

THE ROLE OF NON-GOVERNMENTAL ORGANISATIONS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

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Such knowledge as I have of human rights has been gained during the past 18 years as an activist, with no claims to any qualifications as an academic. Accordingly, I have chosen as my subject the role of Non-Governmental Organisations in the promotion and defence of human rights, illustrating what I have to say by drawing on my experience as Secretary-General of the International Commission of Jurists.

But first let me make some comments upon this remarkable document, the Universal Declaration of Human Rights.

The Charter of the United Nations had already declared that one of its purposes was to promote and encourage respect for human rights and fundamental freedoms. But these rights and freedoms had not been defined, still less were there any international legal instruments to proclaim them and establish machinery for their enforcement.

When I read law at Oxford before the war, there was no mention of human rights, still less any suggestion that there was a body of human rights recognised in international law. The Rights of Man, *les Droits de l'Homme*, had been proclaimed during the French revolution, the founding fathers of the United States of America had made an impressive declaration of rights, and England had contributed the Magna Carta in 1215 and the Bill of Rights exactly 300 years ago. Fine as these documents were, and recognising that they had considerable influence beyond their countries of origin, there still was no document of universal application.

In 1948 there were only 58 countries in the United Nations. The great empires still existed and there was only a handful of independent States

in Africa and Asia. Justifiable criticism has been directed at the Universal Declaration, that it reflects too much the thinking of western civilisations. It is true that the Declaration has drawn heavily upon and reflects the legal thought of Europe and the United States. But it is equally true that the legal systems of the great majority of the new countries which have come into existence since 1948, are also based on the same common law or civil law systems inherited from their former western colonial masters. Among the exceptions are the legal system of Islam and the traditional law of the indigenous peoples in Africa, Asia and Latin America, which attach greater importance to the collective rights of the community, rather than to the rights of the individual. This is shown by some of their legal procedures which serve an entirely different purpose. In cases of conflict, instead of seeking to identify which is the guilty party and which the innocent, the purpose of the proceedings is to bring about a settlement which will reconcile the parties and help to restore the harmony of their community. For this reason qualified advocates are not permitted to attend the traditional courts in some of these countries, as their presence is disruptive.

Nevertheless, none of the new countries has rejected the Declaration, and very many States of the so-called Third World have formally adopted it. Some have even written it into their constitutions.

The Declaration begins by stating that all human beings are born free and equal in dignity and rights. That is a somewhat dubious proposition if intended as a statement of fact, rather than as an aspiration. More importantly, the Declaration goes on to say that everyone is entitled to all the rights and freedoms in the Declaration without distinction of any kind.

In shortened form, the rights are as follows :

The *rights* to life, liberty and security of person, the right to recognition as a person before the law, to protection against discrimination, to an effective remedy against violations, to an independent and impartial tribunal in civil or criminal matters, to the presumption of innocence if accused of a crime, to the right of privacy, to freedom of movement, to asylum from persecution, to a nationality and to change one's nationality, to marry with equal rights and found a family, to own property, to seek, receive and impart information and ideas regardless of frontiers, to take part, directly or indirectly, in the Government of one's country, and the right to free elections by universal suffrage and secret voting.

The freedoms are of two kinds – freedoms from and the freedoms

to.

The *freedoms from* are from slavery, torture or cruel, inhuman or degrading treatment or punishment, from arbitrary arrest, from detention or exile, from retroactive legislation, or from attacks on one's honour or reputation.

The *freedoms of* are of thought, conscience and religion, of opinion and expression, of assembly and association. These three are perhaps the most fundamental of the civil and political rights.

There then follows a detailed list of economic, social and cultural rights.

