
**Human Rights
Self-Monitoring: A
Proposal for the
Northern European
Democracies**

Jack Donnelly and Rhoda E. Howard

R 1996: 3

Chr. Michelsen Institute (CMI) is an independent research institution located in Bergen, Norway. The Institute conducts multidisciplinary research across a wide spectrum of social sciences and undertakes consultancies in the field of development and human rights studies related to Third World countries. The research is based on considerable experience from assignments and field work in developing countries. With a present staff of approximately 30 researchers CMI constitutes a major centre for development research in Scandinavia. CMI has a wide international network and institutional collaborative agreements with research institutes in Africa and Asia. The Institute also houses a specialised library.

Recent CMI Reports

- R 1994: 6 JUL-LARSEN, Eyolf
Migrant fishermen in Congo: Tradition and modernity. Bergen, December 1994, 66 pp. (Price NOK 90 + postage)
- R 1995: 1 LANGE, Siri
From nation-building to popular culture: The modernization of performance in Tanzania. Bergen, April 1995, 182 pp. (Price NOK 145 + postage)
- R 1995: 2 KNUDSEN, Are
Living with the commons: Local institutions for natural resource management. Bergen, May 1995, 132 pp. (NOK 125 + postage)
- R 1995: 3 SUFIAN HEMED BUKURURA
Judiciary and good governance in contemporary Tanzania: Problems and prospects. Bergen, September 1995, 70 pp. (NOK 90 + postage)
- R 1995: 4 SKÅRE, Guro
Coconuts and cultivation in the Philippines. A study of social formation in Candelaria, Quezon Province. Bergen, December 1995, 132 pp. (Price NOK 125 + postage)
- R 1995: 5 SELBERVIK, Hilde Beate
Et lite offer? En analyse av årsakene til det diplomatiske bruddet mellom Norge og Kenya i 1990. Bergen, December 1995, 172 pp. (Price NOK 145 + postage)
- R 1996: 1 STOKKE, Hugo and Marit TJOMSLAND
Collective identities and social movements. Bergen, 1996 (Price NOK 50 + postage)
- R 1996: 2 TVEDTEN, Inge
Angola og norsk bistand. Bergen, 1966 (Price NOK 90 + postage)

A complete list of publications and Annual Report available free of charge

For priced publications:

Surface mail (B-economique) free with prepaid orders. For airmail (A-prioritaire) outside the Nordic countries add 20 %

Four easy ways to pay:

Cheque, issued in Norwegian kroner

Post office giro, paid by International Giro: 0808 5352661

SWIFT: DNBANOB, Den norske Bank no: 5201.05.42308

Credit card: VISA only

Order from:

Chr. Michelsen Institute

Fantoftvegen 38, N-5036 Fantoft-Bergen, Norway

Fax: + 47 55 57 41 66 Phone: + 47 55 57 40 00 E-mail:

cmi@amadeus.cmi.no

Summary

This report recommends that Human Rights in Developing Countries adopt a radically new approach to monitoring human rights. The "old way" is to monitor aid-recipient governments' violations of the human rights of their own citizens. The new way, called herein "self-monitoring", entails careful monitoring of Northern countries' own contributions to, or violations of, human rights in the South. The new way responds to concerns about historical and cultural sensitivity, and about moral and political consistency. The contributions of Northern governments to human rights through bilateral and multilateral activities, including the arms trade and involvement in international financial institutions, could be monitored. But so also could the effects on human rights of transnational actors (such as multinational corporations and NGOs) and even private citizens of Northern countries. Self-monitoring will focus on the areas where likelihood of impact is greatest - at home.

Jack Donnelly, Ph.D. University of California, Berkeley, 1982, Andrew W. Mellon Professor of International Relations, Graduate School of International Studies, University of Denver (Colorado, USA) has written extensively on human rights issues.

Rhoda E. Howard, Ph. D. McGill University 1976, Professor of Sociology, McMaster University (Ontario, Canada) is working on human rights with an emphasis on Africa.

**Human Rights
Self-Monitoring: A
Proposal for the
Northern European
Democracies**

Jack Donnelly and Rhoda E. Howard

R 1996: 3

Copyright © Chr. Michelsen Institute 1996

CMI Report Series

This series can be ordered from:

Chr. Michelsen Institute

Fantoftvegen 38

N-5036 Fantoft-Bergen, Norway

Fax: + 47 55 57 41 66 Phone: + 47 55 57 40 00

E-mail: cmi@amadeus.cmi.no

Price: NOK 50

ISSN 0805-505X

Indexing terms

Human rights

Contents

A. Two models of international human rights monitoring	1
1. The old way: External monitoring of recipients	2
2. The new way: self-monitoring	3
a. Moral and political consistency	4
b. Cultural and historical sensitivity	8
B. A strategy for self-monitoring	9
1. Bilateral activities	9
a. Bilateral aid	10
b. Bilateral trade and investment	11
c. Other bilateral relations	12
2. Multilateral activities	12
a. International financial institutions	13
b. Other multilateral agencies	15
3. Transnational actors	16
a. Transnational businesses	16
b. Nongovernmental organisations	17
c. Private citizens	17
C. Monitoring, assessment, and advocacy	20
E. The NEDs as human rights leaders	23
Appendix: New directions for the "old way"	25

A. Two models of international human rights monitoring

Human rights monitoring has been an established part of the international political landscape for the past two decades. From the pioneering work of Amnesty International in the 1960s, we have moved to a situation today in which a large number of groups, including Human Rights Watch and the United States Department of State, produce comprehensive annual monitoring reports of growing sophistication and value. Most of these monitoring enterprises share a common implicit model.

- The policies and practices of Southern hemisphere countries have been emphasized. Much less attention has been given to the practices of Northern countries.
- National (domestic) human rights practices have been emphasized. Relatively little attention has been paid to the human rights consequences of the international actions of foreigners.
- Civil and political rights have been given principal emphasis. Relatively little attention has been paid to monitoring economic, social, and cultural rights.
- State policies have been monitored extensively. Very little attention has been paid to the human rights consequences of the activities of businesses, private individuals, and other nonstate actors.
- Monitoring has been done primarily by outsiders, which we will refer to as external monitoring. Internal or self-monitoring has been largely ignored.

Human Rights in Developing Countries (HRDC) -- the yearbook produced since 1985 by human rights research institutes in Norway, the Netherlands, Sweden, Denmark, and Austria,¹ which we will refer to collectively as the Northern European Democracies (NEDs) -- has given equal weight to civil and political and economic, social, and cultural rights, in sharp contrast to other major monitoring efforts. Otherwise, however, it has shared the model of Northern monitoring of Southern country national human rights practices.

We greatly admire both the initiative of the cooperating human rights institutes and the substance of the individual country reports and thematic essays in HRDC. Nonetheless, we believe that it is time for the international human rights community to move toward a monitoring model that is both more balanced and reflects greater culturally and political sensitivity. HRDC, we believe, is well positioned to lead this change.

Rather than focus on external monitoring of the national human rights practices of Southern hemisphere recipient countries, primary emphasis should be given to self-monitoring of donor-country international human rights

¹ These are the five current cooperating countries. In the past, Canada and Finland have also been involved.

policies and practices.² This should include the activities of nonstate actors. And the emphasis in HRDC on economic, social, and cultural rights should be maintained and strengthened.

Such a reorientation would

- focus efforts on things over which the governments of the cooperating institutes have the most control.
- allow HRDC to lead the international human rights community toward a richer and more sophisticated understanding of the politics of human rights.
- better use scarce resources by reducing redundancy with other monitoring efforts.³
- provide a more distinctive and valuable product.
- demonstrate an exemplary willingness to engage in public self-criticism, while also showing greater respect for the cultural, historical, and political sensitivities of governments and citizens in recipient countries.

