



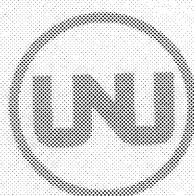
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Programme Document

Human Rights in the Context of Development

European Task Force Meeting Report

Vienna, Austria, June 1977



THE UNITED NATIONS UNIVERSITY

From the CHARTER OF THE UNITED NATIONS UNIVERSITY

ARTICLE I

Purposes and structure

1. The United Nations University shall be an international community of scholars, engaged in research, post-graduate training and dissemination of knowledge in furtherance of the purposes and principles of the Charter of the United Nations. In achieving its stated objectives, it shall function under the joint sponsorship of the United Nations and the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as UNESCO), through a central programming and co-ordinating body and a network of research and post-graduate training centres and programmes located in the developed and developing countries.

2. The University shall devote its work to research into the pressing global problems of human survival, development and welfare that are the concern of the United Nations and its agencies, with due attention to the social sciences and the humanities as well as natural sciences, pure and applied.

3. The research programmes of the institutions of the University shall include, among other subjects, coexistence between peoples having different cultures, languages and social systems; peaceful relations between States and the maintenance of peace and security; human rights; economic and social change and development; the environment and the proper use of resources; basic scientific research and the application of the results of science and technology in the interests of development; and universal human value related to the improvement of the quality of life.

4. The University shall disseminate the knowledge gained in its activities to the United Nations and its agencies, to scholars and to the public, in order to increase dynamic interaction in the world-wide community of learning and research.

5. The University and all those who work in it shall

act in accordance with the spirit of the provisions of the Charter of the United Nations and the Constitution of UNESCO and with the fundamental principles of contemporary international law.

6. The University shall have as a central objective of its research and training centres and programmes the continuing growth of vigorous academic and scientific communities everywhere and particularly in the developing countries, devoted to their vital needs in the fields of learning and research within the framework of the aims assigned to those centres and programmes in the present Charter. It shall endeavour to alleviate the intellectual isolation of persons in such communities in the developing countries which might otherwise become a reason for their moving to developed countries.

7. In its post-graduate training the University shall assist scholars, especially young scholars, to participate in research in order to increase their capability to contribute to the extension, application and diffusion of knowledge. The University may also undertake the training of persons who will serve in international or national technical assistance programmes, particularly in regard to an interdisciplinary approach to the problems with which they will be called upon to deal.

ARTICLE II

Academic freedom and autonomy

1. The University shall enjoy autonomy within the framework of the United Nations. It shall also enjoy the academic freedom required for the achievement of its objectives, with particular reference to the choice of subjects and methods of research and training, the selection of persons and institutions to share in its tasks, and freedom of expression. The University shall decide freely on the use of the financial resources allocated for the execution of its functions. . . .

HUMAN RIGHTS IN THE CONTEXT OF DEVELOPMENT

EUROPEAN TASK FORCE MEETING REPORT
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PREFACE

The meeting was held in Vienna, Austria, 8–9 June 1977, at premises put at the disposal of the UN University by the Austrian Government. The purpose of the meeting was to advise the University with regard to possible programme activities in the field of human rights in the context of development.

A list of participants, who were invited in their personal capacities, is given in the Appendix. Presiding at meetings were Ambassador Aleksander Bozovic, Judge Manfred Lachs, and Professor Ganshof van der Meersch. A paper by Karel Vasak, “L’Enseignement des Droits de l’Homme”, and a paper by Johan Galtung and Anders Wirak, “Human Needs and Human Rights” were submitted at the meeting. A preliminary note to the UN University Report (PK –18/4/77, referred to as the background paper) had been circulated in advance and was used as a basis for the discussion.

The present report is not intended as a chronological summary of the discussion, but rather as a statement of the main conclusions relating to the goals, structures, and methodology of the UNU/HSDP Project on Human Rights. These conclusions will be taken into account in restructuring the programme proposals contained in the background paper.