These are the rights to social security, to the economic, social and cultural rights indispensable to a person's dignity and free development, the right to work, with free choice of employment, protection against unemployment, equal pay, just remuneration for his family, the right to form and join trade unions, and to rest and leisure with reasonable working hours and paid holidays, to a standard of living adequate for the health and well-being of himself and his family, including adequate food, clothing, housing, medical care and social services and security in unemployment, sickness, disability, widowhood, old age or other circumstances beyond his control, care and assistance for motherhood and childhood, the right to education (which is elaborated upon and includes the right of parents to choose their children's education), to participate in the cultural life of the community, to enjoy the arts and share in scientific advancement, the right to copyright, and finally to a social or international order in which the rights and freedoms in the Declaration can be fully realised.

I have summarised all these rights for two reasons :

First, to show their astonishing scope, including a detailed list of economic, social and cultural rights. Whereas there are 21 Articles proclaiming civil and political rights, there are only 7 Articles on economic, social and cultural rights. But when the content of these articles is examined, it will be seen that there are nearly as many economic, social and cultural rights as civil and political rights and freedoms, approximately 28 as against 32.

Second, to make clear that in spite of their universal declaration, these rights are far from being universally achieved. Indeed, there is no country that can claim to implement them all. If anyone doubts this, let me

ask what country can boast real equality for women, in practice as well as in law? Some years ago when the United States was considering ratification of the covenants on civil and political rights and economic, social and cultural rights, the Attorney-General advised that over 90 amendments would have to be made in the laws and constitutions of the various States in the federation in order to comply with the provisions of the covenants. The USA has still not ratified them.

In the 40 years since its adoption, the Universal Declaration has served as the basis for an astonishing and vast body of international law spelling out these principles in treaties, conventions, covenants, declarations, and other international instruments of varying legal effect. Before the second world war none of this existed, other than a few exceptions in the field of trade union and labour rights, minority rights and refugee law. Most of these new international instruments are United Nations documents, but there are also many others emanating from two regional bodies, the Council of Europe and the Organisation of American States. We may soon see the same process at work in Africa now that the African Charter of Human and Peoples Rights has come into force.

Much of the initiative for this flowering of human rights instruments has come from Non-Governmental Organisations. Indeed, this is true for the Universal Declaration itself, which was greatly influenced by organisations determined to see that the holocaust and other atrocities in the second world war will never be repeated. It is not only lawyers' organisations that have been engaged in this work. Organisations of all kinds, churches and church based organisations, trade unions, women's organisations, organisations concerned with the protection of minorities, indigenous peoples, refugees, disabled persons, mental patients and many others have been involved and played their part. They have pressed their governments to introduce and support instruments that will spell out binding obligations and, in many cases, to introduce procedures for monitoring the record of States in fulfilling their obligations under these legal instruments.

Perhaps the most important are the two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. These documents elaborate and define more precisely the rights and freedoms in the Universal Declaration, and impose binding legal obligations on the countries who ratify them, as over 80 countries have now done.

When the Universal Declaration was adopted it was made clear by a number of States that while they accepted the principles as such, they did

not regard the Declaration as imposing any binding legal obligations upon them. Since that time a growing body of international lawyers take the view that this situation has changed and that the Declaration is now a binding legal instrument. They base this mainly on the virtually universal acceptance of the principles.

Be that as it may, the Declaration is in very general terms, and does not spell out any necessary limitations on these rights or the circumstances in which some of them may have to be temporarily suspended.

Consequently, the main work of the UN Commission on Human Rights after the proclamation of the Declaration was to draw up the two international Covenants which clearly did impose legal obligations on the States Parties. It was a lengthy process, but revolutionary in its effect. Virtually the whole body of principles in the Universal Declaration have now become binding obligations in international law for those States that ratified the Covenants, as about half the States in the world have now done. Some international lawyers, particularly in the United States, have questioned whether the Covenant on Economic, Social and Cultural Rights does really impose any enforceable obligations in law. They regard them as being merely a list of aspirations which States can apply as and when they please. The International Commission of Jurists does not accept that, and two years ago, together with some other organisations, convened a meeting of distinguished international lawyers who met in Holland and drew up the so-called 'Limburg Principles', spelling out the legal obligations imposed on a government that ratifies this Covenant. The principles were submitted by the Dutch Government to the General Assembly of the UN and they have received widespread support.

