



Minority Rights in Development Aid Policies

An Issues Paper

by Katarina Tomaševski

Minority Rights Group
International



MINORITY RIGHTS IN DEVELOPMENT AID POLICIES

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A CIP catalogue record for this publication is available from the British Library.

ISBN 1 897693 78 8.

Published November 2000.

Design by MRG. Typeset by Kavita Graphics

Printed on recycled paper.

ACKNOWLEDGEMENTS

Minority Rights Group International gratefully acknowledges the support of all organizations and individuals who gave financial and other assistance for this publication, including (Bilance) Cordaid, the Staples Trust, Christian Aid and the Norwegian government.

This Issues Paper has been commissioned and is published by MRG as a contribution to public understanding of the issue which forms its subject. The text and views of the author do not necessarily represent, in every detail and in all its aspects, the collective view of MRG.

MRG is grateful to all the staff and independent expert readers who contributed to this Issues Paper, in particular Ross Young (Commissioning Editor) and Sophie Richmond (Issues Paper Editor).

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Recent publications include *Responding to Human Rights Violations, 1946-1999* (Kluwer, Dordrecht, 2000), *Between Sanctions and Elections* (Pinter Publishers/Cassell, London, 1997) and *A Thematic Guide to Human Rights of Women* (with G. Alfredsson Martinus Nijhoff, 1995).

MINORITY RIGHTS GROUP INTERNATIONAL (MRG)

MRG is an international non-governmental organization working to secure rights for ethnic, religious and linguistic minorities worldwide, and to promote cooperation between communities.

MRG:

- Commissions and publishes well-researched and accessible Reports, Books and Papers on minority issues.
- Promotes minority rights through direct advocacy in international forums and in dialogue with governments.
- Builds on a global network of like-minded organizations and minority communities to cooperate on minority rights issues.

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CHAPTER	CONTENTS	PAGE
i	Preface.	i
ii	Executive summary.	ii
1	Introduction.	1
2	The heritage of past ages.	2
	A bird's-eye view of the multilateral realm.	2
	Evolving bilateral policies.	3
	Prospects for the new millennium.	4
3	The omen of recent genocides: whither development policy ?.	6
	Rwanda.	6
	Guatemala.	6
4	Inserting minority rights in development policy.	8
	Domestic constituencies.	8
	Existing models.	9
	Explicit commitment to minority rights.	10
	(a) <i>Netherlands</i>	
	(b) <i>European Union</i>	
	(c) <i>Norway</i>	
	(d) <i>United States of America</i>	
	(e) <i>United Kingdom</i>	
	Focus on vulnerable and/or disadvantaged groups.	12
5	Operationalizing minority rights in development policy.	14
6	Conclusions.	15
7	Recommendations.	17
	Notes.	18

BY KATARINA TOMAŠEVSKI

i. Preface

Over the past two years MRG has begun to examine the relationship between minority rights and development. Clear links have emerged between minority status, inequality and poverty.

The focus of this Issues Paper is on how major development aid donors incorporate minority rights into their development policies. It is one of a series of papers that began with Roger Riddell's Issues Paper on *Minorities, Minority Rights and Development*. Two further papers are planned; one will focus on how to mainstream minority rights into development; the second will evaluate one specific development project in terms of its impact on local minority communities.

Some readers may find this paper too focused on policy and argue that it needs to concentrate on implementation. This is valid comment and one that we debated early on, prior to commissioning it. However, we felt that it was important to establish clearly the current policy situation amongst development donors before moving to the next stage. This will provide a foundation for exploring how good policy relates to good practice.

What is established is that a few donors do have an explicit commitment to minority rights. However, those commitments tend to arise from significant socio-political events such as the genocides in Rwanda and Guatemala. Whilst ensuring that minority communities benefit from development programmes is both a valid response to such tragic conflicts and a useful way of preventing future violent conflicts, the need for inclusion of minority communities in aid programmes should not be based on conflict-prevention alone. Social exclusion and abject poverty also demand international action. Many international standards exist which commit international bodies in their work, including international development assistance, to tackle discrimination and include minorities. These include Articles 4(5), 5 and 9 in the UN Declaration on the Rights of Persons belonging to National, Ethnic, Religious or Linguistic Minorities and the non-discrimination provisions of the International Convention on Economic, Social and Cultural Rights. These UN norms should be reason enough for donors to act on the issue, regardless of whether there is conflict in a region or country.

The emerging human rights approach to development provides an opportunity for that commitment. As can be seen from the UNDP's important and ground-breaking *Human Development Report 2000*, donors must begin to analyse inequality and discrimination against minority groups. I believe that, with such analysis, we have a better chance of reducing ethnic tension and making development interventions more sustainable.

Most development actors have signed up to try to achieve significant progress towards agreed UN international development targets by 2015. Based on our research and discussions with partners to date, it is clear that minorities are often some of the poorest and most marginalized communities in developing countries. By addressing their issues donors will work towards achieving those poverty targets.

Within our own organization we work closely with our partners in minority communities around the world. This enables us to draw conclusions based on evidence from those working at grassroots level and on the perceived needs of minority groups and their constituencies. In this way MRG can assist minority-based NGOs in developing countries to work with donors.

To support and encourage donors to consider these issues we are engaged in advocacy activities in national, regional and global fora. MRG has developed positive links with interested donors and would welcome any other development actors that wish to be involved. We also intend to raise these issues in the context of the World Conference Against Racism by hosting satellite meetings and promoting discussion on the links between poverty and social exclusion.

This Issues Paper serves as a record of current and past attempts to address minority rights in development policy. My hope is that development donors will be able to build on these earlier steps so that all development policies consider the rights and needs of minority communities.

Alan Phillips
Director
November 2000

ii. Executive summary

This text reviews development policies of major bilateral and multilateral donors from the viewpoint of minority rights in these policies. Its point of departure is the paucity of explicit references to minorities or to their rights. Commitments to human rights are a recent phenomenon and explicit recognitions of minority rights are likely to follow. This text reviews the who, when, how and why of the evolving development policies. The existence of a formally adopted policy does not, of course, say anything about its implementation, effects or impact. The absence of minority rights in formally adopted policy documents signifies, however, that such rights have not yet been recognized and can be denied in practice.

Development policies have profoundly changed during the past four decades, reflecting revisions of the definition of development and the correspondingly fluctuating purposes and modalities of aid. The inclusion of minority rights in the definition of development has, as for other human rights, been retrospective. As understanding of development-related abuses grew, so human rights safeguards began to be put in place, and specific safeguards for minority rights followed. Both domestically and internationally, mere knowledge about atrocities or abuses does not lead to their definition as human rights violations, nor to safeguards aimed at preventing them. Those who generate multilateral and bilateral development policies tend to exclude human rights concerns unless and until these are explicitly and effectively implanted in the policy-making process. Because the human rights debate tends to revolve around violations rather than rights, development policies were initially punitive. Cutting off aid as a sanction for violations has spread through the donor community but has divided the

human rights community. Promoting minority rights within and through development has lagged behind and, with constantly diminishing aid, this is unlikely to change. Development indicators making the status of minorities visible have yet to be developed. Moreover, definitions of minorities can be extremely broad and inclusive, encompassing many groups or categories who feel the need for special human rights safeguards.

Explicit references to minorities emerged in donors policies of the 1990s, but linkages between denials and violations of minority rights and development policies had been made two decades earlier. Bilateral donors who adopted explicit safeguards for minority rights in their development policies did so in response to real-life situations, under pressure from articulate domestic constituencies. Two recent genocides — Rwanda and Guatemala — are touched upon to highlight the urgency of including minority rights in development policy and the necessity of assessing the impact of such policies on minorities.