Human rights monitoring is an indirect form of human rights advocacy. Our hope is that sustained and intensive self-monitoring will lead to improvements in the development assistance and human rights policies, both direct and indirect, of the NEDs (Northern European Democracies). The result would be an even more distinctive "middle power" course for the NEDs that better reflects their national values and their international position.

1. The Old Way: External Monitoring of Recipients

At least five important audiences for HRDC can be identified: governments in recipient countries; governments in donor countries; human rights advocates in recipient countries; human rights advocates in donor countries; scholars, students, and informed members of the general public. None of these audiences would receive sufficient benefit from a continued focus on external monitoring of recipient country human rights practices to justify continuing that emphasis in the yearbooks.

The cooperating institutes seem particularly poorly situated to provide information that would influence the practices of monitored governments. Despite the high quality of their individual country reports, the institutes lack the resources to undertake major original work of a comprehensive nature. They are unlikely to be able to provide much information that is not already available to these governments, either through their own sources or in the

² The four reports in the 1995 edition of *HRDC* on Austrian, Danish, Dutch, and Norwegian aid-rights linkages suggest that such changes are already under way. We want to encourage that they be formalized, extended, and made the heart of future yearbooks.

³ When the yearbooks were initially conceived, the problem of duplication was less severe. Other efforts, particularly those of Human Rights Watch, were much less thorough than today. In the late 1970s and early 1980s, when there was considerable bias in often-cited US sources (especially the State Department and Freedom House reports), there was also a real need for a neutral voice. *HRDC*'s distinctive voice remains valuable, as we emphasize in Section A.2.b below. Nonetheless, as an external monitoring project, the yearbook is only one of several (increasingly good) competitors.

reports of other monitors, such as the United States Department of State, Amnesty International, Human Rights Watch, or the Minority Rights Group.

Reporting directed to human rights advocates and publics in monitored countries would seem to be almost as unpromising an endeavor. Again, little new information is likely to be made available. Quasi-official external verification of information may have been valuable to human rights activists in highly repressive countries in the 1970s and 1980s. This is rarely the case today, especially in the countries where the NEDs have focused their aid activities. Supporting local human rights advocates is an admirable goal. Information disseminated by the NED human rights institutes, however, is unlikely to make much of a contribution to its realization.

Continued monitoring of recipient country human rights practices might be of some use to those working in the foreign ministries or aid agencies of donor governments. Although Human Rights in Developing Countries is unlikely to provide fundamentally new information, it provides a very useful summary compilation. This may be especially valuable for officials new to a posting or interested in countries for which they do not have direct responsibility. The yearbooks may even be able to package the available information in ways that suggest new perspectives or insights. We believe, however, that there are greater opportunities for influencing government officials and bureaucrats by emphasizing their own responsibilities and shifting attention to the often unintended human rights consequences of their own actions.

Donor country publics and human rights advocates, and human rights scholars and students, stand in a similar position. HRDC may provide authoritative confirmation of facts, but disputes over facts are rarely of much policy significance today, especially in the NEDs (in contrast to, say, the United States in the 1980s). Again, the major contribution is convenient packaging of information.

We thus conclude that to the extent that it continues to emphasize donor country monitoring of recipients, Human Rights in Developing Countries will have both a small market and limited impact. To the extent that officials and human rights advocates have relied on HRDC for recipient country information in the past, there will be costs to self-monitoring. Nonetheless, we believe that self-monitoring of donor country international human rights practices is a much better way to use the scarce resources of the cooperating human rights institutes and will position them to make a unique contribution to improved international human rights policies.

2. The New Way: Self-Monitoring

In addition to creatively revitalizing the NED yearbooks, self-monitoring would address two major concerns raised by the enterprise of monitoring by developed country agencies. The first is consistency, both between national and international human rights policies and within a country's foreign policy. The second is the need for historical and cultural sensitivity, which has often been drawn to Northerners' attention by human rights scholars and activists in the South.

a. Moral and Political Consistency

Many people who live in the North are uneasy about the disparity between how citizens are treated within their own society and how their country responds to the human rights of those living elsewhere. Northern governments rest much of their political legitimacy on internal practices that aim to realize internationally recognized human rights. Yet in their dealings with other states, especially with poorer and weaker states, these same governments often allow considerations of human rights to lapse. Furthermore, organizations and individuals who are expected to give full respect to human rights in the North are permitted to ignore those same rights in the South. Thus an employer expected to respect safety standards and trade union rights in the North may with impunity violate these rights in many foreign countries. International human rights instruments give primary responsibility for implementing internationally recognized human rights to sovereign territorial states. But these rights are also recognized as universal rights. Therefore, states are at least free, within the limits of sovereignty, to act on their behalf. They may even have an obligation to do so.⁴ Certainly it seems morally obtuse not to be troubled by, and attempt to reduce, the typical disparity between national and international responses to respect for and violation of internationally recognized human rights. An aggressive strategy of self-monitoring could contribute to reducing this problem.

In addition to this moral, and primarily national, dimension, there is an international political dimension to the problem of (in)consistency. If states appear to treat similar human rights violations differently -- sanctioning violations in some countries but not in others, or responding with different policies when faced with similar violations -- they risk losing the moral high ground, and thus weakening their policies. Even if only states guilty of serious violations are targeted, one's international human rights policies are open to the charge of political motivation and bias unless all states guilty of comparable violations are targeted. This was a common, and legitimate, complaint during much of the 1970s and 1980s, when, for example, Chile was the subject of extensive international action for violations that were largely ignored in other countries, such as Brazil.

The desire for consistency, however, runs up against the fact of competing objectives. At the most general level, territorial sovereignty, the central organizing principle of contemporary international relations, restricts the reach of Northern governments. For example, to control the labor practices of firms abroad smacks of extraterritorial legislation that illegitimately intervenes in the internal affairs of other states. Given the strong interest of NED governments in protecting their own sovereign rights, these restrictions become a very serious matter.

⁴ The moral nature of this obligation is clear. Legally, the issue is more problematic. Nonetheless, Article 55 of the UN Charter requires states to take joint and separate action to recognize internationally recognized human rights and fundamental freedoms. However vague this requirement, it does suggest legal responsibility to contribute to realizing human rights abroad.

More particularly, human rights objectives face competition from other national interests. Human rights is but one part of a comprehensive foreign policy. Other interests that must be incorporated include security arrangements, political alliances, international law, population movements, and -- not least by any means -- trade and investment. In the tradeoff between competing objectives, inconsistency in international human rights activities seems unavoidable. Even if there is a deeper overall foreign policy consistency in the resulting actions, this can undercut the specific human rights dimension of foreign policy.⁵

Self-monitoring cannot eliminate such inconsistencies. It can, however, alert policy makers to the ways their actions may be perceived by those with a more focused human rights perspective. By providing a regular reminder of the problem, and emphasizing that it is a problem, self-monitoring may lead to more self-conscious tradeoffs between human rights and other foreign policy concerns. By placing the issue of tradeoffs under regular scrutiny, subtle pressures may even be exerted to take human rights more seriously, especially in parts of the foreign policy bureaucracy that do not have a primary and explicit human rights mandate. Self-monitoring may also help to overcome the understandable, and perhaps even appropriate, tendency of bureaucrats to become absorbed in the details of implementing particular policies. The likelihood of such positive consequences is particularly high if we can assume good faith on the part of the governments, good relations between monitors and those being studied, and a joint commitment to cooperative improvements in policy and practice as a result of dialogue and persuasive argument -- conditions that seem to hold in the NEDs.