The process of human rights law-making did not stop there. There has been and continues to be a hive of activity in drafting and obtaining agreement on new conventions, many of them creating new organs of control. Recently a government in Africa asked the UN Centre for Human Rights for a copy of the international human rights instruments. They received over 300 pages of texts. There are, for example, special UN conventions against torture, slavery, racial discrimination and discrimination against women, rules or codes of conduct for the treatment of prisoners, for law enforcement officials, principles of medical ethics in the protection of prisoners and detainees, conventions relating to refugees, and a large body of conventions worked out in the ILO concerning conditions of labour, trade unions, immigrant workers and other labour matters.

Non-Governmental Organisations (NGOs) have made their contribution to this process of standard setting, especially within the UN Commission on Human Rights and its Sub-Commission, where NGO experts are welcomed in the working groups which draft these documents. For example, the chairman of the working group drafting the proposed Convention on the Rights of the Child has publicly thanked the NGOs for their contribution to its work.

In some cases the initiative for new legal instruments has been instigated by NGO action. Thus the UN Declaration against torture was stimulated by the work of NGOs, and in particular of Amnesty International. This in turn led to the Swedish initiative for a UN Convention on this subject and the representatives of NGOs with particular knowledge of torture practices were able to make a significant contribution to the drafting of that convention.

Virtually all of these documents elaborate in greater detail the rights proclaimed in the Universal Declaration, and many of them establish a system of reports by States Parties which are examined by a committee of independent experts, who question representatives of States Parties about their reports and then make a public report to the General Assembly of the United Nations.

Again, these committees monitoring the performance of States Parties to conventions are heavily dependent upon the written contributions of NGOs. The reports of the States Parties understandably concentrate upon their positive achievements. It is left to the NGOs with knowledge of the subject to supply to the committee members a brief which will enable them to probe more deeply in their questioning of the States Parties representatives. Sometimes this contribution of the NGOs is officially recognised. In most cases it is informal, but nonetheless vital for the effective work of the committees.

In the same way the Non-Governmental Organisations make numerous interventions, both written and oral, in the sessions of the UN Commission on Human Rights and its Sub-Commission, drawing attention to violations of human rights in different countries of the world. As in the 1988 meeting of the Commission some States complained that the NGOs were taking up too much time of the Commission. This was answered by the delegate of the United States as follows :

My government would like to underscore its strong

support for the efforts of non-governmental organisations in assisting the United Nations and member States in discharging their responsibilities in the human rights field. The non-governmental organisations focus public attention on abuses which need correction and issues which must be resolved. They assist those whose human rights and fundamental freedoms have been abused, who are often poor and illiterate, in seeking redressthe best of the non-governmental organisations have developed great expertise and have jealously guarded their impartiality and credibility. Without the presence and sometimes the passion of representatives of non-governmental organisations, the Sub-Commission would be a poor, and poorly-informed place, as would be this Commission.

Other legal instruments are Declarations of the General Assembly or the Economic and Social Council of the UN on particular subjects. They carry weight as legal texts, setting out guidelines, but not having the same obligatory effect as conventions and other treaty documents.

Let me illustrate how one of these came into existence. There is a provision in Article 10 of the Universal Declaration that everyone is entitled to a fair trial by an independent and impartial tribunal in the determination of his rights and duties. All governments claim that their judges are completely independent. Unfortunately, in all too many countries the independence of judges is eroded by corruption or governmental pressures. Frequently their terms of service are such that there are many ways in which subtle but effective pressures can be brought to bear on them.

