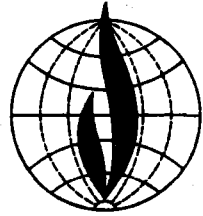


MASTER



Rural Development and Human Rights in South-East Asia

Conclusions of ICJ/CAP Penang Seminar

and

The Right to Development:

Its Scope, Content and Implementation

INTERNATIONAL COMMISSION OF JURISTS

P r e f a c e

In December 1981 the International Commission of Jurists (ICJ) held a seminar on Human Rights and Development in the Rural Areas of South-East Asia, organised jointly with the Consumers' Association of Penang (CAP). This was the sixth in a series of third world seminars organised by the ICJ, the previous ones being in Dar-es-Salaam (1976), Barbados (1977), Dakar (1978), Bogotá (1979) and Kuwait (1980).

The participants, who came from Indonesia, Malaysia, Philippines, Singapore and Thailand, included lawyers, economists, development, education and environmental experts with grass-roots experience in rural areas, and observers from ESCAP, ILO, FAO and UNESCO.

The topics discussed were agricultural and economic policies, land reform, the role and status of women, participation in decision-making, social and legal services, and natural resources and environmental questions. Twelve working papers on these subjects were submitted.

The participants reached agreement upon many specific conclusions and recommendations. Reproduced as the first document in this publication, they confirm many of the conclusions reached at previous ICJ seminars, but are more detailed and show the harmful effects upon the rural poor of many forms of mal-development.

The Consumers' Association of Penang is, perhaps, the outstanding consumer association in the third world. The International Commission of Jurists is deeply grateful to its staff for their efficient organisation of the seminar and for the wealth of expertise with which they enriched the discussions and the resulting conclusions and recommendations.

The ICJ and CAP hope to publish shortly in Penang a full report on the seminar which will include the opening addresses and the working papers.

The International Commission of Jurists and the Consumers' Association of Penang wish to express their gratitude to the following organisations whose generous financial contributions made possible the holding of the seminar: Asia Partnership for Human Development (Australia), Bread for the World (German Evangelical Church), Catholic Organisation for Joint Financing of Development Programmes (CEBEMO, Netherlands), Danish Church Aid, Dutch Bishops' Lenten Campaign, European Human Rights Foundation, Inter-Church Coordination Committee for Development Projects (ICCO, Netherlands), and the Netherlands Organisation for International Development Cooperation (NOVJP).

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Among the conclusions of the seminar is an affirmation of the right to development. The formulation of this right, which has on three occasions been affirmed in resolutions of the U.N. General Assembly, is still in process of evolution.

The second document in this publication is a statement on the scope content and implementation of this right to development. It has been prepared by the International Commission of Jurists with the assistance of a number of development experts, including several from Asia, as a contribution to the continuing debate on this subject.

Geneva
February 1982

Niall MacDermot
Secretary-General

CONCLUSIONS AND RECOMMENDATIONS

of the Seminar on

HUMAN RIGHTS AND DEVELOPMENT IN THE RURAL AREAS OF SOUTH-EAST ASIA

organised in December 1981 by the

International Commission of Jurists and the Consumer Association of Penang

I. AGRICULTURAL AND ECONOMIC POLICIES

Introduction

1. Development is a process of individual and social betterment of people, aimed at providing them with an improved quality of life in the fullest sense. It seeks therefore to ensure the promotion of human dignity and the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits. Development must be seen as a legal right of individuals, communities, peoples and states.

2. The right to development implies that there must be a respect for all human rights - economic, social, cultural, civil and political in the development process. These rights are inseparable and interdependent. A development strategy that results in the denial of any of them not only violates international standards of human rights but is a negation of the very concept of development.

3. The elements of the right to development are to be found in the U.N. Universal Declaration of Human Rights:

Articles 19, 20 and 21 assert that everyone has "The right to freedom of opinion and expression", "freedom of peaceful assembly and association", "the right to take part in the government of his

country directly or through freely chosen representatives" and "the right of equal access to public service in his country".

Articles 22, 23 and 25 assert that everyone has "The right to social security and is entitled to realisation ... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality", "the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment ..." and "the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security ...".

Finally Article 28 asserts that everyone "is entitled to a social and international order in which the rights and freedoms set forth in (the) Declaration can be fully realised".

It is clear from the above that no violation of any of these rights can be justified on the ground that it is for the good of the majority, a ground that is more often than not specious in reality.

4. For the development process to take place, individuals, communities and states must have effective access to:

- tangible resources to achieve their basic needs of productive and equitably paid work, sufficient nutrition, health care and hygiene, shelter, energy resources, clean water and air;
- the necessary intangible resources, especially education and information, to enable them better to utilise resources, and to participate freely in the process of development;
- structures of production and government to assure the fair and equitable allocation of the above resources;
- facilities and services to organise themselves to participate, monitor, evaluate and review development programmes and processes, and to hold accountable those responsible for their implementation.

5. In the light of the above principles concerning the relationship between human rights and development, the following areas of rural development policies were discussed. The discussion illustrated ways in which their effects were in conflict with the achievement of human rights and human development.

Capital-intensive technology in food production

6. High cost inputs (fertilisers, pesticides, etc.) associated with capital-intensive technology are usually beyond the means of poor farmers. They can even be unnecessary in the sense that, while they may be required by government programmes, alternatives may exist (e.g. labour intensive weeding) which are more suitable to the circumstances of poor farmers. And high cost inputs can even be dangerous. Pesticides, fertilisers and other chemicals which cannot legally be used in the country of manufacture, are often exported for use by third world agricultural workers and producers who are not informed of their dangers.

7. Such technology almost invariably results in further concentration of production resources in the hands of the wealthy and powerful.

8. Capital-intensive technology has an inherent momentum which results everywhere in the displacement of labour.

9. Where poor farmers attempt to adopt this technology they are forced to seek increases in credit, either from money-lenders whose interest charges are destructive in the long run, or from banks which either do not find them credit worthy, or do not make provision for fluctuations in the small-holder's ability to meet loan repayment requirements.

10. These technologies are ecologically destructive. They destroy natural balances between plant and animal predators, and they destroy aquatic environments through eutrophication.

11. Finally, in some instances, these technologies result in genetic erosion and remove even local control over genetic resources (e.g. types

of seeds) by transferring these to the control of multi-national corporations.

Export-oriented plantations

12. Common forest and land resources are often given through licenses, permits, etc. to those with influence, power or wealth to establish export oriented plantations.

13. Peasant farmers are often displaced in order to develop production for foreign markets, usually with little or no attempt to involve them, as small-holders, in this production. Fraudulent practices are often used to displace and exclude them.