A mere recital of explicit development policies would be neither informative nor indicative of their meaning or importance and this text is therefore selective. The need to keep it short and usable as a primer has, moreover, required brevity. However, there are numerous references to websites of international development agencies to facilitate access to available documentation as well as extensive citations to non-governmental sources in the notes. Among multilateral donors, particular attention has been devoted to the World Bank. The principal reason is not the magnitude of its lending but its influence on the design of macro-development policies of the whole donor community. The World Bank and its Bret-

ton Woods sister , the International Monetary Fund, have a great deal of clout in determining the contours of bilateral development policies, but lack a commitment to minority rights or to human rights in general. In between multilateral and bilateral donors is the European Union, whose aid (from the member states and the Community itself) represents more than half the total volume of aid. For bilateral donors, the size of aid budget and influence on policy-making has been combined with commitment to minority rights in the selection of individual donors. Amongst the biggest donors, the United States is paid particular attention because of its explicit recognition of minority rights, while less space is devoted to Japan, France and Germany, where such recognition is lacking. Those donors that have been particularly active in introducing human and minority rights into development policy have been included. The Netherlands, the European Union, Norway, Sweden, the United States of America and the United Kingdom have explicitly affirmed minority rights in their policies. Articulating how these should translate into practice and apply within development is the next necessary step.

The anti-poverty orientation of global development policies at the beginning of the twenty-first century provides an incentive for focusing on minority rights by highlighting the association between poverty and minority status. Furthermore, particular focus on minority rights has emerged against the background of numerous armed and political conflicts which have often been perceived as ethnic, religious or linguistic. Conflict-resolution and prevention have been subsumed under development policies, promising heightened attention to minority rights.

1. Introduction

The term development entered the international agenda later than human rights due to the initial focus of the United Nations (UN) on preventing abuses associated with the Second World War. Minority rights were reflected in the human rights structure of the UN from the very outset, in the original name of the Human Rights Sub-Commission.¹ Consecutive changes in the composition of the international community through the process of decolonization were accompanied by the growing importance of development on the global agenda. The first wave of decolonization in the 1960s resulted in the affirmation of self-determination, which spanned political and economic dimensions as well as introducing collective human rights.

Minority rights were marginalized within the UN, having been perceived as a Eurocentric concept which had originated in the League of Nations era, between the two world wars, when most of today's developing countries did not exist. The first international safeguards for the rights of religious minorities were adopted in Augsburg in 1555 and the first international human rights treaties specifically devoted to minority rights are also European — the 1992 European Charter for Minority Languages and the 1994 Framework Convention for the Protection of National Minorities.

The focus of the UN on self-determination and development has led to countless resolutions, declarations, plans of action or platforms, but the donor community coordinates its policies and activities separately, outside the UN. Aid was institutionalized in the 1960s and conceptualized as the embodiment of international cooperation for promoting development. The 1970s witnessed a deep-seated ideological and political conflict about a (or the) new international order. The shift of attention to global structural inequalities transposed the human rights language, originally designed for relations between the individual and the state, to relations between states. Links between human rights and development were dealt with under the agenda item on a New International Economic Order in the 1970s. The right to development emerged in the 1980s, adopted through the UN's majority voting and aiming to become the umbrella notion unifying human rights and development. It divided the international community rather than unifying it.

Consecutive economic crises hampered prospects for development. The 1980s were dubbed the lost decade and the subsequent global policy shifted from development to poverty reduction. In the meantime, human rights have become institutionalized in international development cooperation, creating space first for indigenous and then minority rights.

2. The heritage of past decades

Development and human rights policies evolved in parallel but were unrelated. Both were governed by institutionalized ad hoc-ery rather than an overall strategy. Even before human rights and corresponding governmental obligations were defined, violations had been reported and responses to them fashioned in the form of political condemnations as well as economic sanctions. Initially the focus was denials of the right to self-determination, especially in southern Africa. The incongruity between political condemnations of violations and continued flows of development finance was — and remains — a noticeable feature, whether the case in point was the denial of rights of the non-white majority in South Africa, genocide against the indigenous majority in Guatemala, denials of language rights to the Kurdish minority in Turkey or the status of the Tamil minority in Sri Lanka.

The first steps towards punitive conditionality were taken in the 1970s, with the USA setting the tone. It was followed by the group of donors who named themselves like-minded² (the Netherlands, Norway, Canada, Denmark and Sweden). Definitions of human rights were parallel to rather than integrated in development policies, however. An anti-poverty orientation appeared for the first time also in the 1970s to remedy the previous neglect of the social, and especially the distributional, impact of development policies. The political impact of distributional policies was placed on the agenda with the second emergence of the anti-poverty focus of development policies in the 1990s.

A mixture of international and domestic factors instigated the linkage between development and human rights policies in the USA. US human rights policy evolved towards the end of Vietnam War on the crest of anti-war and civil rights movements. A Belgian human rights policy emerged following the genocide in Rwanda. In France, a major overhaul of development policy, especially for former French colonies in Africa, started in 1998, and its outcome was not known at the time of writing. In donor countries which were not entangled in far-away warfare and did not have a colonial heritage, human rights were included in development policy by domestic constituencies protesting against the support of tyrants and the funding of repression through development aid. The target was the donor's accountability for

their action or inaction with regard to abuses by the recipient government. Development policies were expected to mould the conduct of recipient governments so as to benefit the rights of the people in recipient countries.

2.1 A BIRD'S-EYE VIEW OF THE MULTILATERAL REALM: FROM BEFORE THE HUMAN RIGHTS ERA TO AFTER STRUCTURAL ADJUSTMENT

A 1966 report entitled *Human Rights and the United Nations Family* declared that everything that is being done by the UN family of organizations to promote economic and social development contributes to the implementation of human rights.³ That assertion reflected development optimism of the time as well as a widespread, albeit wrong, assumption that anything done in the name of development benefits human rights. That assumption was belied by a 1965 controversy about links between development finance and human rights violations which revealed a deep split within this United Nations family. The object of dispute was the World Bank's refusal to follow the UN General Assembly's recommendations to discontinue lending to South Africa. The core question was whether global human rights and development policies should continue separately. The Bank's legal office excluded human rights from the Bank's remit,⁴ thus arguing for continued separation, while the Legal Office of the UN argued that human rights represented fundamental obligations under the UN Charter from which the Bank could not be exempt. The World Bank subsequently halted loans to South Africa⁵ but the International Monetary Fund (IMF) continued, as did helpless anger within UN political bodies.

UN human rights bodies included development-related abuses on their agenda, prodded by NGOs. The World Bank's policy documents on forced resettlement or indigenous rights were also prompted by human rights violations which occurred within Bank-funded projects and were brought to the Bank's attention by its critics rather than its staff. Not all the applicable standards were taken into account, however, nor did the Bank's guidelines reflect the full scope of human rights that were at issue.⁶ After the establishment of the Inspection Panel in 1993, the pattern of cases has shown that the most likely victims of forced resettlement are the indigenous and minorities, much as was the case earlier with notorious

cases such as the Transmigration Programme in Indonesia or the Narmada Valley Project in India.⁷

All development agencies were consequently asked to ensure that their policies, programmes and projects do not violate human rights. That initial recommendation had concentrated on projects, just as global development policy shifted from projects to a macro-development framework and the term structural adjustment became a household word. A great deal of mobilization ensued around their critique, bringing to light the interrelationship between development and human rights at all levels, from global to local.

The World Bank has adopted a great deal of human rights rhetoric in the meantime but not so the IMF. There has been, as yet, no mention of human rights in the IMF's policy documents. A political neutrality clause, similar to the World Bank's, is interpreted as excluding human rights from the IMF's terms of reference.⁸ Avoidance of human rights terminology does not entail the absence of social and political criteria in lending. As early as 1979, the IMF's *Guidelines on Conditionality* included domestic social and political objectives⁹ among factors to be taken into account in the elaboration of policy performance criteria. There was little evidence of their application in the 1980s, the notorious lost decade that gave rise to global protests against the Bretton Woods sisters as symbols of what came to be dubbed the international financial infrastructure.