Ten years ago, with a view to trying to improve this situation our organisation established in Geneva its Centre for the Independence of Judges and Lawyers. At the initiative of this Centre the Sub-Commission of the UN Human Rights Commission decided to make a study on this subject. We then organised two international seminars with judges and lawyers from all regions of the world who drew up a set of principles for protecting the independence of judges. These were then submitted to the Sub-Commission, where the Rapporteur embodied them in an annexe to his report. The next stage was a conference convened at Montreal by the Chief Justice of Quebec, with a wider representation of judges and lawyers, at which these documents were the main working papers. The conference produced a more detailed and authoritative draft, which was in turn submitted to the UN Committee on

Crime Prevention and Control in Vienna. They produced a draft which was submitted to the 1985 UN Congress on Crime Prevention and Control held in Milan and attended by most of the countries in the world. The Secretary of our Centre and a representative of the Canadian Government worked hard in lobbying delegations and negotiating amendments to the text to make it acceptable to the delegates.

The result of all this was that the Congress approved unanimously a declaration of 16 principles on the Independence of the Judiciary, containing in general terms nearly all the basic safeguards and protections proposed in the earlier documents. This text was then submitted to the General Assembly of the UN where it received unanimous approval. In this way it became the first and only international instrument making clear what is meant by the independence of judges and what procedures and conditions of work are required to make it a reality. This document is now a most valuable tool, enabling lawyers and others at both the international and national level to bring pressure upon governments to alter their procedures so as to comply with the principles which they have approved in the General Assembly.

These examples illustrate how NGOs can contribute to the slow but vitally important task of 'standard-setting' as it is called in the United Nations.

The same process goes on at the regional level in the Council of Europe, the Organisation of American States and now the Organisation of African States. For example, the International Commission of Jurists and the Swiss Committee against Torture submitted to the Council of Europe a draft Convention for the prevention of torture by means of regular visits to places of detention in the States Parties. This has now been adopted and signed by all the States of the Council of Europe and is likely to come into force this year. The possibility of a similar Convention in America is being explored. The International Commission of Jurists has recently submitted a document containing recommendations for the Rules of Procedures of the new African Commission on Human Rights under the African Charter. Virtually all its recommendations have been adopted.

One may ask what is the use of all these documents if the rights in the Universal Declaration are being abused throughout the world. The answer is that this body of international law can be an effective tool for persuading governments to introduce reforms in their laws and practices.

To illustrate, some years ago a Japanese lawyer called Totsuka came

to see us to ask if we could help him and some colleagues of his to persuade the Japanese Government to amend their Mental Health Law. Before the war, the law was that the families were responsible for looking after the mentally ill. It was, and to a large extent still is, an ignorant popular belief that mental illness is hereditary. The result was that the families hid away, even chained up in the basement, their mentally ill, for if it became known that they had a mentally ill member of their family their sons and daughters could never get married. After the second world war, the Government passed a law permitting any doctor, not necessarily with any knowledge of psychiatry, to establish a mental hospital with a considerable continuing government grant. It only required two such doctors of the hospital to say that a person required treatment in a mental hospital, and the consent of the family, for that person to be locked up indefinitely as an involuntary patient. There was no right of appeal to a court or tribunal, and no access to a lawyer. The average time they spent in hospital was 8 years. With modern psychiatry a patient should not, normally, require more than a few months treatment. As a result of this law, private mental hospitals became a remarkable growth industry. Last year there were 330,000 involuntary patients in Japan. With modern psychiatric methods these should not have been more than 50,000 at most.

A group of Japanese lawyers and psychiatrists tried to get the law changed. The opposition supported them but the vested interests of the private hospitals, the families of the mentally ill, and the drug industry was such that the Government would not move. So Totsuka asked us to raise the matter at the international level. We published an article describing some shocking cases in these hospitals. In one large hospital over 200 patients in a period of 3 years died unexplained deaths. We then raised the matter at the UN Sub-Commission on Human Rights. We wrote to the Prime Minister and to the Minister of Health, but there was no response. We then approached the Foreign Ministry and pointed out that this system was a violation of the Covenant on Civil and Political Rights to which Japan is a party. Article 9 of the Covenant says : "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court (to) decide..... on the lawfulness of his detention" The Foreign Ministry in Japan, as in other countries, is very concerned about the image and reputation of its country abroad. The result was that they persuaded a newly appointed Minister of Health and his officials that changes were needed and the Government agreed to reform the law.