14. The development of plantation export production often displaces production for local diets, usually where there is already a high level of malnutrition.

15. Plantation organisation usually ignores, or even suppresses, workers rights of self-organisation for their protection and advancement.

16. Plantations result in large organisations which are subject to international price fluctuations, the effects of which are amplified as they are passed down through power and income hierarchies.

17. Plantations generally create migrant labour forces, with all of the associated problems of degradation and exploitation.

High technology commercialised fishing

18. Poor on-shore fishermen are deprived of their livelihood.

19. Uncontrolled trawling destroys marine ecosystems.

20. Advanced technology facilitates concentration of ownership of production resources and results in over-exploitation of natural resources.

21. Local fish protein resources are exported to urban centres, domestic and foreign, thereby often depriving the poor of the only source of

cheap protein.

22. Local fish protein resources are also often converted to feed animals whose meat is then consumed mostly by the rich. (A similar process is often carried out by exporting animal feed and importing animal meat; as a consequence more protein is exported than is imported, to the detriment of the poor.)

23. Commercial fishing is one facet of a generally growing dependence upon foreign capital sources, markets and technology.

Commercial exploitation of forest resources

24. Forest resources are being exploited at an alarming rate, with virtually no effort at replacement. This exploitation is usually carried out by those with wealth, power or influence, in collaboration with multi-nationals.

25. Important components of subsistence production (e.g. firewood, thatch, medicinal plants, food supplements) are denied to those who have traditionally had access to them in forests as a matter of right.

26. Watersheds are disrupted with consequent major erosion and silting (e.g. of dam reservoirs). A result is a worsening cycle of flood and drought.

27. Resident populations are displaced.

28. Production resources are concentrated in the hands of a few, usually outsiders.

29. Potentially vital genetic resources are destroyed, ironically as part of the same global process which has developed techniques for exploiting genetic resources as such.

Banking practices in rural areas

30. Banks in rural areas mobilise rural savings but use only a

portion of the capital thus accumulated for loans and investments in the area. The remainder is transferred to urban centres where it is used for loans and investments in urban or other more profitable areas. The result is that capital is siphoned off from rural communities and their development is retarded.

31. Often rural banks are owned or controlled by a rich family or families who utilise the savings mobilised by the banks to expand their own businesses or agricultural holdings, and to acquire the holdings of small farmers who are unable to meet their obligations. This leads to further concentration of wealth and control of land resources.

32. The practice of 'supervised credit' * often leads to overpricing of agricultural inputs and to inputs that are required by government policies but which farmers may not need to use.

Tourism policies

33. Allocation of scarce resources for tourist projects (hotels, department stores, highways, airports, etc.) and luxury imports for tourists (which the elite also consume), diverts or at least diminishes resources that could be used to provide essential public services to the poor (feeder roads, schools, potable water, sewage, medical care, etc.).

34. Communities living along beaches, lakes and mountain sides are often displaced to make way for tourist resorts. This displacement marginalises the members of the communities and destroys the communities themselves.

35. National culture and identity are destroyed or eroded by:

- the adoption of consumerism and other materialistic values of tourists;
- the debasement of cultural practices to make them more attractive to tourists.

* 'Supervised credit' means that the lender supervises the manner in which the loan is used. In some cases the loan is partly in cash and partly in kind (seeds, fertilisers, pesticides, etc.).

36. The moral standards of the people suffer from the inculcation of obsequiousness towards tourists and the encouragement of prostitution of women (even of children), gambling, drugs and other vices.

37. To attract tourists, wages are kept low. This adds to the pressures to keep prices for agricultural commodities low, and contributes to generalised rural impoverishment.

Monopolies

38. It has been noted with serious concern that some governments have created, or supported the creation of, monopolies both local and foreign in the production, processing and marketing of certain agricultural products, usually with externally controlled market mechanisms.

39. Some governments have established private internal monopolies for trading, for example in copra, rice or sugar. The intention is to cut out middlemen and develop a stronger relation to outside markets. The basic objection is that they are controlled by very few people who are not accountable to the small-holders.

40. The creation of monopolies has caused:

- the selling of their products by the farmers at prices dictated by the monopolies;
- the deprivation of the farmers of their rightful share of the income from the sale of their products;
- the concentration of resources or wealth in such monopolies;
- the lack of incentives on the part of the farmers to increase their productivity;
- the weakening, if not loss, of faith of farmers in the sincerity of the government to protect and promote their interests as against big business or vested interests.

Agricultural pricing policies

41. The difficulties of small-holding producers are aggravated by low agricultural prices imposed by governments in support of urban policies

(e.g. to maintain low wages in export-orientated industries). This makes it increasingly uneconomic for small-holders to undertake food production for domestic consumption and adds to the pressures on them to sell their small-holdings, resulting in greater concentration of rural land-holdings and wealth.

42. Cumulatively, the above policies have the effect of destroying the structure of rural communities, creating many imbalances and driving the farmers, and their children, to flee the rural areas, adding to urban poverty and such social effects as urban prostitution.

43. Where governments are not truly representative of the people, there is a lack of political will to change their circumstances.

Recommendations

44. The interaction of human rights and agricultural policies is clearly a complex process, with a substantial element of unpredictability. It is vital, therefore, that all development policies incorporate procedures for the participation of the intended beneficiaries in the formulation, application and review of the policies. To further this, the following recommendations of the FAO 1979 World Conference on Agrarian Reform and Rural Development should be implemented:

- Remove all barriers to the free association of rural people in institutions of their choice and ratify and enforce ILO Convention on the organisation of rural workers, No. 141.
- Encourage the establishment of self-reliant local and national federations of peasant and worker associations with a minimum of government supervision over their activities.
- Encourage people's organisations to develop self-reliance at community level and assist them in such areas as meeting legal requirements, training of leaders and other initial needs, while exercising care that their independence is not compromised.
- Decentralise institutions of government to enable people's participation in the planning and formulation of development programmes relating to their regions/areas.

- Involve organisations of intended beneficiaries of land reforms in the redistribution of land and water rights.
- Channel publicly supplied credit and material inputs, where feasible, through organisations of smallholders, beneficiaries of land and tenure reform and other peasant groups.

45. Agricultural and economic policies should be directed to ensure an adequate livelihood and employment for the rural population, rather than to capital intensive production which reduces employment and is destructive of the rural communities.

46. Educational opportunities in the rural areas should be increased so as to create more potential for employment.

47. Studies should be carried out in consultation with the rural poor about their problems and possible solutions formulated.

48. Greater priority should be given to policies aimed at intensive production of essential food crops by smallholders to ensure food security for the local and national population, using appropriate technology. This will make possible the reduction of rural poverty, check the exodus from rural to urban areas, and, by making the country as far as possible self-sufficient in food, establish the basis for a truly independent economy with freely chosen development policies.

