partners, Participants or Pawns in Development?”, The UN Research Institute for Social Development Bulletin, UNRISID News No.20, Special Edition Copenhagen Plus Five, PrepCom, Spring/Summer 1999
- *Civil Society and the Aid Industry*, edited by Alison Van Rooy, The North-South Institute, Earthscan Publications, London, 1998
- Conference Papers from *Participation: The New Tyranny?*, Institute for Development Policy and Management, University of Manchester, 3 November 1998 (contact: Bill Cooke University of Manchester bill.cooke@man.ac.uk) including “The Making and Marketing of Participatory Development: A Sceptical Note, David Mosse, School of Oriental and African Studies, University of London; and “Paradoxes of Participation: A Critique of Participatory Approaches to Development”, Frances Cleaver, Development and Project Planning Centre, University of Bradford (f.d.cleaver@bradford.ac.uk)
- *Local Institutions and Participation for Sustainable Development*, N. Uphoff, 1992, Gatekeeper Series No. 31, London: Sustainable Agriculture Programme of the International Institute for Environment and Development
- *Winning Through Participation*, L. Spencer, 1989, Dubuque. Kendall/Hunt Publishing Company
- *The Struggle for Accountability: The World Bank, NGOs and Grassroots Movements*, by Jonathan A. Fox and L. David Brown; MIT Press, 1998, Pact Publications, NY
- *Civil Society and International Development*, edited by Amanda Bernard, Henny Helmich and Percy B. Lehning, 1998. Development Centre of OECD/North-South Centre of the Council of Europe

ANNEXES: THE DISCUSSION PROCESS

A. Guatemala

B. El Salvador

C. Rwanda

D. Burundi

E. Colombia

**F. Office of the High Commissioner for Human Rights, Geneva
European Commission and International NGOs**

G. United Nations bodies, New York

Annex A: Guatemala**Organisation**

	First Name	Family Name
Alliance Against Impunity	Miguel Angel	Albisuarez
Anthropoloy-psychology specialist, Coban	Judith	Zur
Asociacion Chajulense	Padre	Balthazar
Asociacion Chajulense	Rosolino	Bianchetti
Asociacion Christiano Guatemalteco, Quiche	Donal	McKenna
Latin American Centre for Human Rights, CALDH	Frank	LaRue
Latin American Centre for Human Rights, CALDH	Miguel	Moerth
Catholic Relief Services	Claire	McGuigan
Central American Institute of Latin American Studies	Alejandro	Bendana
Ethno-musicologist	Sergio	Navarette
European Union Programme for Street Children	Pablo	Werner Ramirez
Guatemala Partners	Annie	Bird
Guatemala Partners	Kate	Robinson
Human Rights lawyer	Karen	Fischer Pivaral
Individual expert	Guillermo	Mezo (Tato)
Individual expert	Julian	Oycles
MINUGUA Headquarters Guatemala City	Thierry	Delrue
MINUGUA Headquarters Guatemala City	Antonio	Maldonado
MINUGUA Headquarters Guatemala City	Jorge	Valles
MINUGUA Regional Office, Quiche	Alyrio	Da Sylva
MINUGUA Regional Office, Quiche	Jose	De La Fue
		Costalez
MINUGUA Regional Office, Quiche	Natacha	O'Brien
MINUGUA Regional Office, Quiche	Luis Alberto	Salgado T
MINUGUA Regional Office, Quiche	Mona	Suarez
	Margarita	
MINUGUA Sub-Regional Office, Navaj	Juan	Almonte
MINUGUA Sub-Regional Office, Navaj	Nuno	Anaia
MINUGUA Sub-Regional Office, Navaj	Patricia	Anaya
MINUGUA Sub-Regional Office, Navaj	Marguerita	Cruz Soaneb
MINUGUA Sub-Regional Office, Navaj	Flaviano	Martinez
MINUGUA Sub-Regional Office, Navaj	Hector Angel	Molinero
Myrna Mack Foundation	Helen	Mack
Myrna Mack Foundation, El Periodico	Edgar	Gutierrez
Archdiocese Office for Human Rights (Peace and Reconciliation), Quiche	Fernando	Suazo
Trocaire-Central American Office	Sally	O'Neill
UN Office of the High Commissioner for Human Rights	Luis	Mesquita Sanchez
UN Office of the High Commissioner for Human Rights	Freddy	Ochaeta