We sent to Japan a mission comprised of two internationally renowned psychiatrists and a judge of a mental health appeal court in the

United States, to examine the system of the Japanese mental hospitals. They made a report with a large number of detailed recommendations. Last year the Government introduced a new law amending the previous law and meeting quite a number of these recommendations. The Government has recognised that this is a first step and say that they will review the working of their new law in five years time. We have recently sent another mission to Japan with the same experts to see what impact the new law has made upon the practice in mental hospitals in Japan, and to make recommendations. The mission was received courteously by Government representatives at national and prefectural levels, and by private hospitals.

This is perhaps an exceptional case, but it does illustrate how the international conventions and other legal instruments can be a useful tool. Most governments, when attacked for their human rights violations, protest that this is an interference in their internal affairs. They quote Article 2, paragraph 7 of the Charter which says that the Charter does not authorise the United Nations to interfere in matters which are essentially within the domestic jurisdiction of any State.

The answer to that can be illustrated by another episode. Under the dictatorship of the Colonels in Greece we received reports that six lawyers had been arrested and were being tortured. We sent a highpowered mission of very distinguished lawyers from the United States and Canada to enquire into this matter and try to secure their release. The Government refused to see them, but they were convinced by the evidence they received that the allegations were well-founded. Before leaving they held a press conference, followed by another in New York on their return, which resulted in front page reports in the press. Six weeks later the lawyers were released. A year or two later I was in the US State Department and asked whether they thought our mission had been helpful. Their answer was very positive. They explained that they were able to say to the Greek Government, "We do not want to interfere in your internal affairs, but when your activities provoke such a reaction from distinguished lawyers, it becomes an internal affair for us and affects our relations with you." We have no doubt that it was the US Government pressure that led to the release of the lawyers.

We had a similar experience later concerning the termination of the massive disappearances in Argentina under the dictatorship. Numerous NGOs had reported on them in detail, but the Government dismissed the reports as communist inspired propaganda. However, as a result of the NGO reports the Inter-American Commission on Human Rights sent a mission to Argentina, which came to the same conclusions and published a very strong

and well-documented report condemning the disappearances. In response to this inter-governmental pressure the Government eventually gave way and at first reduced, and then ceased, the practice.

These cases illustrate the fact that the work of NGOs is often at its most effective when it leads to governmental or inter-governmental action.

Another result of this massive body of human rights instruments is its side-effects. Largely as a result of the so-called Carter policy in the United States, linking human rights performance with development aid (a policy which in fact was started by the US Congress before Carter became President), all governments have been obliged to take human rights into account in their foreign policy. Many of them have special sections in their foreign ministries, staffed with people well versed in human rights. In some countries they have inter-departmental committees to coordinate policies and ensure that new legislation or policies do not violate human rights obligations. Bad as may be the record in some countries, there will within each government be those who are pressing quietly for more respect for human rights, and they make use of the international documents in doing so.

Human rights law has become a whole new branch of international law. There are professors who specialize in this field, and faculties of law introduce courses in international human rights law. The number of human rights NGOs, and their expertise, has greatly increased, at both universal and regional levels. Their role has been widely recognised and they are now able to take a much greater part in the work of the United Nations and other inter-governmental bodies. In short, human rights have become an important political issue which governments and parliamentarians cannot ignore.

For most people in the West the words 'violations of human rights' conjure up violations of civil and political rights - arbitrary arrests and detentions, political prisoners, torture of suspects, police or soldiers beating up or throwing tear gas or even firing at students and other demonstrators, military dictatorships, one party states, apartheid and other forms of discrimination, press censorship, etc. This is understandable. Such things shock the conscience of mankind, and we see them daily in our newspapers or on our television screens.

But for people from the so-called Third World, especially the rural poor who make up the majority of most States in Asia, Africa and Latin America, the principal violations of their rights are lack of food, housing, health and hygiene, education, employment, and an adequate standard of

living. When these reach even more massive proportions than usual due to some natural disaster, we are then reminded by the media of their plight. But the thousands who die every day from the want of their economic, social and cultural rights cease to be 'news'.

