Development Assistance and Human Rights Concerns

Hanne Lund Madsen

Introduction

The Nordic donors and the international donor community, particularly the Like-minded Group and the EEC, have made a commitment to promote human rights through development co-operation. Various statements such as the statement of the DAC high level meeting in 1989, the communiqué from the Ministerial Council of OECD in 1990 and the communiqué from the Nordic Aid Ministers Meeting in Molde in 1990, express recognition of a strong link between the respect for and promotion of human rights and development. Japan, the largest donor in absolute terms of ODA to the Least Developed Countries (LDCs), joined this line in April 1991 proclaiming the government's intention to pay full attention to promotion of democratisation and basic human rights in its implementation of official development assistance.¹

The recognition of the link is stronger and more explicit than one could have dreamt of just a few years ago. Thus the main question is not to argue the case for human rights and convince policy-makers and planners of the necessity to integrate human rights into development co-operation policies, but how to do it and how to carry proclamations into practice.

Within the donor community there is – in spite of certain divergencies – a strong consensus on a number of key points. The key points of consensus are:

- civil and political rights on the one hand and economic, social and cultural rights on the other are interrelated and mutually reinforcing;
- the integration of human rights means first and foremost positive action in order to improve the human rights situation;
- the use of negative sanctions, including the freezing of aid, should only occur in very extreme cases of systematic violations of human rights;
- positive action should be carried out through dialogue with recipient countries;
- co-operation with local human rights organisations forms an important element in the promotion of human rights;

integration of human rights concerns should be reflected at all levels of the development cooperation;
and the promotion of human rights should be linked to the promotion of democracy, good governance and participation.

There is still a cloud of rhetoric surrounding these general terms. They do, however, signify that factors which previously had been taken as beyond the reach of development cooperation are now put under close scrutiny and influence from the donor-community and motivate new reactions to old issues.

There is no doubt that the proclamations about the link between human rights and development are far ahead of actual development practice. However, the human rights objective has materialised and is reflected at various levels of development co-operation.

At the level of overall aid programming and selection of aid-recipient countries, the state of human rights and the development trend in the human rights situation have had some bearing on the choices of co-operating partners. With reference to the appalling human rights situation, aid has been suspended to China and Somalia, and reduced to Kenya. The Netherlands has suspended aid to Surinam on the same grounds and Norway has redirected its aid to Sri Lanka. Lack of good governance, i.e. lack of accountability in the use of public funds, has very recently motivated the freezing of Danish assistance to Kenya.²

In the studies of new programme countries for Danish development co-operation, preliminary reference has been made to the human rights situation and to the prospects of promoting human rights through co-operation. Although the studies undertaken are as yet inadequate to substantiate a policy on human rights in a given country, the mere inclusion of human rights concerns at this level points at the recognition of its importance. The Netherlands too includes analysis of the human rights development in its country reports of aid-co-operating partners.

At the level of the actual aid-negotiations in annual aid reviews, the Nordic countries have made discussion and dialogue on human rights a standard item on the agenda. According to the given situation, the agenda-item may question disturbing detentions or general deterioration in respect of human rights or it may involve discussion of the possibilities to engage in human rights projects.

Support for specific human rights projects and to human rights organisations has been increasing and is probably the most significant materialisation of the new objectives. Legal aid programmes, training of high court judges, preparation of electoral systems, drafting of new constitutions, and centres for rehabilitation of victims of torture are new types of development projects directly intended to redress human rights problems or improve the human