I. SUMMARY OF CONCLUSIONS AND GENERAL COMMENTS

1. The decision of the United Nations University Council to include human rights among the objectives of the Human and Social Development Programme (HSDP) was welcomed by all participants, on the understanding that by human rights were meant both civil and political liberties, and social, economic, and cultural rights. Without the inclusion of human rights, a development-oriented programme of research and training would lack an essential component. Considerations of human rights were in fact involved in all three programme areas in which work had already been initiated by the UNU – i.e., world hunger, natural resources and, especially, human and social development.
2. The purpose of UNU/HSDP-sponsored project activities would be to strengthen and co-ordinate research, education, and projective efforts in the field of human rights, broadening their conceptual scope and ensuring a long-range, cross-cultural perspective as well as linkages with and among a variety of disciplines concerned with development. At normative level, this would mean identifying needs and a common core of postulates about human rights, relating them to endogenous and international norm- and policy-formulation, and considering the effectiveness of measures taken to implement these rights. In that sense, the UNU-HSD project would provide an essential intellectual underpinning for policy-making processes, and contribute to a better realization of human values and development goals.
3. While the approach reflected in the background paper was generally endorsed, it was suggested that the programme focus more sharply on a few issues of major concern to the international community:
 - (a) research and projections relating to the *right to development*¹ (a new and comprehensive concept which has recently emerged from the work of various UN bodies, including ECOSOC and the Commission on Human Rights);
 - (b) research on methods and problems of *implementation/enforcement* in the human

¹ See paragraphs 8 to 10 below.

rights areas: comparative analysis and model-building, and
(c) *human rights education* (cf. Resolution 3 (XXXIII) of the UN Commission on Human Rights)²: current activities in this area had to be strengthened by curriculum development and educational planning relating to faculties other than law, and to human rights education at professional, secondary and, where appropriate, at primary level; emphasis would be on the development of national programmes, and on efforts to enhance the awareness of values and norms concerning human rights in the general population.

4. Beyond this, no attempt was made to rank-order, in terms of relative merits or urgency, the other programme activities suggested in the background paper (especially in Section B) or in the course of the meeting. It was felt that the University programme should remain open, although in the long run provision might be made to keep the choice of "mix" of specific topics under review by an advisory body. Some of the sub-projects described in the background paper were considered extremely important by the participants — e.g. the sub-projects on the right to health; on rights concerning the environment; on access to remedies. Some projects (e.g. the project on the social impact of computer technology) might be initiated on a pilot basis. The conceptual or theory-building exercise intended to integrate postulates about human rights into the study and planning of development processes (background paper, Section A) was also considered important, especially if it could relate to a variety of social and economic development alternatives and projective exercises.

5. At the outset of the meeting, some concern was expressed over the fact that the composition of the group was primarily European. The issues under discussion had to be seen in a world-wide perspective, and it was important to avoid an ethnocentric bias, especially since the project was intended to deal with human rights in the context of development, and to strengthen endogenous processes and policies.

² Resolution of 21 February 1977, subsequently endorsed by ECOSOC; see paragraphs 14 to 21 below.

II. EMPHASIS ON DEVELOPMENT

6. There was general agreement that the UNU/HSDP Project on Human Rights should *focus on situations and processes of development*. This implied that emphasis would be placed on Third World needs and perspectives. It was stressed, however, that this emphasis should not be exclusive: it was important to explore the human rights implications of social, economic, cultural, and technological change which concerned also (or primarily) societies referred to as "developed".³ Nor should the focus on development be construed to mean that human rights violations did not occur in "developed" countries, where in fact much remained to be done from the viewpoint both of norm-setting and of implementation or enforcement.

7. It was important, in designing the UNU/HSDP Project on Human Rights, to see *human rights as a global, dynamic, and expanding concept* which included not only the civil and political liberties traditionally referred to as human rights, but also norms relating to social, economic, and cultural postulates.⁴ This did not imply that traditional concepts of human rights should be diluted, or their violation condoned, but rather that civil, political, social, economic, and cultural rights were interdependent and complementary. Many of the human rights on which an international consensus had been achieved (norms against torture and racial discrimination were mentioned as examples) corresponded to universal values, and could in no way be seen as competing with other societal postulates. Beyond this, it was evident that the interaction between various rights, possible priorities among classes of needs, and especially the nature of implementation measures, varied in space as they did in time. Historical analysis showed in fact that postulates about basic human rights had developed gradually even in countries which today had the most advanced and effective legislation in that area. Such a development pre-supposed a real awareness of needs, goals, and human rights norms on the part of communities directly concerned. Even if