49. Small-holding farmers should be adequately represented on the boards of any trading monopolies established for processing and marketing their produce.

50. The exploitation of forest resources in the region should be drastically limited, and where permitted should be subject to a condition that cleared areas are fully replanted, unless converted to appropriate agricultural use.

II. LAND REFORM

Conclusions

51. Traditionally agricultural land was fairly distributed in small holdings in most countries of the region. During the colonial and post-colonial period the pattern changed and agricultural land became unequally distributed. This has led to social and economic inequalities as well as grave social unrest.

52. Over the years, in some cases for a century or more, there have been efforts by governments to seek to remedy this situation. After World War II these efforts were intensified with the adoption of land reform programmes.

53. These programmes have included different forms of tenure, including absolute ownership, long leases, periodic tenancies, and purchase on mortgage or by a long-term contract. They provide for different forms of rental and payment, including crop-sharing arrangements.

54. In some cases a public authority first acquires the land to be distributed, and then conveys it over a period of time to the new owner. In other cases, the law provides for purchase by the peasants direct from the landowners at a negotiated price which, though something less than market price, is often high.

55. In one country there have been land distribution programmes which provide land for specific agricultural production laid down and controlled by a government corporation. Similar programmes are in contemplation in other countries in the region.

56. By and large land reform schemes within the region have so far not achieved their goals. One cause of failure has been that the redistribution of land has not been accompanied by effective assistance and support for farmers to obtain seeds, fertilisers and other necessary inputs as well as credit, transport and marketing facilities.

57. Another cause of the failure has been an excessively paternalistic attitude by the development authorities, who have often retained detailed control over the farming of the land, thus preventing the development of initiative, self-reliance and cooperation among the intended

beneficiaries. As a result, even in countries where there are no longer large landowners, a true grass-roots democracy has not been achieved and the intended beneficiaries remain in a subservient role.

58. Land reform has also been abused and its purpose defeated by land distribution not to peasant farmers but to privileged groups, including retired military or police personnel. In other cases, there has been corrupt distribution to those responsible for the administration of the programmes or to their friends and families, or distribution has been subject to political influence, creating in many cases new absentee landlords.

Recommendations

59. The objective of land reform schemes should be to assist the rural poor to achieve security of tenure and economic security and viability and to make land available to disadvantaged sectors of the rural community. It should not be seen merely as a means of transferring land ownership. Its objectives should include the liberation of land workers from the bondage of poverty and exploitation, enabling them to overcome their conditions of subservience and dependence and develop individual initiative and ensure their participation in the formulation and implementation of the programme.

60. Experience shows that no land reform scheme will achieve its objectives unless the intended beneficiaries are free to mobilise and organise themselves to promote and secure their rights to cooperate in implementing the programme, in working the land, and in promoting their social and cultural development.

61. While land reform schemes can embrace different forms of ownership, preference should be given to those which ensure security of tenure, such as full ownership, individually or in cooperatives, or long-term leases.

62. Land distribution or redistribution will not by itself solve the problems of the rural poor. It requires to be complemented within a more comprehensive agrarian reform programme by agricultural and economic policies taking account of their needs, and by the creation by the farmers of their own cooperative organisations for obtaining

machinery, fertilisers, seeds, water resources and other inputs, and facilities for transport and marketing.

63. Governments should establish agriculture credit banks empowered to make loans on realistic terms to beneficiaries of land reform programmes, to assist them to purchase their land and to acquire the necessary inputs for their production. These banks must be seen as part of the agrarian reform programmes, committed to helping achieve their objectives.

64. Farmers should be entitled to relief against forfeiture of their land when they are unable to fulfil their obligations due to circumstances beyond their control, such as crop failure.

65. Agrarian reform law should:

- make clear the object of land reform schemes,
- establish the rights of the beneficiaries,
- make provision for the necessary forms of assistance, and
- create a truly independent specialised Agrarian Tribunal with speedy and simplified procedures to determine appropriate compensation for acquired lands, to settle disputes and, where necessary, to give relief against forfeiture. The Tribunal may be composed in part of non-lawyers.

66. Experience has shown that the implementation of land reform programmes, including the independence and effectiveness of agrarian tribunals, depends upon a sustained political will to achieve the above objectives.

67. Development authorities should recognise that non-governmental organisations have an important role to play in educating the public about land reform and in implementing land reform programmes, and the authorities should enlist their cooperation.

68. Governments are urged to ratify the ILO Conventions on freedom of association (No. 87) and on the organisation of rural workers (No. 141), and to apply ILO Recommendation 149 on means of encouraging the growth of organisations of rural workers.

III. THE ROLE AND STATUS OF WOMEN

Conclusions

69. It is to be recalled that the General Assembly of the United Nations, convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields, affirmed in Article I of the Declaration on the Elimination of Discrimination against Women: "Discrimination against women, denying or limiting as it does their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity."

70. Nevertheless, in some instances existing laws, their formal interpretation, and prevailing customs discriminate against women. Women are sometimes barred from holding certain posts and jobs even at village level. Further, their position in family law is not always on an equal footing with men. In many areas administrative or governmental practices result in de facto discrimination in the application of laws and customs.

71. Problems of discrimination against rural women need to be examined in the context of development.

72. Traditionally, inequality between men and women in rural areas has been perpetuated by lack of women's education and certain cultural values and taboos preventing women's participation in the decision-making process or in community affairs.

73. In the process of urbanisation and rural exodus, those women who stay in rural areas have increasingly become the de facto heads of households through separation, male migration and male unemployment. Those women who migrate to cities often suffer from various forms of exploitation. Being uneducated, unskilled and unorganised workers, they are forced into low paid jobs, often with occupational hazards severely detrimental to their health and that of their unborn children. Due to ignorance of their legal rights, they do not benefit from minimum standards of labour protection. Others are driven into exploitative services and occupations, including 'masseuses', social escorts, call girls or straightforward prostitutes.

74. In disadvantaged communities it is the women who suffer most when there is a deterioration in the physical environment. Polluted water and deforestation bear most heavily on women because traditionally it is the women who are the carriers of water and firewood for their family's drinking and fuel needs, in addition to being the main providers of the subsistence needs of their families.

75. For the most part women in rural areas do not have their own independent organisations to promote their own interests and development. Where they exist they are often not truly independent.

76. With the attainment of true equality not only will the unity of the family be maintained but the quality of family life will be enhanced.

Recommendations

77. Taking into account specific socio-economic and cultural conditions which affect rural women in South-East Asia, the following recommendations were made with a view to improving the status of rural women.