Pressures for changing the international financial infrastructure intensified in the aftermath of the Mexican, East Asian, Brazilian and Russian financial crises. One important lesson was that a deep economic crisis in a country with a history of ethnic or religious strife easily sparks turmoil. Coping with these consecutive financial crises focused attention on global financial stability and revealed how little public institutions could do with regard to private financial markets. The term financial infrastructure has reflected the entrenchment of the idea that the role of public institutions, such as the IMF and the World Bank, must be to support rather than supplant private finance.¹⁰

As part of the debt relief strategy at the turn of the millennium, the IMF has replaced the Enhanced Structural

Adjustment Facility with a new Poverty Reduction and Growth Facility, which has pledged to take fully into account social and sectoral programmes aimed at poverty reduction.¹¹ A change may be in the making, although its direction was uncertain at the time of writing.

2.2 EVOLVING BILATERAL POLICIES: FROM THE ENTRY OF HUMAN RIGHTS TO COMMERCIALIZATION

The linkage between human rights violations and aid flows was initiated by the USA and it was the Carter administration that raised human rights to international prominence. Consecutive legal reforms included violations of selected civil and political rights in eliminatory criteria and no US aid was to be provided to governments involved in violations.¹² Aid cut-offs were apparently aimed against particular recipients of US aid but these were the object rather than the principal target. The rationale for aid cut-offs was domestic; the aim was to halt abuses of US aid in supporting human rights violations in the recipient countries, to constrain the USA from committing or facilitating abuses beyond the reach of domestic legal and democratic safeguards.

The US model was seen differently from the outside, however. Its four features came to dominate thinking about linking human rights and development policy:

- first, violations of civil and political rather than economic and social rights were encompassed by the definition of human rights although development was conceptually closer to economic and social rights;
- second, the focus was on violations rather than rights, which meant that the cost of recognizing and realizing rights was hidden behind a widespread assertion that political will alone makes and breaks human rights;
- third, the linkage was punitive and deprivation of development finance was then seen as a method for promoting human rights, thus reinforcing the perception of human rights being costless; and
- fourth, development was not seen as a process which can foster or harm human rights and thus ought to be made human rights friendly; development and human rights were seen as separate and largely unrelated.

An approach substantially different from that of the USA was adopted by the Netherlands, which defined the linkage between human rights and development to encompass the full scope of human rights, civil and political, as well as economic, social and cultural, as early as 1975. Thereby, as explained by Jan Pronk, the then Minister of Development Cooperation, both the aims of Dutch development policy and its modalities had to be re-defined so that the poor and the oppressed could attain the right to a say in their own affairs.¹³ In contrast to the punitive US approach, Dutch development policy aimed to create conditions for the realization of human rights. The impact of external development policies was seen as limited, at best, unless the recipient's development policy was geared towards enjoyment of human rights.¹⁴

The emergence of these first linkages between human rights and development aid was apparently forward-looking but they were, much as all other human rights policies, a response to past abuses. A chronological overview of aid cut-offs justified by human rights violations¹⁵ shows that early responses to what were intuitively perceived as gross human rights violations had taken place in a vacuum. UN political human rights bodies had just acquired powers to condemn individual governments and, to begin with, only South Africa, Israel and Chile were placed on the violators-agenda. These condemnations were political judgements of the respective governments by their peers.

With the emergence of bilateral policies, demands to impose punitive measures against human rights violators moved to the multilateral level. US representatives cited human rights violations to vote, as mandated by US law, against loans to a variety of countries. Nordic representatives opposed loans to apartheid South Africa and Pinochet's Chile, also on human rights grounds, while the Dutch government was asked to ensure that every multilateral agency declares gross violation of fundamental rights incompatible with the unaltered continuation of development aid.¹⁶ The linkage between human rights violations and international development finance thus came to stay.

2.3 PROSPECTS FOR THE NEW MILLENNIUM: DIMINISHING AID, MULTIPLYING OBJECTIVES

The biggest post-Cold War change in foreign policy has been its commercialization.¹⁷ Aid lost its key purpose of dividing the South into spheres of interest for the two blocs and started to diminish. Its demise was hastened by economic recession in the main donors and reinforced by the new development paradigm which

reduced the role of the state to facilitating the operation of the free market. Since 1992, the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD) has found every year that official development assistance has decreased and hoped that this trend would be halted and reversed. Every subsequent year this finding has been repeated. The adoption of eradication of poverty as the purpose of aid¹⁸ has not entailed an increase in aid flows. Rather, the only temporary increases deviating from the downward trend were caused by rescue packages for countries such as South Korea or Mexico, both members of the OECD.

Moreover, the importance of development aid has been dwarfed by private financial flows, blurring the role of development policy. The need for a focus on non-economic facets of development has been shown in the negative social and political effects of every financial crisis. Minorities have proved a particularly explosive issue in Indonesia, for example, showing, as in Eastern Europe, that repression could only make large and heterogeneous countries appear free of un-subdued minorities as long as repression lasted. Rapid dissemination of information on abuses taking place in far-away countries to the concerned public in the donor countries has intensified scrutiny of bilateral and multilateral development agencies. These agencies have sought to avoid involvement in abuses through cutting off aid. The rationale has been that aid is fungible, hence donors' financial support to a government may indirectly finance repression or warfare. Such forward-orientated short-term measures have often diverted attention from the need to determine the impact of past development policies on denials or violations of minority rights so that such a possibility could be eliminated in the future.

Development policy broadened in the 1990s to include the political dimensions of development, further complicating its translation into practice. The much-quoted 1989 World Bank study on Africa introduced governance into development policy. The Bank had defined governance as the exercise of political power to manage a nation's affairs,¹⁹ the DAC of the OECD followed suit, emphasizing the role of public authorities in the distribution of benefits as well as the nature of relationship between the ruler and the ruled²⁰ and thus implicitly alluding to the subject matter which is the principal target of human rights safeguards.

The entry of the notion of governance into the World Bank's discourse was preceded by a 1988 finding of the Bank's General Counsel at the time, Ibrahim Shihata,

that human rights violations undermined a country's stability and thus its creditworthiness,²¹ which brought human rights within the Bank's remit. Solutions to the diagnosed crisis of governance were found in notions which also represent core human rights concepts: accountability of the government, the rule of law, independent and effective judiciary, transparency of decision-making and freedom of information, institutional pluralism, freedom of association and participation.²² Human rights have not, however, been integrated in governance but remained a marginal issue, identified with isolated and widely publicized incidents of harassment of opposition to the government or killings of demonstrators. Such a narrow image of human rights was based on their dissociation from economic governance, which originated in the US definition of human rights as safeguards against all forms of government action²³ thus excluding economic and social rights. The changed role of the state after the end of the Cold War has reinforced the dissociation between human rights and economic governance, reflected in the IMF's curtailment of the concept of governance to negative influence on the implementation and effectiveness of economic policies and private sector activities.²⁴ Although DAC/OECD has acknowledged that many of the underlying causes of violent conflict can be traced to failings of economic and political governance,²⁵ this general assessment has not been translated into a process for dissecting the chain of causality and identifying contributing factors that could then lead to more effective development policy-making.