States have rarely defined human rights in parts of the world not under their own sovereignty as a vital interest, in the classic sense of an interest that when seriously threatened will ordinarily provoke a response involving the threat or use of force. But there is a great distance between such vital interests and the minimal penetration of human rights concerns in the foreign policy of the NEDs (and other states as well) just two decades ago. A consistent, sustained program of comprehensive self-monitoring would provide policy-makers, activists, citizens, and scholars with a much clearer sense of the progress (or lack of progress) of human rights as an objective of foreign policy. And such information may itself contribute to administrative and political efforts to bring about further progress.

Activists and governments, however, often face situations in which the actions politically available to them are almost certain to have little or no concrete impact on the human rights practices of the target government. The result is a choice between inaction and largely symbolic acts of "witnessing"; that is, acting from respect for one's own moral values. Each option is in a certain sense inconsistent. Symbolic acts of witness, however, at least maintain a considerable degree of moral consistency.

⁵ For example, initial Norwegian sanctions against South Africa exempted shipping. Conversely, Canadian trade sanctions on South Africa in the 1970s and 1980s in part reflected the minuscule volume of trade. At the same time, Canada maintained surprisingly cordial relations with Indonesia.

Policies of witness also underscore the fact that any inconsistency arises from the lack of affordable means to achieve moral goals. And they make the important moral point that severely repulsive, gross human rights violations should not even appear to be condoned: "it ultimately remains a moral and political responsibility to suspend aid, if it can be shown that receiving governments violate human rights in a systematic and serious manner."⁶ If such symbolic acts of witness become a regular part of the policies of a great number of countries, they may even have an impact in the long run by altering the national and international normative environment.

The "practical" orientation of foreign ministries, however, may lead to an undervaluing of witnessing, and thus greater moral inconsistency than necessary. Intensive self-monitoring may counter this tendency. In any case, by keeping the focus on the actions of Northern governments and private actors, it underscores the importance of striving for consistency even in difficult situations.

Some of the issues raised here can be illustrated by Dutch policy toward Indonesia. The 1995 Yearbook tells the story of the stormy relations between Indonesia and the Netherlands over issues of human rights, culminating in Indonesian terminating the aid relationship in 1992.⁷ Although the severe human rights violations of the 1960s in Indonesia were not a major public concern of Dutch foreign policy, "from 1977 on, the Dutch Government tried to raise informally the human rights issue" in aid consortium meetings.⁸ In 1990, in response to new political executions, 27 million guilders in aid was withdrawn. Following the announcement of further executions, the Dutch raised the issue at the Council of Ministers of the EC. Throughout 1991, Minister for Development Cooperation Jan Pronk continued public criticisms of the Indonesian record. And following the Dili massacre in November 1991, which brought ongoing human rights problems in East Timor into the international spotlight, another 27 million guilders in aid was suspended.

These actions were not easy. Because of their sensitivity over former colonial relations, the Dutch were especially vulnerable to Indonesian arguments of paternalism. In addition, substantial commercial interests cut against acting on human rights concerns. Nonetheless, the government of the Netherlands did take relatively forceful and public actions that had costs for their relations with Indonesia.

The actions, however, were largely symbolic. Trade and other economic relations were not included in the sanctions, and in fact increased. Furthermore, Dutch aid was not only modest -- less than two percent of total 1992 pledges to Indonesia⁹ -- but readily replaced by Japan and other providers.

⁶ Oda van Cranenburgh, "Development Cooperation and Human Rights: Linkage Policies in the Netherlands", *HRDC 1995*, p. 47.

⁷ Peter Baehr, Hilde Selbervik, and Arne Tostensen, "Responses to Human Rights Criticism: Kenya-Norway and Indonesia-the Netherlands," *HRDC 1995* (The Hague: Kluwer Law International, 1995), pp. 57-87 at pp. 73-82.

⁸ *Ibid.*, p. 79.

⁹ *Ibid.*, Table 2.

Baehr, Selbervik, and Tostensen thus conclude that "the case shows that the linking of aid to the observance of human rights is unlikely to be effective, unless the amount of aid involved is quite substantial or there is a sufficient degree of international support. Both were singularly lacking in the Dutch position toward Indonesia."¹⁰

Although true as far as it goes, this ignores the costs of the alternative of less forceful action. Given the prominent place assigned to human rights in Dutch foreign and development assistance policy, the close and longstanding relationship with Indonesia, and the prior record of suspending aid to Suriname in the 1980s, consistency demanded a strong response. And the failure of Holland's allies to cooperate did not absolve it of its moral and political obligations to act on its own values and policies.

Reasonable analysts may disagree about how to balance these competing concerns. Nonetheless, Dutch actions, despite their failure to bring about significant concrete improvements in Indonesian human rights practices, reflected an admirable human rights consistency. Furthermore, we would suggest that the change in Dutch policy in the 1990s toward a less lenient response to Indonesian human rights violations can be explained in part by the cumulative force of arguments by human rights activists and the power of the moral and political demand for consistency.

The NEDs, or any other state, may legitimately choose to focus on human rights issues that they believe are important, even if the aid-recipient countries might prefer that those issues be ignored. Consider the case of disadvantaged or at risk groups. Whether or not a Southern country puts priority on the rights of children, for example, the NEDs might wish to stress them, especially given the advanced social policies in respect to children's rights of some NEDs. The same could be said of policies supportive of the rights of women. One might even argue that moral consistency for the NEDs legitimates, or even requires, some emphasis on gay rights in aid-recipient countries.

We do not want to minimize the difficulties and complexities of such consistency. The near universal acceptance of the Convention on the Rights of the Child -- all but six countries in the world are currently parties to the treaty -- makes an emphasis on children's rights relatively unproblematic. A focus on gay rights, by contrast, probably would be considered culturally offensive by most Southern governments and their populations. Nonetheless, even here the moral consistency of the policy may mitigate charges of cultural insensitivity. A donor country can legitimately argue that it is trying to live up to its own principles.

Self-monitoring cannot guarantee greater moral or political consistency at either the national or international levels. We do not even claim that complete consistency would be desirable. There are limits to the costs the Dutch should be expected to bear on behalf of the citizens of Indonesia in general or the people of East Timor in particular. Individual governments may legitimately decide that the costs of consistency in pursuing gay rights abroad are

¹⁰ *Ibid.*, p. 82.

unacceptably high. Nonetheless, regular self-monitoring can contribute to improved policy by assuring that such issues are regularly raised.

b. Cultural and Historical Sensitivity

Moral consistency responds to the charge of hypocrisy frequently levelled against Northern powers. Two other steps can be taken that address related charges of cultural and historical insensitivity.

First, the very act of self-monitoring responds to Southern concerns of neocolonial paternalism. The focus shifts to how the NEDs themselves contribute to respect for or violation of human rights in the South. Instead of constantly criticizing the South, the NEDs will be self-critical.

Such a reorientation would focus the attention of NED monitors on what clearly is their business: the human rights consequences of the activities of their own governments, organizations, and citizens. This suggests respect for notions of propriety: attending to one's own actions as much as the actions of others. It would create an unprecedented sense of balance in international human rights monitoring. It may even help to enhance the moral authority of criticisms that are leveled against Third World governments.

Second, cultural sensitivity can be enhanced by emphasizing economic, social, and cultural rights and their interdependence with civil and political rights. Northern human rights monitors have long been criticized for their inordinate focus on civil and political rights. In the case of the U.S. Department of State reports, this criticism has considerable validity. It is also true of the most prominent Northern NGO monitors, Amnesty International and Human Rights Watch. Fortunately, however, it is a largely inaccurate criticism of HRDC.