Until recently, there have been very few international lawyers seriously interested in economic, social and cultural rights. Many of them dismiss the Covenant on Economic, Social and Cultural Rights and other legal texts as being 'soft law'. This is because, with some exceptions, they do not confer rights on the individual which are enforceable in a court of law. Consequently these lawyers think they are merely high sounding goals, and that it is for governments to decide for themselves to what extent they will apply resources to promote these rights. I have already mentioned the Limburg Principles which refute this argument.

In the field of civil and political rights there are international judicial bodies like the European and Latin American Courts of Human Rights and, in the United Nations there are monitoring committees of independent experts dealing with individual complaints and gradually building up a substantial body of case law or 'jurisprudence' as the French call it.

It is only recently that a serious procedure has come into existence for monitoring and entering into discussion with governments on their performance in carrying on their obligations in the field of economic, social and cultural rights. The Convention on these rights provides for States Parties to prepare reports on the measures they have adopted and the progress made in achieving observance of the rights. These reports are examined by a Committee of the Economic and Social Council of the United Nations.

For several years this Committee, which met in New York, was composed of representatives of States, supposedly expert in this field. In practice they were virtually all diplomats from the missions in New York with little or no expertise on the subject. The result was virtually nil, due both to ignorance and to the reluctance of diplomats to attack each other unless they had some political reason for doing so. Two years ago a new Committee was set up of persons with real expertise. As they serve in their individual capacities, they speak much more frankly.

Like all such bodies in the UN they tend to work on the basis of consensus. Unfortunately in the first year they made little progress as they were obstructed by a Soviet delegate who was a relic of the Brezhnev era and had never heard of *glasnost* and *perestroika*. Fortunately news of this reached

Moscow and he was persuaded to resign. At this year's meeting much progress was made in devising procedures which will make their work meaningful.

The obligations of governments under the Covenant on Economic, Social and Cultural Rights do not fall only on the developing countries. Article 2 of the Covenant says that each State Party undertakes to take steps '*individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources*, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant' (emphasis added). Article 55 of the Charter of the United Nations says that 'with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations the United Nations shall promote

- higher standards of living, full employment and conditions of economic, social progress and development; and
- solutions of international economic, social, health and related problems and international cultural and educational cooperation'

The United Nations and its specialised agencies have no existence apart from their member States, so these obligations fall upon each of so-called developed countries to cooperate 'to the maximum of its available resource' in helping peoples in the developing countries to achieve their economic, social and cultural rights.

It is to be hoped that the new ECOSOC Committee will bring pressure to bear on the developed countries to increase their contributions 'to the maximum of their available resources'.

The specialised agencies have an extremely important role in securing achievement of economic, social and cultural rights, in particular the ILO, WHO, UNESCO, UNICEF, FAO and, though not strictly a specialised agency, the UNDP. The ILO is outstanding for its detailed and numerous conventions and for the procedures it has developed for examining complaints and pressuring governments for better performance in the labour field. This is largely due to its tripartite structure, one-third being non-governmental trade union representatives. UNESCO has a Committee which can receive and examine complaints against governments, but its record is not very impressive. The other agencies have no such procedures. Indeed,

the very term human rights has until recently been taboo in the WHO, for fear that it will arouse the hostility of those Third World nations which sometimes regard human rights as a stick in the hands of the Western powers to beat them with. The reason for change of attitude of the WHO is that they have realised that they need the cooperation of human rights organisations to help persuade people that the cruel discrimination against AIDS victims is a serious violation of their human rights, as well as being an obstacle to obtaining the cooperation of victims which is essential to control the spread of the disease.

The International Commission of Jurists attaches great importance to economic, social and cultural rights. As far back as 1959, at its first Third World Congress, held in New Delhi, it proclaimed the dynamic concept of the rule of law, in which it stated that lawyers, in addition to promoting and defending civil and political rights, should use their skills and knowledge to help the disadvantaged to secure their economic and social rights.