³ E.g., the implications of computer technology for human rights

⁴ While this global approach was made explicit in post-World War II positive law (Universal Declaration; UN Covenants), it could be traced back to earlier instruments (e.g., Chapter XIII of the Treaty of Versailles and the ILO Charter; the Weimar Constitution, etc.).

universal concepts and their dissemination played an important role, they had to be supported by endogenous processes of social, political, and legal conscientization, as well as by a normative and institutional infrastructure compatible with the local cultural matrix. A primary objective of the UNU/HSDP project would thus be to determine what the human rights needs were in particular settings, how they were perceived and conceptualized by the community, by what endogenous or exogenous processes concepts and norms of human rights were articulated, and what factors conditioned the awareness of rights and remedies.⁵

8. Turning to the specific contents of the UNU/HSDP programme, it was proposed that a central place be given to a sub-project on the "right to development". This concept referred to a fundamental historical process, and corresponded to postulates of social, economic, and cultural emancipation increasingly recognized at a normative level (i.e. as "rights/obligations") by the international community. It also corresponded to a dynamic and global vision of human rights. In that sense, a systematic programme of research, speculative thinking, and model-building concerned with the right to development would encompass and provide a sharper focus for some of the topical studies suggested as part of the UNU/HSDP Project on Human Rights.

9. The structure of the project on the right to development was not considered in detail at the Vienna meeting.⁶ Evidently, the project would be an ambitious one, involving long-term commitments and close collaboration with a variety of institutions concerned with economic and social development. It could be expected, however, that the UN University would play an essential role in promoting and orchestrating such a joint effort. Also, the methodological approach suggested for its Project on

⁵ See also below, paragraphs 19 to 21, with regard to conscientization efforts.

⁶ The discussion indicated, however, that the focus should be on the following interrelated objectives:

- (a) *conceptual*: definition of development needs — economic, social, cultural, political — and their interaction; perceptions, awareness, expectations. Among the specific needs and problem areas suggested in the course of the meeting were:
 - (i) basic needs, including health, education, and access to information;
 - (ii) needs related to the international economic order: e.g. access to natural resources; access to markets; choice of economic development patterns; technological independence; protection against exports of "dirty" technology;
 - (iii) cultural identity; choice of social patterns; integrity of the environment.
- (b) *normative system*: prescriptive and proscriptive norms, especially at the international level (formal norms — informal norms or practices — policies). To what extent does existing positive law (and current international policy) meet development needs? What are the normative or institutional obstacles to development? What new norms should be developed?
- (c) *implementation*: enforcement/supervision models, especially at international level — legal remedies accessible to individuals and to the collectivity (states, groups); political remedies; conscientization, education, dissemination.

It would be desirable to carry out the conceptual part of this effort [(a) above] in conjunction or close collaboration with the UNU/HSDP Project on Goals, Processes, and Indicators of Development, and other projective exercises (e.g. the UNITAR Programme of the Future).

Human Rights (interdisciplinary; cross-cultural and decentralized; dialogical), seems particularly appropriate for this project.

10. It was noted that some of the *topical studies* suggested in the background paper could be restructured as part of the sub-project on the right to development. Others — e.g. the studies of the right to health and of rights relating to the environment — might be carried out as independent sub-projects although they also had direct relevance to development settings. It would be desirable, at a minimum, to provide for continuing interaction by linkages between all these sub-projects.

III. IMPLEMENTATION AND ENFORCEMENT NORMS OF HUMAN RIGHTS

11. Beyond the identification of needs and the formulation of substantive norms, it was suggested that the UNU/HSDP project should also encourage better analytic, comparative, and projective studies of the implementation and enforcement of human rights.

12. Innovative approaches had to be explored in that connexion. In the first place, the extension of the working concept of human rights to cover social, economic, and cultural postulates implied that a growing number of rights and remedies (and not only the underlying obligations) related to nations, groups, or collectivities (and not only, as was traditionally supposed, to interests). Secondly, traditional norms of human rights were enforced through penal law or penal law-oriented systems which did not always seem appropriate means for attaining compliance, especially in an international setting. Hence the need to consider alternative or supplementary models that would, for instance, place greater emphasis on information, education, and positive goal-setting. Lastly, it was evident that many enforcement systems were socially biased, especially in terms of real access to remedies; this called for research and for the development of better implementation models, as suggested in the background paper.