The yearbooks, as well as the governments of the sponsoring institutes, have been strongly committed to the interdependence and indivisibility of all internationally recognized human rights. Their emphasis on the authoritative nature of the standards laid out in the Universal Declaration of Human Rights and the International Human Rights Covenants -- in contrast to, for example, the more selective standards used by the United States -- also protects against charges of bias or insensitivity. There has also been an exemplary willingness to consider the international context that makes realization of economic rights particularly difficult in the South. Yet HRDC never diminishes the importance of civil and political rights.

Continued use of this basic framework will provide strong safeguards against the charge of cultural insensitivity. We recommend that future yearbooks provide a more explicit discussion of these issues, in order to more clearly distance themselves from complaints that apply to other monitoring endeavors.

B. A strategy for self-monitoring

This section lays out an inventory of forums and activities to be considered in a comprehensive self-monitoring program. We identify bilateral, multilateral, and transnational activities that have either an explicit human rights focus or significant indirect human rights consequences. Using such a comprehensive, explicit framework can be especially useful by drawing attention to instances of inaction that might otherwise be overlooked. In addition, it should encourage a more careful consideration of the relation between ends and means in the actions of monitored governments.

We emphasize the multiplicity of issues and arenas that have direct or indirect human rights implications in order to focus attention on the penetration of a concern for human rights into the full range of NED foreign policies. The inventory we present can be used to chart the number, range, and importance of other foreign policy concerns to which human rights are in practice explicitly linked. This would provide a rough measure of the extent to which official statements of concern have actually penetrated the foreign policy decision making process.

A comprehensive inventory is also important because of the growing importance of economic, social, and cultural rights. With the dramatic rise of economic ideologies that leave growing numbers of Third World citizens subject to the not so tender mercies of markets, and the growing influence of international financial institutions dominated by a neo-classical belief in the unalloyed wonders of those markets, new challenges exist. These will be at the heart of our concerns here.

A special emphasis on economic, social, and cultural rights also is implied in any self-monitoring strategy. Foreign governments and firms typically have minimal direct control over respect for most civil and political rights. They often, however, are in a position to influence economic, social, and cultural rights directly, most obviously through official development assistance programs and the employment practices of foreign firms.

The NEDs have been leaders in efforts to link human rights and development assistance in constructive ways. It is our impression, however, that even in the NEDs there are neither the administrative structures nor bureaucratic habits of mind to respond adequately to the new challenges and opportunities of the contemporary human rights situation. By emphasizing these sorts of linkages, HRDC could make a potentially important contribution.

1. Bilateral Activities

Official bilateral relations are those over which states have the most direct control as well as those that give the clearest indication of support or

disapproval. Therefore, they must be at the heart of any self-monitoring scheme.

Public and private human rights diplomacy obviously needs to be monitored. Expressions of concern, initiatives on behalf of individual victims, the recall of envoys, and similar standard mechanisms of diplomatic communication and influence must be monitored. Attention must also be paid to positive as well as negative means. Do significant improvements receive appropriate note or praise? Has praise for improvement been given prematurely or excessively? In addition, inaction as well as action must be considered. In particular, have comparable violations that have received criticism elsewhere gone unaddressed? Such questions, however, have been relatively frequently addressed. We will focus our attention on other aspects of bilateral relations.

a. Bilateral Aid

Development assistance policies present an obvious starting point. Aid is a symbolic measure of support, a potential direct contributor to improved enjoyment of economic and social rights, and a prominent explicit instrument of human rights policy in the NEDs. It is also, however, a relatively well studied topic. For example, a report prepared at the University of Antwerp provides a thorough conceptual review of the issue, supplemented by studies of donor and recipient country policies.¹¹ The 1995 Yearbook provides good surveys of Austrian, Danish, and Dutch policies and practices. The subject is even beginning to be treated in book-length studies.¹² Furthermore, NED governments have already given considerable attention to aid-rights linkages. Therefore, we will make only two brief comments before moving on to other activities that have not been so clearly linked to human rights in the practice of the NEDs.

First, it is essential to monitor actual human rights consequences. Figures on allocations and disbursements may be a measure of foreign policy cooperation but they have no obvious or necessary connection to the human rights consequences of that aid. Monitors must look at the details of carrying out particular projects, considering not only explicit human rights commitments made in the design of the project but also the unintended consequences of the actual project once implemented. Because such detailed project assessments are as important as they are difficult and rare, HRDC could make an important contribution by sponsoring a series of such studies in future yearbooks.

Second, the complexities of aid conditionality must be addressed. For example, Cuba's poor record on civil and political rights, which might suggest that it is an inappropriate subject for NED aid, has long been coupled with

¹¹ Koen de Feyter, Kaat Landuyt, Filip Reyntjens, and Stef Vandenginste, *Development Co-operation: A Tool for the Promotion of Human Rights and Democracy? An Interim Report*, Institute of Development Policy and Management and Department of Law, University of Antwerp, August 1994, p. 114.

¹² See, e.g., David Gillies, *Between Principle and Practice: Human Rights in North-South Relations*, Montreal: McGill-Queens University Press, 1996.

aggressive and effective initiatives on health care and education of the sort that the NEDs have usually been anxious to support. More generally, suspension of well-designed aid may harm those who are already suffering. We have no ready answers to such problems. We are not even sure what simple human rights consistency would demand. We do believe, however, that careful self-monitoring can at least illuminate the nature of the problem in particular cases and contribute to more thoughtful policy.

b. Bilateral Trade and Investment

Bilateral trade and investment should, in our view, be a no less important subject of self-monitoring. Although most NED trade and investment is ostensibly private activity, NED governments engage in a variety of trade promotion and investment support schemes. Trade and investment also is often taken as a measure of indirect support.

Bilateral economic relations also often present a measure of the extent of a state's commitment to human rights. Disrupting trade or investment has direct material costs for the sanctioning state -- in sharp contrast to aid suspensions, which have material costs only for recipient countries. A willingness to undertake such self-denying actions expresses an unusually strong commitment to human rights. Conversely, a failure to include trade and investment in sanctions, especially if they involve reductions in development assistance, leaves a state open to charges of hypocrisy: for all the talk of principles, profit in the end appears to win out.

Boycotts, embargoes, and similar punitive sanctions, however, are problematic instruments of human rights policy. The consequences to the victims can be quite severe, as is currently evident in Iraq and Cuba. Sanctions are also unlikely to work without a strong civil society in the target country that supports the aims of the sanctions. And they are an especially difficult instrument of bilateral policy because of the collective action problems they pose: without broad international support, they will simply enrich other states that do not cooperate. Therefore, in thinking about linking human rights to trade and investment, it would be a mistake to focus too heavily on direct punitive sanctions.

Likewise, it would be misguided to focus only on negative trade and investment policies. Positive inducements, such as preferential rates on credits for trade with rights-protective regimes, also need to be considered. Such measures are both low cost and unusually congruent with broader NED values and foreign policy orientations. A self-monitoring scheme that stresses positive inducements as well as negative sanctions could make a valuable contribution to the closer integration of human rights concerns into bilateral trade and investment policies.

Export promotion and investment insurance programs are an obvious and important subject for monitoring. Is human rights taken into account in these decisions? If so, when and how? Our impression is that human rights are at best unsystematically integrated into trade and investment programs in the

NEDs. Regular self-monitoring could at least point out this apparent inconsistency.

Monitors would also need to consider import policies. For example, discriminatory tariffs, especially on agricultural products, and nontariff barriers, especially on textiles, deny citizens of Third World countries jobs to protect those of developed country citizens. Although politically understandable, this is morally problematic.