78. More systematic research and data collection should be carried out to evaluate the role and contribution of women and children in the domestic and subsistence sector. The treatment of women in quantitative analysis should be reviewed and all male bias should be removed from data collection.

79. Due and proper recognition should be given to the economically productive and socially indispensable role of women in the home, in particular

- in preparing development plans,
- in devising educational schemes, and
- in compiling statistics.

80. Governments are urged to establish independent commissions, which include representatives of women's organisations, religious and social institutions, in order to study and review complaints of de jure and de facto discrimination against women, and to make recommendations for improvement through new legislation, affirmative programmes and court action. These commissions should be staffed and controlled by women with adequate funding and top priority given to its programmes.

81. The full integration and participation of women in development must not be considered as a marginal issue. Nor are women's programmes to be considered as welfare-oriented programmes in the same way as those of the handicapped or the aged, programmes which are usually among the first to be cut back financially in government budgeting.

82. Women must be able to have their own independent organisations to enable them to further their own interests and development and to influence policy and decision-making.

83. At the village level, women should have their own committees where they can be free to voice their opinions, which may not be possible in a male dominated environment. Women should employ traditional existing structures to achieve a greater participation and to influence policies and decisions, for example in reciprocal labour and work groups at the village level, as well as in marketing institutions and in cooperatives and rural credit institutions.

84. Although equality before the law is generally accepted, efforts to make women aware of their rights under existing laws should be increased. Information departments, informal education institutions, legal aid bureaus and women organisations should be strengthened and their access to the rural areas facilitated.

85. Basic education on matters of direct concern to daily life in the rural areas such as food and hygiene should be given to all members of rural communities regardless of sex.

86. Equality of boys and girls in school attendance should be enforced and facilitated through social and economic measures, such as providing free books, free school meals and improved transport.

87. Equal opportunities for women to obtain secondary and tertiary education should be established through open examinations, uninhibited choice and availability of scholarships, in particular for women from the rural areas.

88. Women should be educated and trained both formally and informally so that they can participate actively in the decision-making process.

89. Where appropriate affirmative action programmes should be undertaken in order to ensure equal opportunities for women, such as positive enabling legislation to enforce equality of the sexes.

90. Obstacles to women's participation in the decision-making bodies of political parties should be eliminated.

91. Women's overwork is one of the major obstacles to a better life and health for themselves and their children. Women's burdens must be lessened so that they can devote more time to the welfare of their families and to cash generating activities. In this respect appropriate technology has an important role to play.

92. Any technology to be meaningful to women must thus focus on their needs. Technological changes in food production or agriculture must not displace them from employment or deprive them of a means to earn an income. They must not be socially and culturally disruptive. They must be energy saving and must include time saving machines which women can operate themselves, such as hand operated hulling machines and simple tools for weeding or for carrying and storing water.

93. Women must share in improvements in agriculture and food production. Agriculture extension programmes courses conducted by the Ministry of Agriculture, universities or others must be open to women. They should include training in food production, processing and marketing. Subsidies, incentives and aid must also be extended to women. These can be effective ways to create employment for women in the village instead of their drifting to towns to seek for low paid jobs at the expense of community ties and relationships.

94. Women should have a choice whether to remain at home or to go out to work, and should be free from restraints in law or in custom in exercising that choice.

95. Health and nutrition programmes must be relevant to the needs of women in these areas. More research with the active participation of rural communities should be carried out on local foods, correct weaning foods, and the availability of cheap and nutritious foods. Consumer education has an important role to make people aware of the dangers of

additives, dyes, marketed foods and unethical sales marketing by manufacturers.

96. Breastfeeding should be actively promoted. As a result of aggressive sales promotion of powdered milk by multinational companies, many mothers have rejected breastfeeding for bottle feeding, often with very tragic consequences for the health of their children.

97. More research should be carried out into traditional and safer methods of birth control which will not affect their health and the health of their children, and which will enable them to have more control over their own fertility. Education in such methods of birth control should be made generally available.

98. Women's issues and problems are part of other socio-economic and socio-cultural problems in our society. Hence in the fight for a better education, status and role of women, men have also to take an active part in programmes aimed at improving the conditions of women. This may sometimes call for a change of attitudes in men towards women.

IV. PARTICIPATION IN THE DECISION-MAKING PROCESS

99. Many of the people of the world suffering from hunger and deprivation are to be found in South-East Asia. They are numbered in tens of millions. Of the poor and deprived, the bulk are to be found in the rural areas where 70% to 80% work and live. Indeed, in spite of development efforts, most Asian societies, by and large, are characterised by greater poverty, greater unemployment, and greater social and economic inequalities.

100. Rural people are in poverty not only because they lack the resources essential to a dignified human existence but because they lack the possibility of participating in processes and institutions which control these resources. There has been - and continues to be - a domination of the production and distribution system by elite groups and by international forces. These factors together with colonial and foreign domination and the present international economic order, which is weighted in favour of the industrialised countries, have led to the

wide disparities in the distribution of income, wealth and power.

101. It can also be said that the price for urban industrial development has been paid for by those who live and work in the rural sector. In this scheme of things, peasants participate in economic processes which do not result in their development but which enure to the benefit of the dominant urban elites. Unless opportunities are opened to the rural populations for active participation, the conditions which have reduced them to abject poverty, dependence, and domination will remain.

102. Why have the rural poor not so far participated in development processes and advancement of their own interests? The answer appears to be found in people's attitudes and values as much as in legal and structural realities which have effectively stifled their efforts toward participation. The main thrust, therefore, of efforts toward organisation of the rural poor should be to overcome existing

- attitudes and values, and
- legal and social structures and practices,

both of which are formidable obstacles to such efforts.

103. The countries of South-East Asia may claim that they have constitutions or basic laws that recognise freedom of association for all. While this is generally true, the fact is that freedom of association is restricted in practice by laws and policies imposed in the name of national security and national unity.

104. Law enforcement agencies seem to have a predisposition to prohibit or severely restrict the exercise of freedom of association rather than to recognise its importance, much less permit its exercise. Put at its lowest, they have failed to curb or bring to justice those who harass, threaten with death, or assassinate organisers and leaders of rural workers' organisations.

105. The rural poor like everyone else possess an innate sense of social justice, but are generally ignorant about their rights. Even when they have some notion of their rights, they often are not aware of the urgent need to organise themselves in order to assert and realise these rights.

Recommendations

106. Given the above situation, certain specific measures should be undertaken in order that the rural poor may be organised, and through their organisations may participate at local, regional and national levels in the following aspects of the development process:

- studying and identifying their needs,
- formulating and deciding on the development programmes to overcome them,
- implementing these programmes,
- monitoring and reviewing their progress and effects,
- deciding what further measures are needed.