13. A number of concrete proposals were made for research topics which might be considered under the UNU/HSDP Project on Human Rights — some of them relating to the enforcement of international human rights, and some to domestic remedies. These proposals included:

- (a) comparative analysis of implementation/enforcement methods with regard to specific types of human rights: ombudsman; petitions; fact-finding; informal justice and conciliation mechanisms;
- (b) *recours en carence* ("mandamus") as an approach to enforcement at national and international level, with particular reference to social, economic, and cultural rights;
- (c) class actions; representation of future interests, e.g. with regard to environmental protection, access to natural resources, etc.;
- (d) role of parliaments in human rights administration; concept of accountability;

- (e) enforcement of international quasi-norms (e.g. recommendations; declarations; resolutions) — legal and political effects;
- (f) comparative analysis of the processing of human rights claims and communications in UN bodies, specialized agencies, and regional organizations, and
- (g) conscientization of the public by programmes to increase the awareness of human rights norms (see below paragraphs 19 to 21).

IV. EDUCATION AND CONSCIENTIZATION

14. It was noted at the outset that human rights education and conscientization programmes designed to enhance the awareness of human rights in the community were closely interrelated and had to be considered as part of the same over-all effort. Education, even if addressed primarily to teachers and future policy makers or operational personnel, ultimately had to have an impact on the community. Conversely, community values, perceptions, and the level of understanding of human rights should feed not only into the educational programmes, but also into the processes by which norms of human rights were articulated and implemented.

15. On the subject of education, the meeting considered a report by Dr. Vasak presenting the results of a recent survey of human rights teaching in law faculties and faculties of political science, describing the programme of the International Human Rights Institute, and suggesting ways by which that programme could be strengthened and expanded with the support of the UN University. It was agreed that this support should have the following objectives.

- (a) To develop curricula and comprehensive educational strategies in the field of human rights.
- (b) To extend education about human rights beyond law and political science faculties. Particular mention was made of professional training of judges, law enforcement and justice personnel; of medical schools (e.g. with reference to medical ethics, and problems related to the right to health), and of teacher colleges. Most participants considered it essential to provide training in respect for human rights in other faculties also, and at secondary — and primary — school level. Naturally, curricula and educational objectives could not be identical for all these target groups: human rights education for law and political science students and for professional justice personnel would focus primarily on legal processes, enforcement, and accountability, while training in other faculties and at secondary, or primary level would be concerned mainly with values and norms in some instances inter-faculty programmes or seminars could also be valuable.
- (c) To develop also educational activities at national and regional levels, thus avoiding

the danger of a Euro-centric focus;

- (d) To strengthen the teacher-training system with reference to human rights, including the development of teaching materials (syllabi) and pedagogic methods appropriate for particular countries and student bodies.
- (e) To relate training to research.

16. In the course of the discussion, it appeared that human rights education in Europe was facing a number of specific difficulties – among them structural problems resulting from the lack of recognition of the subject in university curricula, disinterest on the part of most students, absence of materials in such languages as German, etc. On the other hand, the situation in Asia seemed more encouraging than was generally assumed: concepts of human rights were conveyed, even under adverse conditions, in the teaching of constitutional law, of traditional law, in courses dealing with law and poverty offered in many universities, and in a variety of clinical and community legal education programmes. It was concluded that, while the development of a standard human rights curriculum⁷ would be important as a starting point, it was essential to adapt and supplement it by materials relevant to particular countries, student bodies, and teaching methods. To that end, it would be advisable to collaborate with other UN educational institutions active in the field – e.g. the UN Institutes of Public Administration – and to include in teaching materials examples of model legislation in developing countries.

17. Subject to these comments, the meeting concluded that an educational programme centred on the International Human Rights Institute, but with close links to institutions in other parts of the world, should be given a prominent place among UNU/HSDP activities in the field of human rights.⁸

18. It was agreed that the Academy of International Law had an important role to play in education and research in the field of human rights, as suggested in the background paper (Section C). Its activities would be focused on specific issues of international law; in addition to areas related to the UNU/HSDP human rights research project (e.g., right to health; cultural identity; environmental law), it was suggested that the Academy should consider the following topics for particular seminars or colloquia:

- (a) the role of general international law in the human rights area, and the impact of considerations of human rights on the development of general international law; and

⁷ The meeting noted with satisfaction that a training manual for secondary schools (*International Human Rights and International Education*) had been produced in 1976 by Buergenthal and Torney that an international manual is to be published in the near future by the International Human Rights Institute.