While aid flows have dwindled, objectives for aid have broadened and, in 1995, Senator Mitch McConnell identified 33 statutory goals and 75 priorities for US aid.²⁶ As objectives proliferate they tend to become diffuse. The 1995 DAC/OECD strategic orientation for development aid has listed among the key factors which hinder development civil conflict, terrorism, population and migration pressures, epidemic disease, environmental degradation, and international crime and corruption.²⁷ It may appear far-fetched to single out terrorism as a factor hindering development, but this reflects the scope of the development agenda in the mid-1990s. Peter Gibbon has lamented that every political issue under the sun now intersected with one aid policy or another.²⁸ Human rights have habitually been subsumed under political dimensions of development policy and often figured prominently among grounds for cutting off or diminishing aid. This has been done selectively, however, both on the donor and the recipient side, with the donor community rarely speaking with one voice and aid often perceived as a factor that facilitates rather than inhibits denials and violations of minority rights.

3. The omen of recent genocides: whither development policy?

The risk that development policy may facilitate genocide is no longer theoretical. The authoritative records of international and domestic tribunals and truth commissions, have brought to light many abuses that have taken place. Although these tribunals and commissions neither could nor did address the involvement of foreign governments in genocide, the truth commission of Guatemala has provided the first exception and perhaps opened the way towards changing the rule. The role of development policy has been beyond the remit of such tribunals and commissions; however, it is gradually becoming better documented and understood, as exemplified by retrospective analysis of aid to Rwanda.

3.1 RWANDA

The events in the Great Lakes Region in the 1990s constituted the foremost disaster of the decade. A common pattern of problems was identified in all three countries involved — Burundi, Rwanda and Zaire/Congo — mass population movements, illegal arms sales and incitement to racial and/or ethnic hatred.²⁹ Minorities figured prominently in all retrospective and prospective analyses.

A look back provides a useful reminder of difficulties in creating a development policy in the new millennium. Factors that facilitated genocide in Rwanda included aid, 20 per cent of its GNP up to the time of the genocide.³⁰ Aid was not withheld because of human rights violations until 1995, when the European Union (EU) suspended aid to the new government, reminding Rwanda that development aid is conditional on the respect of human rights and progress towards national reconciliation.³¹ Besides donors human rights conditionality, Rwanda faced one more obstacle — its inability to service debt inherited from the previous government. A UNDP (United Nations Development Programme) effort in 1995 resulted in pledges for \$634 million, of which only \$69 million was disbursed, and out of this \$29 million was re-routed amongst different donors bank accounts for the payment of debt arrears.³²

Previous development policies were reviewed in the Joint Evaluation of Emergency Assistance to Rwanda. That review has revealed that the structural adjustment

programme of 1990 overlooked the explosive consequences of economic retrogression. Internally, increased impoverishment of the rural (Hutu) population may have created fertile ground for anti-Tutsi propaganda. Externally, the donor community found itself torn between conflicting aims: structural adjustment and fiscal reform reduced the incentives for donors to insist on human rights.³³ While it has been comparatively easy to discern macro-economic changes, the accompanying distribution of burdens and benefits at the micro-level has not been investigated.

The model of development that had been applied within Rwanda contributed to problems, but a new development model, responsive to collective and individual human rights, has not emerged as a result. Retrospective overviews of past development models, particularly from the viewpoint of indigenous rights, yielded a great number of recipes as to what not to do, with international economic and political support certainly having facilitated genocide in Guatemala.

3.2 GUATEMALA

Guatemala was a Cold War battlefield where proxy wars blended with warfare of domestic origin, stemming from a grossly unequal pattern of land ownership and/or institutionalized racism. The Cold War was ushered into South America through the 1954 military coup, which also established three decades of military rule in Guatemala. Systematic human rights violations prevailed and 36 years of warfare ensued, with a human toll that will remain unknown. Guatemala's Truth Commission (Comisión de Esclarecimiento Histórico, CEH) found that the aim of the perpetrators was to kill the largest number of group members possible, probably around 200,000.³⁴ All this had happened with considerable US involvement and the CEH broadened its remit beyond Guatemala's borders and found the United States to have been an accomplice in genocide.

Against these recent findings, the previous conduct of international human rights and development agencies looks like complicity in genocide. Guatemala was placed on the violators-agenda in 1979, to be taken off it and become a recipient of human rights assistance again in 1986. This change followed the 1985 elections which re-

introduced civilian government. There was disagreement between the UN and NGOs about the UN's finding of the Government's firm political will to ensure respect for human rights³⁵ and NGO conclusions that much of the provided aid had been inappropriate and counterproductive.³⁶

The process of exposing abuses carried out over past decades has generated a great deal of revulsion against previous silence and complicity. One reason for this silence was racism. Guatemala's indigenous majority was not recognized as such until the time of the peace treaties, nor were indigenous people recognized as the subjects of individual — let alone collective — rights.³⁷ Peace treaties were dotted with human rights guarantees. The estimated funding to put them into practice exceeded US \$2 billion, of which two-thirds was expected from donors.³⁸ From the donors' side, the World Bank has warned that peace agreements cannot be implemented because they are based on unrealistic assumptions of the availability of resources to finance them.³⁹ The challenge to the donor community to remedy its past silence and complicity in genocide may slide into oblivion unless human rights are accorded priority in development policies.

4. Inserting minority rights in development policy

With the benefit of hindsight, one can easily critique development policies of earlier decades for their failure to inquire into domestic political and legal conditions necessary for survival and development, especially of minorities. Failures of externally designed macro-economic policies in racially, religiously or ethnically split countries were identified by their main protagonists in the 1990s,⁴⁰ having been pinpointed by scholars and NGOs much earlier.⁴¹

The key words of the 1990s became ownership, that is, domestic commitment to and support for political and economic reform, and bottom-up participation in forging consensus on appropriate policies and then implementing them. The focus on participation has often revealed contradictions between minority rights and majority rule.⁴² Efforts to redress the ensuing harm to minorities have included, inter alia, Germany's efforts to implement practically the DAC's newly forged PD/GG (participatory development and good governance) and enhancing the role of local ethnic and indigenous organizations in Bolivia and Costa Rica.⁴³ Both terms — ownership and participation — have implicitly challenged the heritage of designing and delivering development interventions from the outside inwards and from the top downwards, which then could and did lead to social and cultural disintegration.⁴⁴

The notions of ownership and participation conceptually link economic with political rights and also require the creation of quantitative and qualitative data which demonstrate the scope and depth of denials of ownership and participation to minorities. Within development, quantitative data have traditionally been confined to national averages and, when extended downwards, they stopped at the household level not reaching further to each individual as human rights would require. Some changes in this attitude are being made and the UNDP's *Human Development Report 2000*, devoted to human rights, has acknowledged that indigenous peoples are deprived of economic, social and cultural rights both in developing and in industrialized countries. Too few data are available on minorities but what there is points in the same direction, for example, the level of poverty amongst San-speaking people in Namibia is six times higher than that for English- and German-speaking peo-

ple.⁴⁵ Creating such data is commonly the first result of the recognition of minority rights in development policy.

Input in development policy-making follows a circular path. It starts in individual donor countries, targeting development, human rights and/or foreign policy and aiming to ensure that bilateral aid is human rights friendly.⁴⁶ The donor community has formally institutionalized the generation of shared policies, creation of aid statistics and peer review of each donor's performance. The DAC of the OECD,⁴⁷ dubbed the donors club, provides institutional support while inter-governmental meetings at various levels coordinate aid policy. Informally, Robert Cassen has noted that bilateral donors leave macro-policy dialogue mainly in the hands of the Bank and the Fund.⁴⁸ Within them, the United States exercises its influence not only through its large financial contributions but also through its inputs in terms of policy and substance.⁴⁹

The biggest donors by the volume of their aid in 1998 were Japan, the United States, France, Germany, the Netherlands, the United Kingdom and Canada. By the magnitude of their effort (the proportion of their aid to GNP) the biggest donors have been Denmark, Norway, the Netherlands and Sweden,⁵⁰ which have exceeded the 0.7 per cent of GNP recommended by the UN. By the criterion of explicit recognition of minority rights in their policy, stock-taking reveals a mixed picture, which is largely the outcome of different constellations of domestic constituencies in individual donor countries.