107. To enable rural organisations to participate in this way it is essential that they and their expert advisers have access to all relevant information.

108. The fight against rural poverty and apathy must start with the awakening of the consciousness of the people to their own rights and to the need to organise themselves. By establishing strong, independent and self-reliant organisations, the rural poor could then:

- enhance their ability to assert for themselves their right to development,
- alter the structures of power, of economic benefits and of institutions which deprive them of their human rights; this process should be linked to programmes for self-reliant development.
- participate in making decisions not only about the process of distribution of goods, where they are often in a position of disadvantage through indebtedness, but also about the process of production, e.g. what crops to plant, when, and what inputs to use.

109. The legal restrictions now imposed on freedom of association should be repealed. Legal and political structures should be created to facilitate and promote freedom of speech, the press, and assembly, and the exercise of the right to vote.

110. Law enforcement agencies should protect the exercise of freedom of

association and uphold the integrity of organisations of rural workers and peasant farmers. Any efforts to restrict freedom of association and assembly should be resisted by all lawful means, including by action in the courts.

111. Extensive programmes of rural education should be undertaken to help the rural poor to organise themselves. These should go beyond the conventional programmes to promote functional literacy or to train agricultural specialists and technicians, and should deliberately seek to awaken the consciousness of the rural poor of their rights and of the need to organise themselves. In particular, they should strive to educate the rural poor on the underlying causes of their poverty and on how they could help to overcome these causes through their organised efforts in cooperation with others.

112. The importance for the improvement of the situation of the rural poor of civil and political rights, such as the rights to free speech, free press, assembly and to vote and participate in government, should be understood and recognised by governments. NGOs, national and international, of an educational, religious, social and civic nature should be allowed to highlight this importance in their activities. The vital role of NGOs for the promotion of the organisation of the rural poor and their effective participation in development should be recognised. Therefore, the organisation and independent functioning of NGOs, including workers and student organisations, should be encouraged and assisted.

113. International and regional intergovernmental organisations and specialised agencies are urged to give priority to programmes which promote the self-reliant organisation of the rural poor. Equally governmental and non-governmental agencies active in development assistance are urged to give priority to participation programmes which enhance the self-organisation of the rural poor and to make use, where possible, of non-governmental channels.

114. The countries of South-East Asia should ratify the ILO Convention on the organisation of rural workers (No. 141) and should implement the suggested guidelines in ILO Recommendation No. 149 on means of encouraging the growth of rural workers' organisations.

V. SOCIAL AND LEGAL AID SERVICES

Recommendations

Social Services

115. All governments in the region are urged to intensify their efforts and give priority over all other objectives to providing the basic social services required by every rural community.

116. These should include:

- adequate food and nutrition;
- safe drinking water;
- clean air;
- free and compulsory education equivalent to that in urban areas;
- free education in health and hygiene;
- medical care consisting of at least a multi-purpose health clinic with not less than one trained paramedic;
- voluntary family planning;
- adequate housing;
- access roads and public transport;
- appropriate technology to enable them to meet their energy and other needs.

117. There should be maximum participation by the beneficiaries in the planning, provision and maintenance of these services. The services should be seen as essential to the life of rural communities and not as a 'welfare subsidy'.

118. Education is of primary importance for the proper acceptance, maintenance and expansion of these social services. Governments are strongly urged to rechannel a major share of their resources to provide free education for all up to secondary level, as well as adult education and vocational training. Governments are also urged to prepare urgently an effective programme of scholarships designed to provide greater opportunities for university education to students from the rural poor.

119. Governments are urged to make use to the fullest extent of the

contribution which non-governmental organisations can make towards the provision of social services.

Legal Aid Services

120. Lawyers and bar associations have the duty to assist in protecting and vindicating the human rights of the poor in rural South-East Asia and in assisting their efforts to achieve development. The Seminar appeals to every lawyer and law firm in South-East Asia to offer at least 5% of his/its time for free legal aid and/or assistance to the poor and disadvantaged sectors of society, and appeals to bar associations to organise and make available these services to the public.

121. The Seminar commends those law faculties within the region which have instituted legal aid and assistance programmes as part of the training of students and urges that this work should be recognised as forming part of the curriculum for which students can gain credit.

122. The need should be recognised for a new breed of lawyers who see the true purpose of the legal profession as the establishment of justice in human relations. Law faculties are urged to reform their curricula so to awaken social concern in their students, in particular to defend the disadvantaged and oppressed in society. Courses on human rights and on socio-economic aspects of development should be included. Programmes of continuing legal education should also focus on these subjects.

123. All countries of the region are urged to ensure that any unrepresented person charged with an offence punishable by execution, corporal punishment or imprisonment of one year or more shall be accorded the services of counsel appointed by the Court.

124. Traditional legal aid schemes for the representation in conflict of individual litigants are not in themselves sufficient to meet the needs of the poor for legal assistance. Disadvantaged sectors of society can and should be assisted to secure their rights by legal assistance in the form of:

- information and education about their collective and individual rights and available legal remedies;

- defending such rights in class actions as well as in individual cases;
- explaining to them the purpose and nature of legislation affecting them and what it requires them to do or not to do;
- assisting them to formulate and submit their demands to the authorities;
- negotiating with authorities on their behalf;
- assisting them to form organisations to secure and defend their rights.

125. In this way, lawyers and legal aid groups can assist the rural poor:

- to become more aware of their legal and human rights;
- to organise themselves in order to secure legal recognition of human rights not hitherto recognised and to secure their effective enforcement;
- to participate in the processes of decision-making, implementing, monitoring, evaluating and revising policies affecting their development and in demanding accountability from those who are charged with the duty of implementing these policies;
- to create speedy and inexpensive methods of resolving conflicts that are more in keeping with their culture and accustomed social processes;
- to devise alternative legal arrangements or agreements to safeguard their interests in such matters as the protection of employment, traditional rights over communal lands and resources, and environmental protection, so that the benefits of technology and scientific discoveries are used in ways that will benefit and not harm them.

126. Lawyers and legal aid groups should consider adopting innovative concepts and methods among them:

- training of persons from the communities as paralegals, who will give advice and assistance in routine cases, undertake preliminary fact finding, completing and filing of simple legal documents

and representation in simple cases where qualified counsel are not available;

- conducting mobile legal aid clinics to rural areas;
- publishing primers in local languages on legal and human rights and related topics;
- developing indicators of respect for human rights;
- using the media to inform public opinion;
- forging links with national and international non-governmental organisations.

127. In performing these tasks, lawyers and legal aid groups should be able to obtain the full support and cooperation of governmental and non-governmental legal and other organisations, both national and international.