Special attention should also be paid to victims of the productive process. Is child labor prohibited by international human rights law used? Prison or slave labour? Are trade union rights respected? The rights of migrant workers? Are indigenous peoples displaced or exploited? We will return to these issues in the discussion of transnational corporate activity below.

c. Other Bilateral Relations

Trade in armaments is another important subject for self-monitoring. It deserves separate consideration both because the arms trade typically is driven by political as well as economic motives and because of the frequent use of foreign arms by repressive regimes against their own citizens. Although NED exports of arms are small,¹³ they may be significant in particular cases. Rwanda has drawn the world's attention to the potential significance of trade in even relatively small amounts of weapons.¹⁴ As the attention of analysts of peace and war turns more to civil wars, rather than the nuclear war so feared until 1991, perhaps the time has come to integrate peace monitoring and human rights monitoring into one combined effort and to investigate what regulations pertain to arms exports. This may be an area where productive cooperation with peace research institutes in the NEDs could be pursued.

Sports, cultural exchanges, educational links, and similar sorts of bilateral relations also need to be monitored. These are often manipulated by governments to show their disapproval of specific policies by other governments. South Africa throughout the 1970s and 1980s provides the classic example. Considerations of symbolism, efficacy, and harming the victims that were raised above are also clearly relevant here.

2. Multilateral Activities

The multilateral dimension of foreign policy is especially important for the NEDs. For reasons of both principle and practicality, these small states have given special emphasis to multilateral international cooperation. Self-monitoring must include a similar emphasis.

¹³ In 1994, the Netherlands exported USD 110m. in arms, Sweden USD 60 m., Norway USD 50m., and Denmark USD 10m. Arms Control and Disarmament Agency, World Military Expenditures and Arms Transfer (<http://www.acda.gov/wmeat95/contnt95.htm>), table II.

¹⁴ Human Rights Watch Arms Project, "Rwanda/Zaire: rearming with Impunity", Human Rights Watch 7, no. 4, May 1995.

a. International Financial Institutions

One area of human rights monitoring that needs explicit development is the monitoring of international financial institutions (IFIs), especially the World Bank (WB) and the International Monetary Fund (IMF). In the South as it was in the North, the cost of introducing efficient capitalism is likely to be several decades of inequitable distribution of wealth and personal insecurity for the lower classes. We know this, from both historical and contemporary experience. To fail to attempt to mitigate such suffering is morally problematic, even shameful -- especially for the NEDs, who at home have staked so much on sheltering their own populations from the painful consequences of market efficiency.

The most important human rights dimension of international financial institution activity today is structural adjustment. The direct human rights consequences of structural adjustment programs (SAPs) are well known.¹⁵ SAPs almost always have immediate and detrimental short-term effects on the enjoyment of economic rights by large segments of the population. Reductions in state spending on education and health, retrenchments in public sector employment, reductions in real wages, and programs to privatize land leave the poor even more vulnerable than they were before.

In addition, the political costs to governments forced to institute unpopular and often punitive cuts in social services may also disrupt the pace and process of political liberalization and democratization. Governments forced to face street riots over dramatic increases in food prices, as occurred in several African countries in the 1980s, pay a heavy political price for externally-imposed financial discipline. Even if they do lead eventually to more efficient economies, with a greater capacity to realize economic and social rights, externally imposed structural adjustment programs typically cause considerable political unrest, which can impede not only economic efficiency but progress in implementing civil and political rights.¹⁶ Furthermore, the surprisingly poor record of SAPs in achieving their stated economic objectives¹⁷ makes these human rights sacrifices even more problematic.

¹⁵ See e.g. Sigrun I. Skogly, "Human Rights and Economic Efficiency: The Relationship between Social Costs of Adjustment and Human Rights Protection", in *HRDC* 1994.

¹⁶ See Linda Camp Keith and Steven C. Poe, [Department of Political Science, University of North Texas, Denton, TX] "The United States, the IMF, and Human Rights: A Policy Relevant Approach," paper presented at the 15th Hendricks Symposium, University of Nebraska-Lincoln, September 21, 1996. Tables 3 and 4 show a statistically significant increase in violations of personal integrity rights by countries participating in IMF structural adjustment programs. See also James Franklin, "Protest, Political Repression and the International Monetary Fund," paper presented at the annual meeting of the Southwestern Political Science Associate, March 1995; and Henry S. Bienen and Mark Gersovitz, "Consumer Subsidy Cuts, Violence, and Political Stability," *Comparative Politics* 19 (1986): 25-44.

¹⁷ See, for example, Manuel Pastor, Jr., "The Effects of IMF Programs in the Third World: Debate and Evidence from Latin America," *World Development* 15 (1987): 249-262; Karen Remmer, "The Politics of Economic Stabilization: IMF Standby Programs in Latin America: 1954-1984," *Comparative Politics* 19 (1986): 1-24; Barry J. Riddell, "Things Fall Apart Again: Structural Adjustment Programmes in Sub-Saharan Africa," *Journal of Modern African Studies* 30 (March 1992): 53-69; Paul Mosely, "Policy-Making Without Facts: A Note on the Assessment of Structural Adjustment Policies in Nigeria, 1985-1990," *African Affairs* 91 (April

Traditionally, the IMF, and the World Bank as well, have attempted to evade facing such issues by professional arguments of compartmentalization; that is, by insisting that their mandate is economic, not political. But these arguments rest on a strained and tendentious conception of "political," roughly covered over by the sterile economic language of "negative externalities." For example, displacing settled agricultural communities for a dam has been seen as a nonpolitical, and unintended (although hardly unplanned), consequence of important infrastructure development. Efforts to assure that these internally displaced people can support themselves, however, are labeled political and thus outside the proper scope of Bank economic planning. Likewise, rising malnutrition from externally mandated cuts in food subsidies are dismissed as an extraneous "political" considerations, when in fact economic planners have ("indirectly") caused this suffering. That the social and political consequences of a development project or SAP mandated policy are "exogenous" to the economic model being used by IFI planners does not absolve them of political and moral responsibility for the predictable, and even unpredicted, consequences of the actions they recommend.

To the (considerable) extent that such narrow and self-serving conceptions of the political continue to inform international financial institution activities, self-monitoring of NED participation in IFIs can draw attention to the human rights consequences of such "business as usual." Furthermore, changes in recent years, especially in the World Bank, provide additional entry points for monitors to pressure for improvements. For example, the Bank's formal recognition of the special roles and needs of women in development provides an opportunity to press for greater efforts on behalf of women's rights, which are of special interest to the NEDs. The more recent adoption of "good governance" rhetoric¹⁸ has incorporated at least some concern for civil and political rights into the mandate of the Bank.

Human rights are already an inescapable part of the work of the World Bank, the IMF, and other IFIs. Evaluating NED contributions to how that work is carried out -- for example, practices with respect to the mix between infrastructure and basic human needs lending, the particular kinds of women and development projects encouraged or supported, or the details of SAPs -- therefore, is essential. But the task of monitoring and assessing NED activities in this area is not an easy one. For example, the linkage between IMF decisions and the activities of other multilateral organizations (e.g., regional development banks and the World Bank), lender clubs, and national trade and aid bureaucracies greatly complicates the picture.

The most fundamental problem, however, is a decision making system based on contribution (and thus economic size). This both complicates and restricts the capabilities of the NEDs to influence outcomes. Here, however, our earlier comments on consistency and witness seem relevant. Furthermore,

1992): 227-241; and Joan M. Nelson, "Poverty, Equality, and the Politics of Adjustment," in Stephan Haggard and Robert R. Kaufman, eds., *The Politics of Economic Adjustment* (Princeton: Princeton University Press, 1992).

¹⁸ See, for example, The World Bank, *Governance: The World Bank's Experience* (Washington, D.C.: The World Bank, 1994).

pressure to increase the democratic accountability of the Bank and the Fund might be an area of NED leadership. At the very least, self-monitoring should highlight the irony of limited IMF accountability, given the emphasis in its structural adjustment rhetoric on increasing government accountability.