*Commission on Human Rights, meeting requested

Annex B: El Salvador**Organisation**

	First Name	Family Name
Anglican Church	Rev. Hannah	Atkins
Archdiocese Commission for Justice and Peace	Lic. Maria Julia	Hernandez
Asociacion Pro-Busqueda de Ninas y Ninos Desaparecidos	Ralph	Sprenkels
Asociacion Pro-Busqueda de Ninas y Ninos Desaparecidos	Margarita	Estrada
CODEFAM	Guadeloupe	Mejia
CODEFAM	Elmer	Memdoza Z.
Community leaders	Jose Aristides	James
Community leaders	Luis Rene	Chavez
Community leaders	Jose E.	Ortez
Community leaders	Leoni	de Chabe
Community leaders	Camari	Nubo
Community leaders	Antonio	Cabrera Marques
Community leaders	Julio Sesar	Coca
Community leaders	Fabriciano	Sanche Her
Community leaders	Carlo A.	Mendez
Community leaders	Guiernio	Cruz
Community leaders affected by Hurricane Mitch	Jose	Roberto Quintanillo
Former Procurador for the Defence of Human Rights	Dr Victoria Marina	de Aviles
Institute of Human Rights University of Central America, IDHUCA	Ben	Cuellar
Institute of Judicial Studies, IJES	Dagoberto	Gutierrez
Lutheran Church of El Salvador	Lic Roberto	Pineda
Lutheran Church of El Salvador	Nilma	Menendes Lopez
Lutheran Church of El Salvador, DDHLSL	Lic. Eduardo	Trejo Soto
Lutheran Church Santa Ana, Assoc Vol Human Rights Promoters	Antonio	
Lutheran Council	Carlo Alberto	Najera
Lutheran Council	Armando	Herera
Lutheran Council	Baldvino	Gomez
Lutheran Council	Carlos	Loboz
Mujeres por la Dignidad y la vida, DIGNAS	Morena	Herrera
Mujeres por la Dignidad y la vida, DIGNAS	Gilda	Paiducci
National Council for Protestant Churches, ABES	Samuel	Nuovo
National Council of Protestant Churches	Elizabeth	Barahona
Office of the Procuradoria Defence of Human Rights, Deputy OREDHO	Dr Marcos Alfredo	Valladares Melgar
Socorro Luterano	Jose	Rodriguez
Trocaire - Central American Office	Benjamin	Alar
UN Development Programme	Laura	Guzman
*meeting requested, OHCHR+A18	Elizabeth	Hayek-Weinmann
**1980 Sumpul River massacre, EISal-Hon border, Chalate.		

Annex C. RWANDA

Focal point: Ingabire Marie Immaculee
Journalist, Kigali

Aloisea Inyumba
Executive Secretary, National Unity and Reconciliation Commission

Gerald Gahima
Procureur General, Parquet General, Pres la cour supreme

Ndoba Gasana
President , National Human Rights Commission

Kayumba Deogratias
Commissioner, National Human Rights Commission

Deputy Rose Mukankomeje, Vice President, National Unity and Reconciliation Commission

Deputy Kayitesi Rusera Emilie, President, Womens' Parliamentary Forum

Charles Muregande
Secretary General, Rwandese Patriotic Front

Patricia Hajabakiga,
Secretary General, Ministry of Land

Edda Mukabagwiza
Executive Secretary, HAGURUKA, Association pour la Defence des Droits de la Femme et de l' Enfant

Regis F. Rukundakuvuga
Executive Secretary, IBUKA (survivors' group)

Silas Sinigaya
Executive Secretary, Collectif des Ligues et Associations de Defence des Droits de l' Homme au Rwanda (CLADHO)

Jeanine Kambanda
Executive Secretary, Collectif des Organisations Rwandaises de Promotion De la Femme, de la Paix et du Developpement (PRO-FEMMES/TWESE HAMWE)

Mathilde Kayitesi
President, Collectif des Organisations Rwandaises de Promotion De la Femme, de la Paix et du Developpement (PRO-FEMMES/TWESE HAMWE)

Hilarie Mukamazimpaka
Coordinator, AVEGA-AGAHOZO (Association des Veuves du Genocide Agahozo)

Godelive Mukasarasi
Coordinator, URUNANA (womens'group in TABA commune in Gitarama,

member of SEVOTA and Reseau des Femmes (oeuvrant pour le developpement rural)