128. Bar associations and courts should ensure that disciplinary codes and professional ethics do not prevent legal aid lawyers and groups from making known that their services are available to those who need them.

129. Lawyers and legal aid groups, regardless of their political beliefs, should not be subjected to harassment or imprisonment even when they are called upon to question the legality of government policies and actions.

130. Lawyers and legal aid groups should not be prevented by bar associations, courts or governments from providing legal aid independently of any legal aid systems operated by governments or bar associations, nor should such independent groups be prevented from obtaining funds nationally or internationally.

131. Governments should support private groups giving legal aid to the rural poor by allocating funds and resources to them, provided always that the independence of the lawyers and groups concerned is maintained. The funds and resources should be allocated by an independent board in which the rural poor are represented.

132. Where governments establish legal aid schemes, the independence of lawyers as well as others employed in them should be ensured by such measures as security of tenure and freedom to advocate principles or policies counter to those officially advocated. Their promotion should not be dependent upon or hindered by their advocacy for or against official policies or programmes.

133. The Seminar warmly welcomes the ESCAP programme on law and participation in relation to development and urges that it be continued, with the recommendation that close links be established between legal aid lawyers and groups and ESCAP and other U.N. bodies working in the region.

VI. NATURAL RESOURCES AND THE ENVIRONMENT

Conclusions

134. The concept of human rights is broader than the concept of development which is currently being pursued by most governments in the region. Development policies which concentrate on relieving "absolute poverty" or on meeting "basic needs" can properly be adopted as matters of first priority, but some even more essential needs should not be overlooked, namely the fundamental needs for - and therefore rights to - air, water and land. Man exists, changes and develops - individually and socially - within the matrix of nature, whose prime and elemental resources are air, water and land.

135. Two consequences flow from this:

- these primary and fundamental rights should not be circumscribed by inequitable distribution of land that benefits some human beings at the expense of others;
- human rights imply human obligations - not only to human beings but to nature herself. This is seen most clearly in the case of the primary natural resources. The rights to use nature's air, water and land resources in ways beneficial to all entail reciprocal obligations to maintain, conserve and develop further these natural resources.

136. Respect for human rights should be an essential part of the goals of any development strategy. Development should, therefore, be seen, interpreted and monitored in terms of human rights. Priorities of development should be revised to give a foremost place to the above-mentioned primary or fundamental rights. National and international policies in the fields of ecology and environmental concern should ensure the human rights to clean air, water and ecologically viable land.

137. Other rights can be regarded as supportive of these primary rights and can be categorised as:

- life rights - such as the right to food, shelter, clothing, health, security and survival;
- work rights - such as the rights to satisfactory and creative work, life enhancing levels of earnings, humane working conditions, and satisfactory relations of production;
- socio-political rights - such as the rights to control over production resources, community self-management, and meaningful participation in the processes of change.

138. Various experiences in South-East Asian countries have shown that destruction of the environment results in the violation of human rights.

The following are some examples:

(a) massive deforestation caused by indiscriminate logging, inappropriate systems of farming, mining, road construction, resort complex construction and other such activities, resulting in

- dislocation of indigenous people or cultural minorities from the land that have been traditionally theirs for centuries;
- taking away from the people, especially the rural poor living within and around the forest fringes, a rich resource that has freely provided them their livelihood, the satisfaction of their basic needs and various amenities;
- erosion of watersheds, resulting in floods, silting up of rivers and consequent drought during dry periods, thus depriving the general population of basic needs for fertile land and clean water;

- depriving future generations of the benefits coming from a rich and diverse genetic pool.
- (b) pollution of air, water and land by industries and mining and by the use of dangerous chemicals in agriculture, resulting in
- endangering the health and safety of the people;
 - robbing people, especially the rural poor, of their primary source of food and livelihood by incapacitating the productive potentials of natural resources;
 - rendering the landscape and the total environment ugly and unfit for restful habitation.
- (c) overfishing by big local and foreign owned trawlers, resulting in
- the callous depletion of an important food resource of the people;
 - depriving local fishermen of their primary source of livelihood;
 - transferring the benefits derived from a local resource into the hands of a few and/or to foreign entities.
- (d) importing into the region dangerous technologies such as nuclear power plants and highly pollutive industries, resulting in
- endangering the health and safety of the people, not only near such technologies but throughout the whole region for generations and generations to come;
 - drawing away, through highly capital intensive technologies, much needed resources from more productive endeavours that benefit the rural poor;
 - rendering the recipient of such technologies economically and politically dependent on the exporting countries.

139. All these experiences are just some of the growing environmental problems of the South-East Asian region. They are manifestations of a prevailing socio-economic and political system, both on the local and international level, that puts the emphasis on profits from materialist

production for a few at the expense of nature and of the great majority of the rural poor.

Recommendations

140. The predominant development strategy in the countries of the region should shift from maximisation of economic growth to the satisfaction of the basic needs of the whole population. Although governments at times claim that they have done this, experience shows that in practice they still basically adhere to economic growth as the measure of development.

141. The present over-dependence on economic policies based on the depletion and exhaustion of natural resources (e.g. over-rapid exploitation of oil, forests, etc.) should be greatly reduced. Instead there should be a policy of resource conservation and rehabilitation.

142. All development projects should undergo an environmental impact assessment (EIA). The social, cultural and economic costs should be carefully weighed against the benefits to be brought about by projects. Projects which will cause damage to the total environment should be revised or rejected.

143. Development projects should also be subjected to a socio-economic impact assessment to determine their social and economic costs (e.g. through displacement of homes, dislocation of economic activities and health problems). These costs should be carefully weighed against the benefits to be brought about by the projects. The assessment should also consider which groups of people will benefit or lose out as a result of such projects. Needless to say, development projects should be biased in favour of the poor.

144. The intended beneficiaries of a project should be fully consulted before project planning and implementation start, and the results of environmental and socio-economic impact studies should be fully made known to the public.

145. Specific mechanisms should be introduced to allow full participation and the active expression of people's views on development projects.

146. Programmes for legal aid and assistance should include the promotion of measures for the protection and enhancement of the environment, and programmes to inform people that the right to a clean environment is their basic right and that there are laws which provide for the protection of this right.

147. Projects or industries which are not allowed in their home countries because they create environmental problems must not be exported to and allowed to operate in the South-East Asian countries.

148. Governments should encourage the use of appropriate technologies that utilise local resources properly and take into consideration the natural system in operation. The necessary banking and financial policies should be established to support this.

149. Formal and non-formal education on environmental issues and natural resources conservation should be given to people at all levels.