4.1 DOMESTIC CONSTITUENCIES

The inclusion of minority rights in development policy necessitates an articulate domestic constituency in the donor country. The EU has acknowledged in the mission statement for its development cooperation that it focuses on those issues for which EU citizens have expressed concern.⁵¹ The paucity of explicit EU's commitments to minority rights has been associated with the patchy domestic recognition of minorities and their rights by member states.⁵² Indeed, governmental responses to the OSCE (Organization for Security and Cooperation in Europe) High Commissioner on National Minorities have revealed that not all EU members have recognized minority rights. Links between domes-

tic and international policy vary. The USA has replied to the OSCE questionnaire that it is unclear whether the concept of national minorities, as understood in a European context, applies to the conditions in the United States,⁵³ but the USA has an explicit international policy on minority rights, as described below. This policy is, paradoxically, a result of articulate domestic constituencies composed of minorities who earlier sought refuge in the USA, such as the Irish, Jews or Armenians.

Human rights guarantees target relations between the state and its own citizens, not the state's relations with citizens of other countries. These guarantees are an outcome of political processes from which citizens of other countries are excluded. Their rights and interests are represented by intermediaries, amongst which human rights organizations play a major role. A commonly accepted definition of a human rights organization includes working for the rights of others as an essential element.⁵⁴

International human rights activism started in the 1960s with the maxim that people whose rights were protected should act for those who were less fortunate. Its motto was formulated simply: exposing human rights violations was the first step towards opposing them, while allowing violations to continue unexposed and unopposed undermined the very human in human rights. The growth of human rights organizations started in earnest in the 1970s, almost exclusively in the West/North, and responses to human rights violations broadened from international political and/or legal judgments to development policy; institutionalization of human rights conditionality followed suit. The scope of human rights encompassed by NGOs has remained, however, confined to some civil and political rights.

Punitive linkages between violations and aid flows split human rights organizations with some, like Amnesty International, never advocating aid cut-offs as punishment for violations and others, like Human Rights Watch, advocating punitiveness.⁵⁵ In 1997, Human Rights Watch outlined how conditionality should be applied to Bosnia and Herzegovina: human rights organizations would be reporting whatever they deem to constitute violations directly to international financial institutions, who could then decide on the reduction or ter-

mination of assistance.⁵⁶ The proposal for NGO-created information to trigger suspensions of development funding vividly portrays the tone of punitive approaches.

Alongside human rights organizations, development organizations play a significant, and increasing, role in policy-making as well as in assessing its implementation. Development cannot operate on a stop-go basis and organizations involved in development tend not to support punitive suspensions of aid and often focus on the accountability of donors rather than recipients. The annual NGO review of development assistance *Reality of Aid* has become a standard reference alongside the official annual stock-taking by DAC/OECD. The status of NGOs has also been raised through an increasing channelling of donors' funding through them, although this change has also pulled in the opposite direction. Concerns have been expressed about the fact that in Norway, for example, NGOs play such a prominent role that they can be considered agents of the aid system.⁵⁷

4.2 EXISTING MODELS

Human rights have been a late addition to development policy and are one out of very many add-ons. The trend towards rights-based development in the new millennium aims to recast development policies by mainstreaming human rights, which is an immensely ambitious exercise. Both terminologically and conceptually, differences within the international donor community are profound. Although almost all bilateral donors have made commitments to human rights in their policies, few have done so for minority rights, defining minorities narrowly, as ethnic, religious and linguistic communities, and focusing on individual rather than collective rights.⁵⁸

Amongst multilateral agencies, commitments to human rights are rare, commitments to minority rights as yet non-existent. The absence of human and/or minority rights language in development policy, however, does not preclude substantively addressing minority rights, because minorities tend to be encompassed by the principal beneficiaries of development interventions, who are labelled as the disadvantaged, vulnerable or excluded.

4.2.1 EXPLICIT COMMITMENT TO MINORITY RIGHTS

Detailed descriptions of donors human rights policies would by far exceed the scope of this text and, moreover, explicit references to minority rights are too few to justify such an extended review. This text rather emphasizes the dynamics of policy-making by highlighting the key issues relevant for the inclusion of minority rights and points to particularly important factors that seem to have channelled attention to minority rights.

(a) The Netherlands

The emergence of the term minority rights in donors policies can be traced to 1991. One of the first formal commitments was made by the Netherlands in September 1990 in the form of a pledge, within its human rights policy, to demonstrate its concern for the rights of cultural minorities.⁵⁹ Two well-known series of events in 1991 placed minority rights on the international agenda: Operation Provide Comfort in northern Iraq and the break-up of the Former Yugoslavia. Subsequent Dutch aid policies to the Former Yugoslavia have particularly emphasized minority rights, partly because of the trauma created by the controversial complicity of the Dutch blue helmets in the Srebrenica massacre.⁶⁰ It has taken a long time to add the Roma and Sinti to the list of victims of discrimination, and even longer to re-mould development policies from retrospective to forward-looking and to prioritize the relations between the Macedonian majority and the Albanian minority in the educational system.⁶¹

The spread of armed conflicts in the developing and transitioning world inevitably pointed in the direction of halting and ultimately preventing abuses of power. In *A World of Dispute*, the Dutch Ministry of Foreign Affairs focused on the on-going conflicts in the world and outlined what donors should do in response. That reorientation was critiqued for marginalizing development through linking aid to foreign policy and defence.⁶² A 1994 DAC review of Dutch aid was less outspoken but no less doubtful as to whether a developmentally orientated conflict resolution would prove successful, while possibly detracting from long-term development objectives in the meantime.⁶³ Reviews of countries which exploded or imploded revealed the necessity of re-linking human rights to development policy. Land rights have proved to be the most difficult human rights issue to solve in countries such as South Africa and Zimbabwe, El Salvador or

Guatemala, and may well undermine whatever seems to have been accomplished in political transition. The right to education and vocational training for past, current or prospective child-soldiers has turned out to be indispensable for halting warfare, for which failed peace-making in Sierra Leone in 1999 represented just one example.

(b) European Union

The EU's development aid has attained notoriety for its slowness and fragmentation, while difficulties in policy-making are well illustrated by the fact that no less than four Commissioners are in charge of its various facets. European Community law has, however, made an important step towards affirming that development policy ought to adapt to human rights, actually to become subordinate to human rights, rather than the other way around as is usually the case. The provision of the Treaty on European Union whereby development policy should contribute to the general objective of respecting human rights has been interpreted to require no less.⁶⁴ Translating this postulate into practice represents a huge challenge, not only for the EU but for all donors.

The European Communities (as it then was) introduced minority rights alongside human rights, responding to the developments in the Former Yugoslavia to articulate, as a condition for recognizing new states in Eastern Europe, guarantees for the rights of ethnic and national groups and minorities.⁶⁵ The requirements of this formulation, later dubbed the Copenhagen political criteria, were to be met by applicants for EU membership. Minority rights have been included in cooperation agreements in their broad definition, embodied in global and regional political commitments.⁶⁶ The average incomes in Central and Eastern Europe exceed the limit of eligibility for development aid, hence minority rights do not pertain to development policy as it is commonly defined in that region.

Within development policy, the EU has favoured indigenous over minority rights, and acknowledged how profoundly the recognition of indigenous rights alters development policy. The Council's 1998 resolution on indigenous rights has affirmed the right of indigenous peoples to choose their own development path, including the right to object to projects in their traditional areas. It has added that development policy should enhance the rights and the capacity of indige-

nous peoples to their self-development (the shaping of their own social, economic and cultural development), which implies integrating the concerns for indigenous peoples as a cross-cutting aspect at all levels of development cooperation and enhancing the capacities of indigenous peoples organizations to take effective part in the planning and implementation of development programmes.⁶⁷ A similar line of argument will often be applicable to minorities.