⁸ It was suggested that UNESCO, given its particular experience and interest in human rights and in education, might elaborate a concrete blueprint for UNU action in this area.

(b) comparative analysis of human rights claims-processing methods in UN bodies, specialized agencies, and at regional levels.

It was understood that specific goals and methods would be elaborated in consultation with the competent organs of the Academy.

19. Beyond these activities involving the educational system and professional or post-graduate training institutions, it was suggested that the UNU/HSDP project should include also *efforts to enhance the awareness and knowledge of human rights values, norms and procedures in the community.*

20. It had been noted earlier (see above, paragraph 7) that community awareness, acceptance, and involvement were essential prerequisites for a viable normative system, and that the UN University should thus promote research on levels of awareness of needs and postulates of human rights, as well as on the socio-cultural conditions under which they were articulated. Such research — especially at micro-level, and if it employed the dialogical approach suggested in the background paper — could easily be combined with “citizens’ education” or “conscientization” efforts by which those values concerning human rights which are held and perceived by the community would be related to international norms applying to human rights. It was hypothesized, in fact, that there would generally be a substantial concordance between values operating in the community and those underlying international norms. If the levels of awareness of these norms were nevertheless low, this probably denoted a failure of communication (e.g. one attributable to semantic differences, or to the fact that formal human rights norms were conceived and administered by legislative/legal systems which were often quite alien to the basic community). The primary purpose of “conscientization” efforts should thus be to overcome this communication gap between communities and the formal system of human rights.

21. The specific form of the “conscientization” efforts to be included in the UNU/HSDP Project on Human Rights was not discussed at the meeting. It was noted, however, that a first step could be made by a few pilot sub-projects in representative locations (in developed *and* developing countries), possibly in collaboration with non-governmental organizations concerned with human rights.

V. INSTITUTIONAL ASPECTS

22. It was noted that the UNU/HSDP Project on Human Rights would require central management and orchestration by a small co-ordination unit, but not necessarily the creation of new institutions. It was important that research and training institutions *in the field* should carry the primary responsibility for programme design, implementation, and evaluation. Intra-network co-ordination in particular areas could be assured by particular affiliated institutions (e.g. the International Human Rights Institute for the educational activities referred to in paragraphs 15 to 17 above; the Academy of International Law for research and training relating to the international law issues referred to in paragraph 18 above). In line with the proposed emphasis on endogenous processes, however, it was hoped that an effort would be made in all programme components to encourage research and training at a national level.

VI. CONCLUSIONS

23. In the concluding session, the participants expressed their appreciation, both to the Austrian authorities and to the UN University, for providing an opportunity to discuss the future of research and education in the field of human rights. They paid tribute to the memory of René Cassin, former President of the Institut René Cassin, who had played a key role in developing human rights concepts, both at a political and scholarly level, and expressed the hope that the UNU/HSDP project would further contribute to help realize these objectives.

24. It was agreed that the conclusions of the meeting would be summed up by the UNU consultant in a report to be submitted to the participants for comments. Such a report might serve as a basis for further consultations, and for the submission to the UN University Council of a revised work project which, in line with the view expressed at the meeting, should at a minimum have the following interrelated components:

Sub-project A: Studies on the right to development (which might cover several of the topical studies suggested in the background paper, and include a colloquium/seminar at the Academy of International law);

Sub-project B: A project on the right to health and to healthy environment (including a colloquium/seminar at the Academy of International Law);

Sub-project C: Studies on the implementation and enforcement of human-rights norms (including colloquia/seminars at the Academy of International Law);

Sub-project D: Education and human rights: curriculum development and training programme at the International Human Rights Institute, with related efforts at national and regional levels;

Sub-project E: Conscientization: a series of pilot projects in field locations to identify needs and concepts in order to enhance the awareness of human rights in the community;

Sub-project F: Theory-building exercise, in conjunction with the UNU-HSD Project on Goals, Processes, and Indicators of Development.

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[Exposition and discussion of workshop conclusions with Mr. Edgar Faure, Président de l'Assemblée Nationale, Paris, France (with Messrs. Ganshof van der Meersch, Könz, and Vasak)]

* Partial attendance