150. The South-East Asian region should be made a nuclear free zone, in which no nuclear power plants, nuclear processing plants, military bases storing nuclear bombs, or nuclear waste dumps would be established.

151. Non-governmental organisations (NGOs) should seek to develop and strengthen their links with communities in rural areas and to monitor the effect of development through relevant community level statistics.

152. NGOs should undertake activities leading to a policy of resource rehabilitation and conservation, and should monitor the attainment of this policy in development activities.

153. The work of NGOs should be encouraged by governments and their activities increased.

154. Regional and international links among NGOs should be established. Regional offices of UNEP, FAO, WHO, ILO etc. should organise annual regional meetings and/or seminars for NGOs within the region, and thereby help to create closer links between them.

155. The strong recommendation adopted by governments in the action programme of the World Conference on Agrarian Reform in 1979, stress-

ing the need for non-governmental action in all forms of national development, should be implemented.

156. International bodies within the U.N. system, including the UNEP, UNDP, WHO, ILO, FAO and UNESCO, should give all available forms of support to NGOs in order to strengthen their activities. For the most part such support is lacking and the work of U.N. agencies is usually carried on solely with governments.

157. UNESCO should be requested to help bring about a holistic perspective and integrative approach to environmental problems and to promote education of the people about them through the mass media.

158. UNESCO and UNEP should help those countries which do not have environmental education programmes to develop curricula for integrating environmental concerns in various subjects at the school, college, teacher training and university levels.

159. International financial institutions, e.g. IMF, World Bank, ADB, should ensure that an independent environmental impact assessment (EIA) is properly carried out on any project which they intend to finance. Only projects which pass the independent EIA should be financed. In making the environmental impact assessments, the UNEP, WHO, ILO, and national environmental NGOs should be consulted.

160. At the Conclusion of the Seminar a number of suggestions and requests were made for follow-up action. These included proposals that

- a regional body should be created to monitor and follow up the recommendations of the Seminar;
- the ICJ should convene a meeting of law educators with a view to including an understanding of the environment and of economic and social problems in their curricula;
- the ICJ should undertake a review of international law and national legislation aimed at correcting misuse and abuse of the environment.

THE RIGHT TO DEVELOPMENT

THE RIGHT TO DEVELOPMENT

Its scope, content and implementation

Introduction

1. The United Nations General Assembly has on three occasions affirmed the right to development as a human right of individuals and as a right of states. The content and scope of this right has not, however, been authoritatively defined. In 1981 the U.N. Commission on Human Rights established a working group of 15 governmental experts to study the scope and contents of the right and the most effective means to ensure the realisation in all countries of the economic, social and cultural rights enshrined in the various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights.

2. The International Commission of Jurists, which had considered the nature and scope of the right to development at its Conference on Development, Human Rights and the Rule of Law in The Hague in April 1981 *, decided to take part in the work of the U.N. working group. Accordingly, together with the International Center for Law in Development, it convened a meeting in Geneva in October 1981 attended by non-governmental experts from the following organisations: Institute of Development Studies, University of Sussex; International Coalition for Development Action; International Center for Law in Development; International Commission of Jurists; International Council of Voluntary Agencies; International Foundation of Development Alternatives; World

* A report of this Conference, containing the working papers, conclusions and recommendations has been published by Pergamon Press, Oxford. Copies are available from the International Commission of Jurists, Boite postale 120, 1224 Chêne-Bougeries/Geneva, or from the publishers, at US\$7.50, plus postage.

Association of World Federalists; World Council of Churches. All the participants attended in their personal capacities.

3. A document summarising the conclusions of this meeting was submitted to the U.N. Working Group of Governmental Experts (E/CN.4/-AC.34/WP.10 of 16 November 1981). The present document is a revised and expanded version of that document, prepared following a meeting of a group of Asian non-governmental experts on 29 November 1981, in Penang, Malaysia.

Content of the Right to Development

4. The strategy for the third development decade and the Charter of Economic Rights and Duties of States affirm that:

- the development process must promote human dignity;
- its aim is the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits;
- each state has the right and responsibility to choose its means and goals of development, fully to mobilize and use its resources, to implement progressive economic and social reforms and to ensure the full participation of its people in the process and benefits of development;
- all states have the duty, individually and collectively, to cooperate in eliminating obstacles that hinder such mobilisation and use.

5. The promotion of human rights is both an instrument and a goal of development. The right to development must, therefore, emphasise that respect for all human rights, economic, social and cultural, as well as civil and political, is an essential ingredient of the development process, and that all these rights are interdependent and inseparable. A development strategy based on repression and the denial of either civil and political rights or economic, social and cultural rights, or both, not only violates international human rights standards but is a negation of the concept of development.

Individuals as Beneficiaries of the Right to Development

6. The Secretary-General's report on the International Dimensions of the Right to Development (E/CN.4/1334 of 2 January 1979) affirms in paragraph 27 "the existence of a general consensus" as to the need for the following elements to be part of the concept of development:

- the realisation of the potentialities of the human person in harmony with the community should be seen as the central purpose of development;
- the individual person should be regarded as the subject and not the object of the development process;
- the individual person must be able to participate fully in shaping his own reality.

7. A declaration that development is a human right is important, in part because it will reflect an international effort to give legal recognition to crucial rights of victims of underdevelopment, not only rights to share essential physical resources more equitably but rights to share power over those resources. This underscores the importance of law as a governing framework for self-reliant development and the need for legal resources to help secure realisation of their right to development.

Self-Reliant Development

8. The right to development encompasses the principle of self-reliance. Adoption by developing countries of self-reliant development would result in:

- maximum utilisation of national resources;
- greater national control over the productive assets of the economy;
- minimising dependence on external forces and ensuring more autonomous development through selective integration into the international economy;
- instituting far-reaching social, political and institutional reforms in order to reduce economic inequalities and increase participation in the political process.

9. The principle of self-reliance when applied to individuals and groups implies their right individually and collectively to organise themselves in order to determine their own needs and development goals and to meet them as far as possible from their own resources and by their own efforts.

Redress of Inequality of Resource Allocation Within and Between Nations

10. Equality of opportunity is at best a partial step towards realising development as a human right. It is essential to redress extreme inequalities of results and to ensure rapid progress towards the satisfaction of certain minimum needs at individual, group, national or international levels.

11. Concern with results as well as opportunities implies that:

- positive assistance be given to poor and weak individuals, groups and nations consistent with and in support of their self-organisation to achieve their own development;
- the organisation and pursuit of self-development by dominant and powerful individuals, groups and nations must not be allowed to prevent or obstruct the efforts to develop of those who are poorer and weaker.