The EU's first annual human rights report⁶⁸ provides a good illustration of the tentative references to minorities in its policy. The vocabulary wavers between minorities, communities and ethnic groups, while an extrapolation of human rights safeguards for minorities in development has not even been attempted.⁶⁹

(c) Norway

Two decades of experience in linking human rights and development aid in Norway form the background against which prospects for minority rights can be assessed. The inclusion of human rights in development policy originated from a 1984 review of Norwegian development aid which acknowledged that human rights violations were taking place in all countries receiving Norway's aid. The first White Paper followed immediately and envisaged modification, reduction or cessation of Norwegian assistance when the government of the recipient country takes part in, tolerates or directly executes violations of human rights. Re-channelling of aid from governmental to non-governmental entities focused on groups which on an impartial basis offer legal relief or material or moral assistance to the persecuted and their families.⁷⁰ In a number of countries receiving aid from Norway, denials and violations of minority rights have been at issue.

Norway has acknowledged both individual and collective indigenous rights domestically and pledged protection of minority rights, especially for the Roma.⁷¹ Internationally, the recognition of minority rights has been motivated by Norway's prioritizing of supporting peace and democratization, and integrating peace efforts, conflict resolution, democratization measures and human rights measures with Norwegian aid and emergency relief.⁷² In 1995, human rights were subsumed under conflict-resolution, as part of a policy package consisting of peace efforts, conflict resolution, democratization measures, which were to be integrated into Norwegian aid and emergency relief.⁷³

The objectives have subsequently become even more ambitious and encompassed conflict-prevention.⁷⁴

Norway's development policy highlights minorities and indigenous populations (termed vulnerable groups) in the field of education,⁷⁵ while generally emphasizing the need to empower local communities to safeguard their own interests, [so as] to increase the benefit people derive from democratic and other political processes.⁷⁶ The 1999 DAC/OECD peer review of Norway's aid has hailed new frontiers of policy evolution which Norway has broached, but noted the need for policy coherence, especially with regard to the nexus between development and human rights policy, pertinent in Norway's emphasis on the political foundations of development.⁷⁷

The coherence of Norway's application of its human rights policy has often been a target of critique. The choice of governments with whom dialogue has been the chosen method for promoting minority rights — such as China and Turkey,⁷⁸ despite their much criticized record on minority rights — has illustrated difficulties in balancing commercial and political self-interest against the commitment to human and minority rights.

(d) United States of America

An important feature of US human rights policy is its long tradition of linking human rights and development aid punitively while conceptually dissociating human rights from development through the non-recognition of economic and social rights. One cannot therefore speak about minority rights in US development policy although a minority rights policy has been emerging. The change of administration in 2000—1 is likely to further re-mould the domestic organigram of US aid although it is difficult to predict whether the globalization of US domestic policies and concerns⁷⁹ will continue as its main feature.

In development policy, the vocabulary alternates between vulnerable, disadvantaged and marginalized groups. The objective of development assistance is defined as bringing poor, disadvantaged and marginalized groups into the mainstream of an expanding economy; the underlying reasoning is that economic growth alone — without redistribution — will reduce and ultimately eliminate poverty.

The explicit mention of minorities and their rights is confined to the areas of democracy and human rights.⁸⁰

The launch of annual reports on international religious freedom in 1999⁸¹ has focused attention on religious minorities. These have already been encompassed in the annual country-by-country reports on human rights practices, which have also addressed linguistic and ethnic minorities.⁸² The approach of these parallel procedures is to record specific abuses with the associated possibility of the USA resorting to some form of economic sanctions against countries whose record it has assessed as unacceptable.

(e) United Kingdom

A new vision of British development aid, set forth by the new Labour government, formally broadened human rights explicitly to include economic, social and cultural rights⁸³ and subsequently committed the government to rights-based approach to development. The UK's commitment to rights-based development has been accompanied by its concerted effort to increase resources for the poorest countries, especially through debt relief, emphasizing resource allocations in all plans for attaining anti-poverty or development targets.⁸⁴ Their attainment is a necessary foundation upon which the recognition and promotion of human rights can be built. The commitment to increase aid (by more than one-quarter) represented a welcome departure by the UK from the general trend of diminishing aid flows.

Collaboration between the Treasury and the Department for International Development (DFID) has made it possible to tackle major determinants of financial inflows and outflows, such as debt servicing, trade and investment, as well as aid. A merger between foreign and development policy was evidenced in the joint publication of annual human rights reports by the Foreign and Commonwealth Office and the DFID. This model of joined-up government seems a promising avenue for mainstreaming human rights throughout UK's external policies.

The government has emphasized that it gives social, economic and cultural rights the same weight as civil and political rights and further committed itself to using Britain's influence to seek the realization of the social and economic rights.⁸⁵ In May 1999, the rights-based approach was applied to education in *Learning Opportunities for All: A Policy Framework for Education*, which linked education (defined as acquisition of knowledge and skills) to the principal objective of poverty-eradication. The conceptual underpinning has been the vicious circle in which poverty was caused by

the lack of access to education, and the lack of education then caused perpetuation of poverty. DFID's consultation document, which aimed to link human rights and poverty reduction, has only mentioned minorities with regard to language policies that promote cultural rights of minorities.⁸⁶ Operationalization of the rights-based approach has targeted language policy, based on the well-known fact that, initially, a familiar language is the best medium for education.⁸⁷

Discrimination against minorities has been acknowledged to be a worldwide problem, but the arrival in the UK of Roma asylum seekers from the Czech Republic and Slovakia⁸⁸ added domestic concerns. The postulate of joined-up government has necessitated linking minority rights, migration and development policies, with unknown outcomes as yet.

4.2.2 FOCUS ON VULNERABLE AND/OR DISADVANTAGED GROUPS

The vocabulary of development policies at the beginning of the new century exhibits a variety of terms under which minorities are subsumed, such as disadvantaged or vulnerable, or underprivileged, or at-risk groups, categories or communities. Such terms regularly remain undefined, hence unclear as to their intended beneficiaries, since they enable arbitrary inclusion and exclusion of specific categories and groups. Dutch development policy, although recognizing minority rights in some areas, has defined minorities, alongside children and disabled people, as vulnerable members of society or vulnerable groups.⁸⁹ Belgium's aid policy has included combating discrimination, in particular against the most vulnerable sections of the population such as ethnic and other minorities.⁹⁰ Sweden has pledged support for governmental respect for and protection of the rights of indigenous peoples and specially discriminated minorities⁹¹ but this has been done with regard to peace-making rather than development.

Because the key purpose of aid has become poverty reduction, the key feature for defining beneficiaries of development interventions has necessarily become their poverty. Development policies have been conspicuously silent on the causation of poverty, not heeding the frequent association between minority status and poverty. Poverty is often the consequence of denied access to resources and/or opportunities to gain livelihood, and such denials are often the result of institutionalized and/or legalized discrimination. A notable exception to the silence of development policies on the causation of poverty has been Sweden's 1998 *Rights of the Poor* —

Our Common Responsibility aid programme, which has argued that poverty often resulted from denials of human rights.⁹²

Amongst donors who have not adopted the language of minority rights, there is a great deal of variety. Japan does not use the term minority rights but rather socially vulnerable populations.⁹³ Japan has cautiously elaborated a human rights policy and is equally cautious in its translation into practice. Its 1992 Development Assistance Charter has emphasized the principles of sovereign equality and non-interference in internal affairs before listing environment and military expenditures, followed by human rights, as additional principles.⁹⁴ Addressing human rights problems in other countries, regarded as the Western approach, clashes with the commitment to non-interference in internal affairs, which is regarded as the Asian approach; Japan combines the two.