John Muyenzi

Coordinator, Rwanda Initiative for Sustainable Development (RISD)

Veneranda Nzambazamariya

Former President, Reseau des Femmes (oeuvrant pour le developpement rural)

Rose Uwagrisa

Executive Secretary, Reseau des Femmes (oeuvrant pour le developpement rural)

Judith Kanakuze

Projects Coordinator, Reseau des Femmes (oeuvrant pour le developpement rural)

Maitre Jean-Paul Biramvu

President, Ligue Rwandaise pour la Promotion des Droits de l'Homme au Rwanda, LIPRODHOR

Simon Muzu

Unit of Justice and Human Rights, UNDP

Franziska Walter

Jeune Expert, Union Europeenne, Delegation de la Commission Europeenne au Rwanda

Annex D. BURUNDI

Focal point: **Prof. Venant Bamboneyeho**
President , SONERA (human rights group)

Moctar Cisse
Director, Office of High Commissioner of Human Rights in Burundi

Bernard Mokam
Senior Deputy Resident Representative, UNDP

EU delegation
Geoffrey Rudd on leave, discussion document provided

Carole Von Tscherner
Director, Center for Women, Search for Common Ground/Burundi

Concilie Nibigira
National Coordinator, Collectif des Associations et ONGs Feminines du Burundi
“CAFOB”

Sylvere Ntukamazina
General Director, Ministry of Human Rights, Institutional reforms and Relations with the National Assembly

Eugene Nindorera
Minister, Ministry of Human Rights, Institutional reforms and Relations with the National Assembly

Cyprien Ndikumana
Director, Maison de la Presse du Burundi

Marie-Goretti Muhitwa
Journalist, National Radio-Television of Burundi

Pie Ntakarutimana
President, Ligue Burundaise des Droits de l' Homme, “ITEKA”

Gerald Nduwayo
Directeur de l'Information Au Ministere de l'Affaires Exterieures, Centre d'etudes sur le genocide

Dorcella Bazahiga
Chargee de Programme Droits de l'Homme, Bureau de l'UNESCO a Bujumbura

Marie-Christine Ntagwirumugara
Representante Legale de l'association des Femmes Juristes du Burundi

Hyacinthe Budoro
Secretary General of the Government

Annex E. Colombia	First name	Family name	position
Asoc Nacional de Auyda Solidaria ANDAS	Gloria	Mansilla de Diaz	
CEAC B/Quilla	Cesar	Molina C.	
Christian Aid	James	Lupton	Representative
CINEP	Diego	Perez	Director
Colectivo de Abogados Jose Alvear Restrepo	Luis	Perez Casas	Abogado
Colectivo de Abogados Jose Alvear Restrepo	Guillermo		
Comision Colombiana de Juristas	Miguel	Puerto Barrera	Abogado
Comision Colombiana de Juristas	Gustavo	Gallon Giraldo	Director
Comision Colombiana de Juristas	Ines	Uprimny	Attorney UN Affairs
Comision Colombiana de Juristas	Margarita		
Comision Colombiana de Juristas	Alberto	Zuluaga	ESC rights project
Comision Colombiana de Juristas	Carlos	Marin	Sub-Director
Coordinacion Colombia Europa Unidos	Nathalia	Lopez Ortiz	Technical Secretariat
Coproracion Nuevo Arco Iris	Antonio	Sanguino Paez	
Coproracion Sembrar	Alvaro	Prieto	
Defensoria del Pueblo Nacional	Luis	Maldonado	Director de Promocion
Defensoria del Pueblo Regional, Bogota	Fernando	Guerrero	
Defensoria del Pueblo Regional, Bogota	Ivan	Villamizar Luciani	Def del Pueblo Regional
European Commission delegation	Ramon	Mestres	Counsellor, Co-operation
European Commission delegation	Jose Luis	Vinuesa	Expert, Co-operation
Fund.Instituto para la Construccion de la Paz	John	Santamaria	Sub-Director
Fund. Instituto para la Construccion de la Paz	Hector Fabio	Mahony	Director
OHCHR Colombia	Henao		
OHCHR Colombia	Anders	Kompass	Director
OHCHR Colombia	Coleen	Duggan	Human Rights Officer
OHCHR Colombia	Amerigo	Incalcaterra	Deputy Chief
OHCHR Colombia	Mercedes	Assorati	Human Rights Officer
OHCHR Colombia	Jose	Diaz de Tuesta	Security Officer
OHCHR Colombia	Remy	Friedmann	Human Rights Officer
OHCHR Colombia	Javier	Hernandez	Human Rights Officer
OHCHR Colombia	Juan Carlos	Monge	Human Rights Officer
OHCHR Colombia	Carmen R.	Villa	Human Rights Officer
OHCHR Colombia	Miguel	Sanchez	Human Rights Officer
Peace Brigades International	Britta	Madsen	Representative
Fiscalia General de la Republica	Jaime	Cordoba Trivino	Vice Fiscal
Fiscalia General de la Republica	Pilar	Gaiton de Pouibo	Jefe,Asuntos Intl
Fiscalia General de la Republica	Sandra	Charris	Asesora Asuntos Intl
Proyecto Nunca Mas	Katia	Nouten	Co-operante
Secretariado Nacional Pastoral Social	Fernando	Torres. I.	
UNDP	Alfredo	Manrique	Projects Manager
UNDP	Margareta	Morales	Asst,Special Advisor
UNHCR	Michael	Reed Hurtado	Legal Officer
Unicef Colombia	Nidya	Quiroz	Programmes
Unicef Colombia and Venezuela	Carel	de Rooy	Representative