We are inclined to recommend a two track system of monitoring NED participation in IFIs: general monitoring of structural adjustment practices and case studies in countries where one or more of the NEDs has been unusually active. A case study approach would also encourage an examination of relationships between bilateral and multilateral aid practices. This may also be an area where the cooperating institutes could initiate important collaborative work with parallel development institutes.

In a comprehensive system of self-monitoring, NED activities in other multilateral aid arenas would also have to be considered. Among the more prominent organizations are regional development banks, UNDP, and aid activities of the EU (especially under the Lomé conventions). In addition, activities in multilateral trading bodies (EU, GATT, WTO) and UN system functional organizations (e.g., ILO, WFP, FAO, WHO, UNICEF) should be considered. It is clear, though, that limited resources would permit such an extensive reach only in relatively narrow case studies.

b. Other Multilateral Agencies

In the post-Cold War world, multilateral peacekeeping, humanitarian assistance, and even humanitarian intervention have become a recurrent, and increasingly regularized, part of the landscape. For example, major multilateral operations in Somalia and Rwanda suggest an increased willingness of the international community to intervene in cases of genocide and severe humanitarian crisis. The explicit inclusion of human rights monitoring in the mandates of United Nations operations in Namibia, Cambodia, El Salvador, Mozambique and Guatemala suggests a deeper penetration of human rights concerns into multilateral peace and security issues. Certainly future multilateral operations are a fit subject for coverage. Future editors might also want to consider including essays that explore some general issues raised by these multilateral humanitarian initiatives, especially given the distinctive light that might be thrown on them by HRDC's focus on the links between human rights and development.

A self-monitoring strategy would also require attention to the world's refugee problem and the NEDs contributions to its solution. Most obviously, this would mean monitoring NED activities carried out under the UN High Commissioner for Refugees. Our earlier arguments on consistency and sensitivity, however, also strongly suggest including an examination of NED policies for admitting refugees and other displaced persons, and their treatment when they arrive. Consideration might also have to be given to NED citizenship laws, and to the possibilities both of refugees and economic

migrants joining as equal citizens in hitherto homogeneous societies such as Norway and Austria (since 1945).¹⁹

3. Transnational Actors

In addition to official bilateral and multilateral foreign policy, a comprehensive system of self-monitoring must also consider transnational relations; that is, international activities of private individuals and groups. Particularly in our shrinking world of increasing interdependence, it is important to take into account the human rights consequences of the transnational activities of private actors that are nationals of or based in the NEDs.

a. Transnational Businesses

Banks and corporations are obvious candidates for such examination. In 1993 the stock value of the 1,000 largest corporations in the world included USD 153 billion in the Netherlands and USD 70 billion in Sweden. Dutch MNCs had USD 132 billion in foreign direct investment in 1992.²⁰ These are quite significant sums. Although there has been much talk about the human rights obligations of transnational corporations (TNCs), action has been rare. We suggest that HRDC take the initiative in beginning to monitor the human rights consequences of TNC activities.

This will involve a special emphasis on workers' rights, the domain of human rights most immediately related to the activities of transnational corporations. At least three bodies of principles and practices provide potential guidance for such monitoring: national rules in the host country, national rules in the home country, and international standards (most notably, International Labor Organization (ILO) conventions and recommendations). This diversity of standards, however, raises difficult issues of consistency.

Host country rules often fall far short of what is expected in the home country. A direct application of NED home country standards would sometimes be financial suicide. In any case, if imposed by NED governments it would likely be perceived as interventionary extraterritorial legislation. Yet extreme divergences between the national and international employment practices of NED TNCs raise important issues of moral consistency.

One obvious strategy to assure minimal consistency would be to apply universal guidelines. Discussions are currently taking place between employers and trade unions within the ILO to devise a set of core "superstandards"

¹⁹ Gudmund Hernes and Knud Knudsen, "Norwegians' Attitudes Toward New Immigrants", *Acta Sociologica*, vol. 35 (1992), pp. 123-39; Rudiger Wischenbart, "National Identity and Immigration in Austria -- Historical Framework and Political Dispute", *West European Politics* 17, (April 1994), pp. 72-90; Hans van Amersfoort and Rinus Penninx, "Regulating Migration in Europe: The Dutch Experience, 1960-92", *Annals* (AAPSS) 534 (July 1994), pp. 133-146.

²⁰ AFL-CIO Economic Research Department, *Multinational Corporations: Expanding Influence in the 1990s* (February 1995), pp. 3 and 5.

applicable in all underdeveloped countries. The OECD has maintained a set of voluntary guidelines for TNCs since 1976.²¹

A second strategy would involve applying host country standards. But rather than use (often weak) local legal minimums, attention should be focused on business practices in the local market, with the expectation that NED firms operate at or near the level of the most progressive companies -- although such localized standards should not be allowed to fall below universal guidelines or superstandards. The aim would be to assure that NED firms are held to more than a lowest common denominator. This would also build in a progressive dynamic: requirements would rise along with the general level of national practice.²²

TNCs are not only employers, they are also investors. As such, their activities can have profound repercussions on local populations. Land purchases can have the effect of displacing local populations from their traditional lands. Taxes can be paid, or deferred or avoided. Investments in Southern countries, moreover, are often tied to corruption and bribery, involving firms as partisan actors in local politics.

The human rights obligations of private financial institutions also merit careful consideration. Banking and banking practices can have enormous, sudden and often devastating effects on the economic rights of individuals. There is also the question of how private financial actors influence IFIs.

b. Nongovernmental Organizations

Other sorts of transnational groups based in the NEDs may have an impact on human rights in Southern countries. Trade unions may engage in training and support activities. Churches engage in both missionary and humanitarian work. Human rights NGOs are active abroad. There are severe practical limits on even attempting to monitor the full range of NGO activity with a potential impact on human rights. Nonetheless, monitors need to be sensitive to the possibility that particular groups may be important in individual countries.

Special attention should be focused on the activities of private voluntary organizations (PVOs) that engage in development and humanitarian work. These groups can have a direct and immediate impact on living conditions in local communities. And to the extent that official bilateral and multilateral development assistance is channeled through NGOs/PVOs, the distinction between public and private actors is eroding.

c. Private Citizens

Proper monitoring of the full extent of human rights violations by Northerners would also include the actions of individual NED citizens. Private citizens can

²¹ AFL-CIO, *op. cit.*, p. 15.

²² This is analogous to the practice of "evolutive interpretation" in the European Commission and Court of Human Rights, in which the European Convention is interpreted according to contemporary standards, rather than those in effect at the time of drafting (1954).

have an international human rights impact through their purchases, their travels, and their voluntary activities.

Travel, even if undertaken purely for private pleasure, may have unintended human rights consequences. Tourism to countries with repressive political regimes may have help to stabilize those regimes, by injecting hard currency into the economy or legitimizing the country as a place to travel. Tourists' activities can have a severe environmental impact, as when resources such as game parks are diverted to their use, thus limiting the resources available to locals. Tourists' purchases can also reduce the available supply of scarce goods needed by locals.

One obvious area of exploitation is sex tourism. Beyond the unhealthy labor conditions of the sex industries of Thailand, China, and Burma, girls and young women are often effectively enslaved, having been abducted or purchased from their families. Most, who are seen as degraded by their labor, have no effective option to return to mainstream society. While there is disagreement between those who wish to abolish prostitution and those who wish merely to regulate it, no one doubts that sex tourism relies heavily on the exploitation of young girls and boys under the age of consent.²³ Sweden, Norway and Denmark already have laws permitting them to prosecute citizens who pay for sex with children in other countries.²⁴ Monitors could report on application of the law and could investigate whether there was a general reduction in sex tourism.