Similar alternating typifies the World Bank. Human rights terminology is amply used in documents which do not embody rules which the staff should follow, but not at all in those whose breach entails the Bank's accountability. Minorities have been explicitly mentioned in the education strategy. The obvious reason is that the language of instruction can make education inaccessible for minority-language children or unacceptable for religious minorities unless their religion is respected. The World Bank has defined access to the prerequisites of economic growth (education, health care, credit, land and knowledge) as the key to poverty reduction, emphasizing that ethnic, religious and racial minorities are particularly frequently excluded from access to such resources.⁹⁵

5. Operationalizing minority rights in development policy

The current dedication of development policies to poverty eradication requires the corollary orientation of all specific inputs, thus the association between minority and poverty has provided the point of departure. The process of identifying the poor, finding out who and where they are, and discerning the reasons why they are poor has revealed how fitful the attention paid to minorities has been. In the first series of the World Bank's poverty assessments in 1989–95, ethnic and gender discrimination was identified as an obstacle to poverty reduction in Bolivia with the corollary implication that at the very least, legal and regulatory codes should be revised to remove institutionalized discrimination. Similarly, minorities were found to represent a highly disproportionate share of the rural poor in China, while the ethnic dimension of poverty was found to be very important in Malaysia. There was no mention of minorities in Ecuador, India, Mexico or Nepal,⁹⁶ however, signifying that the choice of including or excluding minorities was left to individual teams.

The overlap between poverty and minority status could provide a strong impetus for mainstreaming minority rights in development policy. Once donors have switched to studying poverty as a process, poverty is often seen as a consequence of institutionalized denial of access to resources, goods or services, and research routinely highlights minorities as victims of such denial. An inclusive approach to development, then, necessitates recording minority status to detect direct and indirect discrimination in the development process. It is only with regard to gender that the need for data collection has penetrated development policy, while other internationally prohibited grounds of discrimination remain hidden and discrimination thus cannot be exposed and opposed. The success with gender demonstrates that the opening for such a change has been created in policy-making and its translation into practice.

Evaluations of the effects and impact of development policy constitute the crucial but difficult component of operationalization. The dominance of projects in previous decades made evaluations relatively easy. Projects were required to yield some tangible results and these (or the lack thereof) could be ascertained. It was often found that the most successful projects were those that were completely donor-controlled, with their organization

independent of the local institutions, staffed by foreign experts and carried out with foreign technology⁹⁷ and thus counterproductive from the viewpoint of sustainability, local ownership, or impact. The shift to macro-policy and structural issues in the 1980s has made evaluations of the effects and impact of development policies difficult. It has been recognized in Denmark that systematic monitoring of development objectives in general is not a strong feature of Danish development assistance,⁹⁸ but the same applies to all donors. The 1993 Conference on Human Rights called on prominent international and regional finance and development institutions to assess the impact of their policies and programmes on the enjoyment of human rights⁹⁹ but such calls have thus far gone unheeded.

6. Conclusions

The World Bank's 1998 study of aid has suggested patience and focus on ideas¹⁰⁰ as the key to translating the profoundly changed approach to development into practice. Patience is perhaps an unappealing suggestion for an area where there is so much to do and so little has been done, such as minority rights, but the focus on ideas certainly provides a useful hint. Because development policy is in flux, the space for new ideas is open.

Many efforts have been expended, especially by human rights organizations, to contribute to creating a coherent human rights policy — bilateral and multilateral — but one important obstacle has been that human rights have been added on rather than integrated into development policy. Minority rights come as yet another addition, following indigenous rights and gender. They have entered development policies at a time of diminishing aid flows and so the gap between the promise (embodied in development policies) and the capacity to translate it into practice (determined by available funds and their allocation) is characteristic of the donor community as a whole.

Traditional human rights work, focused on exposing and opposing violations, has become more difficult in the area of its overlap with development policy. An important obstacle is a recent change of terminology in development policy which emphasizes partnership. Its positive side is the underlying recognition of the recipient as partner rather than object of development interventions, but its negative side is that this assumption of partnership, that permeates development policy, cloaks inequalities and abuses. These are unlikely to have diminished and may have actually increased and intensified.

A variety of external policies of Western industrialized countries affect developing countries. Development policy may be implemented by a separate ministry of development cooperation or by a range of different ministries. Human rights policy may be part of the traditional foreign affairs ministry, or split between a number of different ministries. At the global level, IMF policies are generated by finance ministries of the major shareholders, which are seldom targeted by human rights lobbying.

Experiences with traditional human rights work in previous decades have shown the need for a clear definition of

the purpose of exposing and opposing human rights violations. Advocacy for linkages between minority rights and development policy is likely to be seen as support for the existing punitive pattern. One reason for this is the heritage of previous decades, another is segregation of human rights projects from mainstream development into a separate activity. A well thought out clarification as to how minority rights should be conceptualized and applied within development seems both necessary and overdue. Such a clarification should, however, include advantages and disadvantages of opting for (or combining) punitive and promotional approaches.

Experience of promoting gender and indigenous rights can be used to provide guidance for specific development strategies. The success in including gender in all multilateral and bilateral development policies reflects a confluence between domestic and international constituencies. It also reflects the dynamics of policy-making: the initial commitment generates the creation of data needed to document disparities, which serves as the background for creating policies to address and redress discrimination. Data related to all other internationally prohibited grounds of discrimination have yet to be created and, more importantly, the initial commitment to the full application of non-discrimination in development policy has yet to be made.

Unlike gender, the move to include indigenous rights in development policies could not benefit from strong domestic constituencies in the West. The success of this process thus provides useful lessons in strategy and mobilization and, even more importantly, in the conceptual work that forms the necessary background for the inclusion of human, indigenous and minority rights in development policies. The lack of quantitative and qualitative data which demonstrate the scope and depth of denials of ownership and participation in development to minorities is a glaring gap that should be closed.

The turn of the millennium has been marked by the focus of the international donor community on poverty reduction. Two interpretations can be given for this change. On the positive side, it may signify the realization that poverty constitutes an obstacle to survival, let alone development. On the negative side, the focus on poverty rather than development could mean the lowering of ambitions.

The biggest changes in development aid policies that have taken place at the beginning of the twenty-first century and the new millennium are vastly improved access to information and broadened space for input into decision-making. The requirements of transparency and accountability have combined with technological innovations to provide immediate access to information in the possession of multilateral and bilateral creators of development policies. A decade ago, most information was confidential and precluded informed participation. The increased space for providing input into decision-making, to which the improved status of NGOs has provided yet another impetus, originated in the commitment to participatory development. Providing input into decision-making is necessary in the situation where an increasing number of development agencies have committed themselves to rights-based development while there is little knowledge as to how development policies should be remoulded to adjust to this commitment.

7. Recommendations

MRG recommends that governmental, intergovernmental and non-governmental development agencies:

- 1 Design and implement policies and programmes to protect and promote minority rights.
- 2 Adopt a comprehensive rights-based approach to development and include the protection and promotion of minorities rights as a key feature of their approach.
- 3 Devise development policies so as to enshrine key international human and minority rights standards, including Articles 4(5), 5 (1 & 2) and 9 of the UN Declaration on the Rights of Persons belonging to National, Ethnic, Religious or Linguistic Minorities (1992) and other internationally agreed minority rights standards.
- 4 Review existing and past development policies and programmes and identify how they affected ethnic, linguistic or religious minority communities. A detailed analysis should be carried out as a priority on at least two major ongoing or past programmes, in order to inform imminent or future development policies and programmes.
- 5 Commission new research on the impact of development programmes on minority communities.
- 6 Use data disaggregated by ethnicity, language, religion (or, if unavailable, collect such data), to inform the design of new programmes, and the review of thematic, country, project and evaluation strategies.
- 7 Provide appropriate tools for staff to achieve the above objectives. Such tools should include training or assistance and should be provided for central agency staff in addition to staff from the local and national agencies that implement the programmes.