Annex F

Organisation	First	Family name	Position
Advocats Frontiers	sans Daniel	de Beer	Executive Director
Centre Int'l Studies	Alejandro	Bendana	Director
Eur Commission	Francesca	Mosca	Focal Point Human Rights, DG Development
Eur Commission	Daniella	Napoli	Head, HR Unit, DG External Relations
Eur Commission	Sylvie	Prouveur	Human Rights Unit, DG External Relations
Eur Commission	Sari	Suomalainen	Advisor, DG External Relations
Eur Commission	Angel	Vinas	Director, Multilateral Rels, DG External Rels
Eur Commission	Jose	Zarzoso	Head of Sector, DG External Relations
Institute Democ and HR	Armineh	Arakelian	President
OHCHR	Teresa	Albeo	Human Rights Officer
OHCHR	Marlene	Alejos	Human Rights Officer, National Institutions
OHCHR	Ana	Angarita	Co-ord, Gender and Women's Human Rights
OHCHR	Isaac	Bitter	Co-ord, Latin America and Carribean Team
OHCHR	Antonio	Cisneros	Assoc. HR Officer, L America, Carribean
OHCHR	Gaynel	Curry	Assoc. HR Officer, Cttee Rights of the Child
OHCHR	Marie-Claire	Ducharme	HR Officer Rwanda (former)
OHCHR	Roxana	Garmendia	HR Officer, Colombia
OHCHR	Peter	Hellmers	Co-ord, Voluntary Fund Tech Co-op
OHCHR	Namboka	Ireneo	Desk Officer, Rwanda, Nigeria, Mauritius
OHCHR	Dzidek	Kedzia	Head, Methodology Team; Chief ai, APB
OHCHR	Stefanie	Klein-Ahlbrandt	Desk Officer, China, Iran, Mongolia
OHCHR	Gianni	Magazzeni	Geographic Teams Leader
OHCHR	Maria	Munoz	Junior Professional Officer
OHCHR	Ronan	Murphy	Senior Advisor to HCHR
OHCHR	Norah	Niland	Senior HR Advisor, Afghanistan
OHCHR	Rita	Reddy	Chief, Activities & Programmes Branch
OHCHR	Roberto	Ricci	Methodology Team
OHCHR	Darka	Topali	Desk Officer, Afghanistan
Trocaire	Patty	Abozaglo	Desk Officer, Latin America
Trocaire	Eamonn	Meehan	Head, Overseas Progs & Activities Dept
World Organisation Against Torture	Eric	Sottas	Director