12. A combination of limited resources, inequitable structural relationships and conditions and disparate goals inevitably gives rise to conflicts and tensions, whose equitable resolution requires that priority be given to the right to development of the weak, impoverished and deprived. This principle applies equally to individuals, groups and states.

13. The right to development as a human right must be framed in terms which assure to the intended beneficiaries of the right, whether individuals or states, access, participation and accountability.

Access

14. For this process to operate, all individuals and social groups

and states must have effective access to:

- the necessary tangible resources to achieve their basic needs of productive and equitably remunerated work, adequate diet, health care and hygiene , shelter, fuel, clean water and air;
- the necessary intangible resources, particularly education and information, to enable them better to utilise these material resources, and to participate in the process of development; and
- government and institutions, public and private, which allocate these tangible and intangible resources.

15. These three types of access are neither separate nor alternative but integrally interdependent.

16. While the achievement of these minimum or basic levels of access to material resources cannot be seen as an adequate outcome of the development process, rapid progress to their achievement is essential for attainment of the third UN development decade strategy. The obstacles to its attainment do not stem primarily from an insufficiency of global resources but from the existing priorities and modes of resource allocation.

Participation

17. Participation in development implies:

- that the individuals and groups who are to benefit from the development process shall, with an assured right of association, be able to organise themselves whether as producers, as workers, as consumers, as disadvantaged groups or as citizens both locally, nationally and internationally;
- that through these associations they shall be able
 - a) to participate effectively in the formulation of policies and decisions for their implementation at local and national levels, so as to ensure that their needs and aspirations are taken fully into account; and
 - b) to formulate and undertake economic, social, political and cultural tasks of their own choosing, consistent with those

policies, to improve their standard and quality of life and preserve and develop their own culture;

- c) to participate in the monitoring and review of the development process.

18. Making effective the right to freedom of association in relation to development requires:

- that freedom of expression and all other civil and political rights be guaranteed; and
- that active encouragement and support be given to disadvantaged groups, creating conditions which would enable them to exercise this right effectively, freely and without interference.

Accountability

19. The effective implementation of development as a human right requires a continuing process of:

- monitoring and review of the development decisions taken at each level, of the actions taken to implement them, and of their effects, and
- accountability of those responsible for such decisions towards those whom they are intended to benefit.

20. Participation at all levels must include participation in establishing and operating procedures for monitoring, review and accountability.

21. Access to all relevant information is essential to effective participation and accountability.

International Dimensions of the Right to Development as a Human Right

22. The links between development and peace, security, disarmament, and demilitarisation are fundamental. Accordingly, development is a matter of international concern imposing obligations upon all states. Moreover, members of the United Nations have a legal obligation arising

out of Articles 55 and 56 of the Charter and other international instruments to cooperate in the achievement of the right to development.

23. The primary obligation rests upon each state to promote the development of its people. A state promoting its own development within its available resources is entitled to the support of other states in implementing its policies, as well as in seeking to reform structures of international relationship that frustrate its efforts to achieve self-reliant development.

24. Towards these ends the industrialised countries should cooperate with developing nations to achieve a new international economic order in which a more equitable distribution of the world's resources and wealth are ensured and respect for and realisation of human rights enhanced.

25. A new international economic order would:

- reform the structures of international trade and institutions;
- entail support by the industrialised countries for the efforts of developing countries to meet the basic needs of all their people as the first priority, in particular by
 - ensuring food security and freedom from hunger for their peoples;
 - restraining the more exploitative practices of powerful individuals, groups and enterprises, and
 - providing for more adequate and effective transfers of resources from industrialised to developing countries.

26. Transfers of financial resources should, wherever possible, be channelled through multilateral organisations in which developing countries have equitable representation, and should as far as possible be made by regular and automatic transfers through such methods as international taxation.

27. The process of monitoring and review and the principle of accountability with respect to development should be strengthened also at the

international level. For instance, the Secretary-General might be requested to prepare, for submission to the Commission on Human Rights and the Economic and Social Council, an annual report on progress towards realisation of the right to development, based upon information from all sources including governments, inter-governmental organisations, specialised agencies and non-governmental organisations.

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RECENT ICJ PUBLICATIONS

Development, Human Rights and the Rule of Law

Report of a Conference held in The Hague, 27 April–1 May 1981, convened by the ICJ.

Published by Pergamon Press, Oxford (ISBN 008 028951 7), 244 pp.

Available in english. Swiss Francs 15 or US\$ 7.50.

Increasing awareness that development policies which ignore the need for greater social justice will ultimately fail was the key-note of the discussions at this conference. It brought together economists, political scientists, and other development experts together with members of the International Commission of Jurists and its national sections. Included in the report are the opening address by Shridath Ramphal, Secretary-General of the Commonwealth and member of the Brandt Commission, a basic working paper by Philip Alston reviewing the whole field, shorter working papers by leading development experts, and a summary of the discussions and conclusions, which focussed on the emerging concept of the right to development.

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Morocco Trial

Report of an observer mission by Professor André Tremblay of the University of Montreal to a trial in Morocco arising out of disturbances on 20 and 21 June 1981.

Published jointly by the ICJ and its Canadian Section (ISBN 92 9037 0100),

Geneva, October 1981, 25 pp.

Available in english. Swiss Francs 4 or US\$ 2, plus postage.

The report describes the background of the case and criticises a number of features of the trial. Professor Tremblay also comments on the way demonstrators were treated by the authorities, and describes the circumstances in which he and other international observers were expelled from the country.

★ ★ ★

Ethnic Conflict and Violence in Sri Lanka

Report of a mission to Sri Lanka in July-August 1981 by Professor Virginia A. Leary of the State University of New York at Buffalo.

Geneva, December 1981, 88 pp. (ISBN 92 9037 011 9).

Available in english, Swiss Francs 7 or US\$ 3.50, plus postage.

After a careful survey of the background, causes and nature of ethnic conflict and violence and an examination of the legal and administrative measures adopted by the government, Prof. Leary formulates her findings and recommendations. Among her conclusions are that police behaviour has been discriminatory towards the minority Tamils and that the recently promulgated Terrorist Act violates Sri Lanka's international obligations.

★ ★ ★

ICJ Report on Activities 1977–1980

Geneva, 1981, 110 pp. (ISBN 92 9037 006 8).

Available in english, Swiss Francs 7.50 or US\$ 3.75, plus postage.

The report summarises the main activities of the International Commission of Jurists for the four years 1977–1980 covering both the positive promotion of human rights and their legal protection, studies on violations, and action taken to assist victims. Extensive appendices include the ICJ activities in the United Nations.

Publications available from: ICJ, P.O. Box 120, CH-1224 Geneva
or from: AAICJ, 777 UN Plaza, New York, N.Y. 10017