At home as well as abroad, private citizens engage in actions with potential human rights consequence, especially in their role as consumers. NED monitors might wish to review the human rights situation in countries from which the NEDs buy products. A less demanding but still valuable approach would be to examine exports from countries that have become objects of special human rights concern.

No society can avoid purchasing every product produced in rights-abusive situations. But a monitoring system that brought to the attention of citizens of the NEDs some of the worst cases of abuse of Third World laborers, such as the child labour that weaves some Asian carpets or wages for textile workers in Central America that do not even cover minimum nutritional needs, might encourage consumers to purchase other products or from other suppliers. And, as in other contexts, opportunities to acknowledge and reward good performers should not be overlooked. Self-monitoring might then become a resource for popular mobilization in monitors' own countries. In any case, this home country consumer dimension would complement pressures brought to bear on TNCs to improve their labor practices.

Private citizens also have many dealings with citizens and officials of rights-abusive countries through sports, cultural exchanges, and educational exchanges. Here, the role of monitors might be, again, to inform their fellow citizens of the circumstances surrounding those relations and of the possible human rights consequences of their activities. The Special Committee on

²³ Laura Reanda, "Prostitution as a Human Rights Question: Problems and Prospects of United Nations Action" *Human Rights Quarterly*, 13, 2 (1991), pp. 202-228.

²⁴ *The Globe and Mail* (Toronto), April 4, 1996, p. A5.

Apartheid, which developed an extensive system to publicize and thus curtail cultural and sporting contacts with South Africa in the 1980s, provides a model for such activities.

The stretch from the activities of private NED citizens to human rights might sometimes be long. But from the point of view of Southern critics, the Northern human rights movement is tainted by inattention to the many ways in which the activities of Northerners affect the well-being of Southerners. To take these matters seriously in human rights monitoring would be a striking example of the balanced, self-critical approach we advocated above.

C. Monitoring, assessment, and advocacy

Having gathered the relevant information, the next step is to put it to use in assessing practice. Evidence does not speak for itself, except perhaps in the most egregious cases. In our view, monitors have an obligation to draw conclusions about state practice. And such assessments will figure heavily in the (at least implicit) advocacy of improved human rights policies that has always been a part of HRDC.

Above we touched on some issues of assessment, especially the problems of moral and political consistency and the importance of using authoritative international norms (and thus respecting the interdependence and indivisibility of all classes of human rights). We have also stressed the importance of comprehensiveness in assessment; considering both action and inaction; and examining the mix between positive inducements and negative sanctions. Here we want to extend some of these arguments and explore further some problems posed by multiple objectives and perspectives.

Although international human rights norms are universal, it would be unrealistic to expect uniform practices in all countries. In assessing NED responses to human rights conditions abroad, we need to know what it would be reasonable for the NEDs to ask for or aspire to, taking into account available resources, recipient country priorities, and their own priorities.

Available resources are an obvious dimension of appropriate variation in expectations. For example, the range of services that can be expected in implementing the right to health care will be very different in a country with an extremely low per capita income than in one with much higher incomes. In a very low income country, aid might be channeled to primary rural health care, which most closely fits NED values. If the government in question were to insist instead on emphasizing health care services for a privileged urban elite, human rights considerations would suggest moving resources to another sector, or perhaps even another country.

Some variations, however, seem appropriate even in countries with similar per capita incomes. For example, Singapore has emphasized state support for housing more than many other countries in its region. As this falls within general NED priorities, it would be reasonable to support these Singaporean initiatives.

The foundation provided by past practices also needs to be taken into account. A country that has only recently emerged from decades of military dictatorship is likely to have very different legal capabilities, political traditions, and substantive problems than a country that has considerable recent experience with multiparty electoral politics, however weak or imperfect. And particular experiences in individual countries may crucially define the range of reasonable human rights expectations. Cambodia's history of Khmer Rouge politicicide, Vietnamese occupation, and pro-democracy international

intervention significantly distinguishes it from its neighbors, however similar they may otherwise be. The differing ways in which Vietnam, Laos, and Thailand were affected by American military involvement in the 1960s and 1970s also cannot be overlooked.

Such variations in what can reasonably be expected from the targets of one's human rights policies further complicate the problem of consistency. It is a matter of art more than science to determine the right mix between the universal and the particular, the desirable and the possible, and human rights and other concerns. Even -- or perhaps especially -- where reasonable judgments may differ, HRDC can contribute to getting the mix "right" by self-monitoring that goes beyond laying out the facts to advancing a particular assessment.

Policies and practices represent at least implicit decisions about how to balance competing objectives and perspectives. Monitors need to place those decisions under scrutiny. Is the NED government asking too much (or too little) of a particular country? Are there areas of value convergence that might be pursued? Are there opportunities for greater impact that have not been explored? Questions of means also need to be addressed. Have improvements been appropriately noted and rewarded? Failures? Regressions? Comprehensive monitoring provides the basis for answering such questions. Even if monitors and governments disagree on the answers, by regularly asking such questions HRDC can at least contribute to more thoughtful and thoroughly examined government policies.

Carefully designed international human rights policies must also select particular countries to emphasize. Middle power aid policies have tended to prefer sustained involvement in a small number of countries that share basic social and political values with the donor countries.²⁵ Extending this to human rights policies, as has often been done, would seem both morally appropriate and instrumentally sound (given the limited resources of these countries). But other strategic considerations must also be addressed.

For example, to what extent will severity of problems be emphasized? It might be argued that scarce resources should be focused where the problem is most extreme. But this may perversely reward countries that have performed poorly, and punish those who have done relatively well. Conversely, it might be argued that regardless of the severity of the problem, attention ought to be focused on those cases where the likely impact is greatest. But this may perversely consign those suffering the most to oblivion, and arbitrarily assist those who happen to reside in countries with established relations with the NEDs.

How governments handle such complex decisions is an important subject for monitors to address. Taking into account our comments about the importance of comprehensive assessment, monitors must look as well at, for

²⁵ See, for example, Olav Stokke (ed.), *Western Middle Powers and Global Poverty: The Determinants of the Aid Policies of Canada, Denmark, the Netherlands, Norway and Sweden* (Stockholm: Almquist & Wiksell International, 1989). Of course, other considerations, such as economic interests, international political pressures, and (in the case of the Netherlands) former colonial ties, have also been important. But there has been a sustained effort to emphasize shared values in the choice of aid partners.

example, the implicit and explicit priorities of NED PVOs. And they must ask whether NED firms operating in the country are making an appropriate contribution to, for example, improving the health care available to workers and their families and communities.

The proper mix between need, witness, interest, and potential efficacy is, again, ultimately a political matter. Although monitors obviously cannot provide authoritative answers, they should draw attention to, and perhaps also question, the implicit and explicit valuations apparent in the actions and inactions of NED governments, firms, NGOs, and citizens. For example, now that South Africa is free from apartheid, what should NED government policies be with respect to trade and investment? Should public and private development assistance channeled to the front line states in the 1980s be reallocated elsewhere today? Should firms that pulled out of South Africa return? Do those who disinvested have an obligation to consider reinvestment? Should citizens who in the 1980s would have safaried in Botswana now go to South Africa?

E. The NEDs as human rights leaders

We are painfully aware that comprehensive monitoring and assessment is extraordinarily demanding of time and other resources. Monitors no less than governments must act within their capabilities and limitations. Future editors will face difficult strategic decisions in seeking to produce comprehensive reviews of policies in a wide range of forums.

Clearly only a small number of cases can be considered each year. But there are a great variety of bases on which to select cases. For example, the yearbook might look at five bilateral cases, each institute considering relations between its own government and a single country. Conversely, it might take a few recipient countries and compare the policies of all five states -- and other governments, and multilateral organizations, as well. Single country or comparative studies of policies in a particular multilateral setting might also be a regular feature of the yearbook.