Inspired by the work of some human rights activists in South Asia and in South-East Asia, we have in recent years been holding international seminars in Africa, Asia and Latin America on the subject of 'Legal Services for the Rural Poor'. We realised that human rights, and particularly the legal aspect of human rights was entirely unknown to the rural poor, who are the majority of the Third World's population. Often illiterate, they know nothing of lawyers or the law, still less of the concept of human rights. If they have any experience of the law it is probably as an instrument of their oppression. Equally, the lawyers tend to know little or nothing about the problems of the rural poor, and the way they are oppressed and cheated out of their land and other rights. So what we have been trying to do is to interest lawyers, and the faculties of law and of social sciences in the universities, to study these problems and to bring legal assistance to people at village level.

This is not the ordinary legal aid, which is mainly limited to providing lawyers to defend the poor when charged with serious criminal offences. When a rich man consults his lawyers, what he wants is to be informed about his rights and obligations, to be told how to claim those rights and, where necessary, to have the lawyer negotiate on his behalf. As a last resort, and only when there is no other solution, he wants his lawyer to take proceedings before a court. It is these services that the poor lack and that lawyers should find ways to provide.

What we urge them to do is to train students of law or social sciences or newly qualified lawyers to go out to rural areas to do this work.

Some call them para-legals, and they need not necessarily be lawyers. Sometimes people doing development work take on this work part-time. They must, of course, be trained in the law on matters affecting the rural poor, such as the land law, family and divorce law, and inheritance law. There are two rights in particular which are a *sine qua non* of any self-reliant development, that is development where the people can solve their own problems with the minimum of assistance from outside. The two rights are freedom of expression and freedom of association. Without these there will be no fundamental change in their situation and no true development.

The para-legals must first find out what the problems are, then explain the position in law, and then encourage the people to combine together in the spirit of self-reliant development to assert their rights, if necessary with the help of a lawyer in the town. We urge these young lawyers, sometimes called para-legals, to work with grassroots development organisations. They will obviously have more chance of success if they have the help of people working for development in the rural areas, who have the confidence of the rural folk, and can help to overcome the suspicions and cultural differences which so often result in distrust of lawyers from the towns.

Recently we had a seminar in Jakarta of lawyers who have been doing this work for several years in the countries of South-East Asia. This was the first time they had met to share their experiences, identify the obstacles to their work, and devise ways to overcome these obstacles. It transpired that what they need most is support from the law faculties, so as to train and recruit more young lawyers for this work, and from the Bar Associations to get the support, where needed, of senior lawyers.

Perhaps the leading theorist in this work is an Indian lawyer, Clarence Dias, who works world-wide from the office in New York of his organisation, the International Center for Law in Development. He expounds on what he calls the 'empowerment' of the rural poor. It is apposite to end by quoting him :

"Human rights" he says "can play a significant role in the empowerment of the impoverished. The oppressed can become more self-reliant through an understanding of their rights and indeed the right to organise and rights of association are vital to impoverished groups seeking to mobilise and organise themselves and thus develop countervailing power. Moreover, such impoverished groups become more empowered as they de-

velop their capacities to assert rights through collective action. An awareness of rights helps diminish dependency and builds up confident self-reliance when 'have-nots' appreciate that they are entitled to resources as a matter of entitlement and not just benign charity. Moreover, rights safeguarding the dignity of the human being are of considerable psychological importance in the struggle to break out of the culture of dependency and to establish self-esteem and a sense of self-worth.

Human rights can also play a significant role in securing the accountability of those who wield power and control resources essential to the satisfaction of basic human needs. Rights to secure mandamus or prohibition are important checks on abuse of power. Rights of access to information, rights to a public hearing and freedom of speech and of the press are crucial in checking governmental lawlessness and abuse of discretion or powers by bureaucratic and government officials.

Human rights are also important as a means for securing participation. Perhaps, more importantly, human rights represent a vital expression of values."