Annex G	UN	New York	
DPA	Aracelly	Santana	Senior Political Affairs Officer
DPA	Teresa	Whitfield	Special Asst ASG Political Affairs
DPKO	Nicola	Koch	Lessons Learned Unit
ExecO SG	Iqbal	Riza	Director, Executive Office of the SG
ExecO SG	Fatemeh	Ziai	Special Assistant to Mr Riza
NGO	Rachel	Reilly	Human Rights Watch, Refugee Policy Director
NGO	Monette	Zard	Lawyer's Committee for Human Rights
OCHA	Imma	Guerras-Delgado	Humanitarian Affairs Officer, Policy, Advocacy & Info Div
OHCHR	Elsa	Stamatopoulou	Deputy, Director, NY Office
UNDP	Eric	Allemano	consultant, training
UNDP	Coleen	Duggan	Security Specialist, Emergency Response Div
UNDP	Linda	Maguire	Countries in crisis
UNDP	Sara	Murison	gender in dev
UNDP	Thord	Palmlund	Special Advisor, Mgt, Dev and Governance Div
UNDP	Rebeca	Rios Kohn	Focal point for human rights
UNDP	Caitlin	Wiesen	Focal Point Participation, Civil society
Unicef	Kate	Alley	Evaluation, Policy and Planning
Unicef	Nancy	Andrade-Castro	Chief, Career Mgt Section, Div Human Resources
Unicef	Peter	Crowley	Evaluation Policy and Planning Div
Unicef	Nils	Kastberg	Director, Office of Emergency Programmes
Unicef	Karin	Landgren	Chief, Child Protection Section, Programme Division
Unicef	Guillemette	Meunier	Prog Officer Child Rights, Evaluation, Policy & Planning Div
Unicef	Viktor	Nylund	Training, EMOPs
Unicef	Ludo	Welffens	Senior Project Officer, Office UN Affairs & External Relations
Unicef	Sherrill	Whittington	Gender Focal Point

Annex H

The International Human Rights Network Forum

Towards a Human Rights Partnership for Effective Field Work Geneva 26, 27, 28 April 2000

Participants

26, 27, 28 April - Days 1-3

Armineh Arakelian, President, Institute for Democracy and Human Rights-Armenia

Brigitte Adjamabo-Johnson, Africa Sub-Regional Co-ordinator, Women in Law and Development; former Minister for Human Rights, Togo

Professor Venant Bamboneyeho, Professor of History, University of Bujumbura; President SONERA; focal point for the discussion process, Burundi

Noeline Blackwell, Chair, Board of Trustees, International Human Rights Trust/Network

Laura Guzman, International Development Consultant, El Salvador

Immaculee Ingabire, Journalist, Réseau des Femmes, focal point for the discussion process, Rwanda

Karen Kenny, Co-Director, International Human Rights Trust/Network

Brian Mc Keown, Co-Director, International Human Rights Trust/Network

Guadeloupe Meija President, CODEFAM, focal point for the discussion process, El Salvador

Kalliope Migirou, Lawyer, Greek Refugee Council; Consultant to The International Human Rights Network for Rwanda and Burundi

Katia Nouten, Nunca Mas Project, Colombia

Professor Jenny Pearce, Chair, Peace and Conflict Studies, University of Bradford, United Kingdom

Miguel Puerto Barrera, Colectivo de Abogados, focal point for the discussion process, Colombia

Friday 28 April 2000 - Day 3

Marit Gjelten, Focal Point for Human Rights, UNDP Office, Geneva

Stefanie Grant, Chief, Research and Right to Development Branch, Office of the UN High Commissioner for Human Rights

Naoko Obi, Senior Policy Advisor, Evaluation and Policy Analysis Unit, UN High Commissioner for Refugees

Aracelly Santana, U.N. Department of Political Affairs

Stefanie Schwarz, Division of Evaluation, Policy and Planning, Unicef

Sari Suomalainen, Adviser, External Relations Directorate, European Commission

Conference Administration/Secretariat/Interpretation

Christine Higgins, Camila Comas

Annex H	contd	
OHCHR	Working Session	with Forum participants 27 May 2000
Affaf	Abab	
Etema	Amba	OSCE Team, APB
Dimiter	Chalev	APB
Pablo	Espiniella	
Roxana	Garmendia	APB
Stefanie	Grant	Chief, Research and Right to Development Branch
Peter	Hellmers	APB
Dzidek	Kedzia	Chief, ai, Activities and Programmes Branch
Lauren	Matthews	APB
Ireneo	Namboka	APB
Christophe	Peschoux	Methodology Team, APB
Roberto	Ricci	Methodology Team, APB
Sylvie	Saddier	UNDAF RRD
Osamu	Shirashi	RRD
Maia-	Silva	APB
Luisa		
Pierre	Sob	RRD
Predrag	Zwkovic	