We are convinced, though, that however these decisions are ultimately made, the shift to a self-monitoring focus will be productive. HRDC will reposition itself as a leading forum for the study of the international relations of human rights. The sponsoring institutes will be focusing their attentions where they have both the greatest responsibility and the greatest likelihood of impact -- at home. And they will, implicitly at least, be pressing their countries to take on a new international human rights leadership role.

We particularly want to emphasize the stress on economic, social, and cultural rights in the new HRDC we have envisioned. As the socialist and communist criticism of human rights that was prominent in the 1970s has lost its power, many have come to view the forces of capitalism as a panacea for human rights problems. We worry that well founded criticisms of the inefficiencies of command economies may lead to unthinking reliance on the market to provide economic and social rights automatically.

Countries with strong social democratic traditions are particularly well positioned to remind the world of the inequities of unregulated markets and to insist that economic rights are not seen as subordinate to or an automatic consequence of civil and political rights. The forces of social change that may eventually result in rights-protective societies may indeed rely heavily on markets and civil and political rights. Nevertheless, real people suffer, starve, and die in the present when economic rights are ignored, denied, or unattainable. They cannot wait for the "trickle down" from newly-efficient markets to raise their standard of living. Nor can they wait for younger people and future generations to demand the civil and political rights that may protect the economic rights of their descendants. We hope that HRDC will be a leading voice for keeping these essential facts at the heart of the international human rights debate.

The other area of leadership is one that we have already stressed above but is worthy of final re-emphasis here, namely, taking more seriously the responsibility of the North for human rights conditions in the South. This does not mean ritual breast-beating in expiation for the sin of imperialism. Nor does it mean disregarding or downplaying the capacity of indigenous political and economic actors to violate the human rights of their own people, even in the most poverty-stricken countries. It does mean that those in the North look closely at how both their governments and their corporate and private citizens might be violating, undermining, supporting, or contributing to the realization of the human rights of people living in the South.

This is particularly important for economic, social, and cultural rights, where actions that violate or undermine others' human rights are often unintentional.

It is also especially important for private corporations and individuals, who are rarely asked to account for the international human rights consequences of their behavior. Even if firms rarely set out to deny economic rights, their profit seeking activities may easily lead to that result. And in the pursuit of profit, they often ignore opportunities to improve human rights conditions in the places where they produce, sell, and invest. Likewise, the largely "impersonal" social forces that produce highly unequal distributions of wealth between (and within) North and South need to be made personal. And they need to be made personal in a way that does not paralyse citizens with guilt, but rather informs them of options that might improve the enjoyment of human rights abroad.

We believe that the governments and citizens of the NEDs, always forward-looking in the human rights field, are well placed to respond to these challenges. We therefore encourage future editors of HRDC to, in effect, ask of them that they lead.

Appendix: New directions for the "old way"

Following are some recommendations to improve the "old way" of external monitoring of the human rights practices of aid-recipient countries, in case the NED human rights institutes retain this approach.

A. Improving Efficiency

As already noted, there is considerable overlap with efforts by such organizations as Human Rights Watch, especially in the area of civil and political rights. To free resources for more original and creative work, we suggest that borrowing from these organizations' reviews, sharing information where possible, and reviewing the quality of their work would be more sensible than starting de novo each year to review country performance.

Whatever reporting is done should also give greater attention to developing a consistent time series by which change can be measured. In the late 1980s, HRDC appeared to focus on a few countries, monitoring their human rights performance on an annual basis. By the early 1990s, however, the countries monitored varied significantly from year to year. If an annual volume of reports on recipient countries is to continue, there needs to be a more logical basis for choice of countries. These choices could reflect changes in donor country policies and practices, such as government decisions on aid priorities. They could also, however, reflect priorities generated by the monitors themselves.

B. Reliance on Regional Human Rights Standards

If the "old way" is continued, we recommend using regional as well as international human rights law in assessing Southern human rights performance. That these regional codes are indigenously generated helps reduce the perception of cultural imperialism, when monitors compare practice to standards. We applaud the efforts already made by HRDC to rely on such regional standards.

In discussing self-monitoring, we emphasized moral consistency and cultural sensitivity. These two goals apply equally to external monitoring. In fact, they seem even more pressing in the case of external monitoring.

Cultural sensitivity and moral consistency sometimes seem incompatible goals. Cultural sensitivity might require that indigenous customs regarding women be respected, while moral consistency would require that they be criticized. But cultural sensitivity and moral consistency are far less incompatible if human rights monitors refer to international documents that Southern governments have signed, and to indigenously-generated human rights codes. Claims that customs that violate human rights are immutable parts of Southern "cultures" are often contradicted by regional human rights laws against them. Respect for Southern cultures, then, would require Northern

monitors to refer to international standards that contradict local standards only in cases of violations of human rights that are not prohibited by regional law.

C. Reverse Monitoring

We also recommend that if the NED monitoring project continues as it has in the past, it consider what we call "reverse monitoring." In reverse monitoring, the donor country's human rights practices would be monitored by a national or group from a recipient country. One means of doing this might be through matched pairing: a monitor from the donor country would assess the human rights practices of an aid-recipient country, and a monitor from the recipient country would assess donor country human rights practices.

This person would also take part in defining criteria for monitoring, not only of recipient but also of the donor country's practices. The reverse monitor might wish to focus on issues that are not traditionally thought of as human rights questions; for example, the treatment of immigrants and refugees in Northern host countries. The reverse monitor might also wish to focus on questions of North-South justice.

Without careful and respectful inclusion of reverse monitors in all aspects of the monitoring process, especially decision-making about priorities, the exercise might well appear as merely a symbolic gesture of political correctness. But if done well and seriously, it may produce changes in monitoring policy. And it may lessen the feeling among many in aid-recipient countries that human rights monitoring is a particularly offensive aspect of Western cultural imperialism.

D. Support Recipient Country Monitoring Groups

NED monitors might also wish to consider shifting responsibility as much as they can to local human rights monitors within aid-recipient countries themselves. In general, we believe that the time is past for foreigners to be the main actors responsible for human rights monitoring in underdeveloped countries. This practice is increasingly offensive in its imputation that local citizens are unconcerned with human rights or incapable of monitoring their own countries' practices.

There may also be substantive advantages. National monitors might be more sensitive than outsiders to local context. Without undermining human rights standards, they may be better positioned to take into account the history, trends and particular needs of local human rights protection. Indigenous monitors may pay more attention than foreign to economic rights. Alternately, they may stress civil and political rights, believing them to be the key to overall human rights protection. Should they choose the latter course, they will be less open than outsiders to the charge that they are trying to "impose" the liberal democratic way of life on their countries. Internal debate on how to implement human rights will be encouraged, without the extra layer of resentment against Northern cultural imperialism.

Transfer of the monitoring activity to nationals of the monitored countries might lessen the difficulties of criticizing practices known to be cultural in origin. Sensitive foreign monitors often wish to avoid advocating particular human rights that national cultures might find offensive. National monitors might agree with this approach, permitting some rights-violative customs such as child betrothal that they considered not to be gross violations. But as insiders in their own societies, national monitors might institute a lively debate over whether even such truly indigenous customs should be banned. They may be far less tolerant of their own cultural practices than those schooled in the philosophy of cultural sensitivity.

Even if monitoring activities are transferred to indigenous human rights activists, there will still be a strong support role for Northerners. Many countries still suffer under stronger or weaker forms of dictatorial or authoritarian rule. Thus, human rights monitoring can often be difficult for locals, if not dangerous to them personally. Local monitors, then, can still benefit from outsiders' material and moral support.