Notes

- 1 The UN human rights structure placed the Commission on Human Rights as the principal policy-making body while its two subsidiary bodies were to be a Sub-Commission on Freedom of Information (which was never established) and the Sub-Commission on Prevention of Discrimination and Protection of Minorities (which was immediately set up). Despite its original name, this Sub-Commission worked as a subsidiary body of the Commission and started dealing with minorities in earnest only in the 1990s, after the Cold War had ended. Its name was changed in 1999 to the Sub-Commission on the Promotion and Protection of Human Rights.
- 2 The adjective like-minded was originally developed in the late 1970s to denote those Western donors whose development policy aimed to enhance human rights in developing countries. It has since become a self-descriptive label of a group of developing countries (such as India, Pakistan, China or Cuba) within the UN Commission on Human Rights which tend to oppose all Western human rights initiatives.
- 3 *Human Rights and the United Nations Family*, New York, United Nations, 1966, para. 309.
- 4 The Bank's Articles of Agreement (Article IV(10)) state that neither the Bank nor its officers shall be influenced in their decisions by the political character of the member in question. This formulation is called the political neutrality clause and it has been interpreted as excluding human rights from the Bank's remit as well as including them.
- 5 Tomaševski, K., *Development Aid and Human Rights Revisited*, London, Pinter, 1993, pp. 61—8.
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- 8 Sir Joseph Gold, then IMF's Legal Adviser, explained that both political and distributional effects of the IMF policies within countries were beyond the Fund's remit. Gold, J., Political considerations are prohibited by Articles of Agreement when the Fund considers requests for the use of resources, *IMF Survey*, 23 May 1983, pp. 146—8.
- 9 *Guidelines on Conditionality*, Washington, DC, IMF, March 1979, item 4.
- 10 Summers, L., The troubling aspects of IMF reform, *Financial Times*, 23 March 2000.
- 11 Communiqué of the Interim Committee of the Board of Governors of the International Monetary Fund, Press release no. 99/46, 26 September 1999, corrected 27 September 1999, para. 5.
- 12 US policy and practice in linking human rights violations and aid flows in the last two decades is described in Tomaševski, *Development Aid and Human Rights*, pp. 50—4.
- 13 Pronk, J.P., Human rights and development aid, *Review of the International Commission of Jurists*, June 1977, p. 36.
- 14 Baehr, P.R., Concern for development aid and fundamental human rights: the dilemma as faced by the Netherlands, *Human Rights Quarterly*, vol. 4, 1982, pp. 39—52.
- 15 Tomaševski, K., *Responding to Human Rights Violations 1946—1999*, The Hague/Boston/London, Martinus Nijhoff Publishers/Kluwer Law International, 2000.
- 16 *Development Cooperation and Human Rights*, Dutch Human Rights and Foreign Policy Advisory Committee, Advisory Report no. 5, The Hague, 1987, p. 40.
- 17 Tomaševski, K., *Between Sanctions and Elections: Aid Donors and their Human Rights Performance*, London, Pinter/Cassell, 1997, pp. 146—7.
- 18 All members of DAC/OECD subscribed to the common platform for aid at the turn of the millennium in the form of 1996 *Shaping the 21st Century: The Contribution of Aid* (Paris, DAC/OECD, 1996), which placed poverty eradication at the core of what aid should accomplish.
- 19 World Bank, *Sub-Saharan Africa: From Crisis to Sustainable Growth, A Long-Term Perspective Study*, Washington, DC, World Bank, 1989.
- 20 DAC/OECD, *Participatory Development and Good Governance*, Development Co-operation Guidelines Series, Paris, 1995, part III, para. 31.
- 21 Shihata, I.F.I., The World Bank and human rights, *The Bank's World*, February 1988, p. 15.
- 22 Landell-Mills, P. and Serageldin, I., Governance and the development process, *Finance & Development*, September 1991, pp. 14—17.

- 23 Human Rights Committee, *Initial Report of the United States of America under International Covenant on Civil and Political Rights*, UN Doc. CCPR/C/81/Add. 4 of 24 August 1994, para. 1.
- 24 International Monetary Fund, *Good Governance: The IMF's Role*, Washington, DC, August 1997, p. 9.
- 25 DAC/OECD, *Development Co-operation: 1998 Report*, Paris, 1999, p. 41.
- 26 McConnell, M., Dialogue or decision? Special report: foreign aid and the American purpose, *Freedom Review*, vol. 26, no. 3, May—June 1995, p. 11.
- 27 Development partnerships in the new global context, Statement adopted by members of DAC in May 1995, *Development Co-operation: 1995 Report*, Paris, OECD, 1996, pp. 18—20.
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- 31 Rwanda, *EuroStep News*, no. 20, April—June 1995, p. 24.
- 32 UN in \$1.4bn Rwanda plea, *Financial Times*, 18 January 1995; Crossette, B., Rwanda calls for development aid, *International Herald Tribune*, 9 June 1995.
- 33 *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience, Historical Perspectives: Some Explanatory Factors*, Copenhagen, Joint Evaluation of Emergency Assistance to Rwanda, March 1996, Study 1, pp. 36—9.
- 34 *Guatemala: Memory of Silence, Report of the Commission for Historical Clarification*, Guatemala City, February 1999, para. 113. The text is available at <<http://hrdata.aaas.org/ceh/report>>.
- 35 United Nations, *Advisory Services in the Field of Human Rights: Report by the Expert on Guatemala*, UN Doc. E/CN.4/1988/42 of 10 December 1987, para. 57.
- 36 *Political Transition and the Rule of Law in Guatemala, Report of the Follow-up Delegation of the International Human Rights Law Group and the Washington Office on Latin America*, Washington, DC, January 1988, p. v.
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Minority Rights & Development

Minority Rights and Development is a research and advocacy programme undertaken by MRG in conjunction with an international network of partners. The programme embraces economic, social and cultural rights as well as civil and political rights of minorities and links them to development issues. The aim is to ensure that poor and marginalized minority communities benefit from external development initiatives by:

- Documenting, publishing and disseminating minority community experiences of development in short reports,
- researching and analysing the needs and wishes of minorities in a country or community and publishing a policy document to be used to influence major donors already funding work in that area,
- raising minority rights and development issues in international fora and undertaking advocacy and lobbying work at local, national and international levels.

Minority Rights Group International (MRG)

MRG is an international non-governmental organization working to secure rights for ethnic, religious and linguistic minorities worldwide, and to promote cooperation between communities.

MRG:

- Commissions and publishes well-researched and accessible Reports, Books and Papers on minority issues.
- Promotes minority rights through direct advocacy in international forums and in dialogue with governments.
- Builds on a global network of like-minded organizations and minority communities to cooperate on minority rights issues.

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Minority Rights in Development Aid Policies

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Published November 2000 ISBN 1897693 78 8

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Minority Rights in Development Aid Policies

The focus of this Issue Paper is on how major development aid donors incorporate minority rights into their development policies. Few donors have an explicit commitment to minority rights in their development policies. For those that do, their commitment tends to have arisen from events such as the genocides in Rwanda and Guatemala.

This Issue Paper argues that the need for inclusion of minority communities should not be based on conflict-prevention alone. Social exclusion and poverty demand international action and many international standards exist which commit international bodies to tackling discrimination and including minorities.

The Issue Paper examines the changes in development strategies over the past decades, and the changing conditions under which such strategies are put into practice. In sections on donors with an explicit commitment to minority rights in their development policies, the Issue Paper highlights the key issues and factors that have channelled attention to minority rights. The Issue Paper concludes with a call for the production of data demonstrating the scope and depth of denials of ownership and participation in development to minorities, and a set of recommendations for agencies involved in development work.