



Rights & Democracy

International Centre for Human Rights
and Democratic Development

The Democratic Development Exercise: Terms of Reference and Analytical Framework

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THE APPROACH

This text is also [available in Arabic \(PDF\)](#).

1. The Approach

ICHRDD has carried out since 1993 a series of studies and workshops in several of its core countries as a basis for strategic decision-making regarding its activities. The studies were initially based on a "democratic development framework" developed by Mr. Edward Broadbent, President of the International Centre, and David Gillies, which has become in a sense a trademark of the Centre and, as such, has been widely discussed with other institutions involved in supporting democratic development initiatives. **(1)**

With the experience of five completed study-workshop processes and two others underway **(2)** and the external evaluation of three of the completed processes, a sufficient quantity of material has become available to undertake a critical assessment of the work to date and to formulate a more integrated overall approach on the basis of the lessons learned.

The Link Between Human Rights and Democratic Development

The idea of a necessary link between respect for the full range of human rights and the existence of an effectively democratic society was the major original contribution of the ICHRDD democratic development framework when it was first developed. Even now, despite much wider-spread acknowledgment of such a link by the international community, most partner organisations in the South continue to consider that link to be an innovative and useful approach for their own work.

Many other institutions - state and non-governmental, Canadian and international - have in the past few years also begun to dedicate specific resources to conceptualising approaches and executing programming in the field of human rights and democratic development. There exists thus a growing body of policy documents on the subject, although there is still little inter-institutional sharing and few attempts at constructing an overview. Moreover, there has been little attempt to construct a common vision of the problem: hence, each institution proceeds to define "democracy" from its own institutional perspective and priorities, so that the instruments and approaches adopted demonstrate a great disparity of concepts and criteria. Although the Centre's approach will continue to be based on its priority to civil society in the democratisation process, and by its view of democracy as a social process and not simply a series of institutions, it sees itself as one participant amongst many on the international scene dealing with these issues. It therefore understands that this analytical framework should be treated as an invitation to discussion and debate, in a context where international organisations are beginning to call for a "common framework of understanding of the specific country context" in joint efforts to support democratisation (see OECD 1995).

ICHRDD'S OBJECTIVES IN THE DEMOCRATIC DEVELOPMENT EXERCISE

2. ICHRDD's Objectives in the Democratic Development Exercise

The Centre's overall goal in this initiative is to **support and promote the process of democratic development** in specific core countries.

The Centre, contrary to many other institutions, emphasises both terms of the phrase **democratic development**. **Democracy** is seen as encompassing both the normative, or institutional aspects of governance, as well as the social praxis or exercise of effective citizen participation in determining the priorities and orientation of public policy. **Development** is seen as a political process of decision-making by both State and civil society actors leading to the effective mobilisation of economic, social and cultural resources

for a just process of socially negotiated creation and distribution of wealth and power that attempts to respect the entire family of human rights. The human person is the central subject of development.

In the phrase "democratic development", the emphasis is usually put on one of the two terms, thus underemphasising the other.

Democratic development tends to be taken as the design and functioning of the institutions of governance. **Democratic development** is most often considered to be the process of empowerment of the marginalised sectors of society in the economic decision-making that affects them. As we have seen above, the Centre's insistence on maintaining a holistic approach to each of the two terms as well as on the meaningful link between the two, is in itself an innovation and a contribution to the debate.

The objective of the democratic development initiatives in the Centre **is to design and implement a coherent process of analysis of the trends affecting democratic development in any given country, and of formulation of the key strategic problems within which to focus support. (3)**

The Centre's support can be directed to actors from the State or from civil society, or both. However, the Centre has clearly opted for a criterion of priority to strengthening civil society in its choices of resource allocation. Civil society is seen as the major long-term guarantee of democratic development. As well, in most cases civil society is under-resourced to play an influential role in democratic development. In cases where support is given to State institutions, the decision is informed by the strategic priority of reinforcing civil society (i.e.: in order to move forward an issue that is obstructing effective participation in or by civil society, or respect by the State of the role of civil society).

The definition of strategic priorities for support to democratic development is conceived of as a process involving several stages, each of which arrives at a particular product, which in turn feeds into the following stage. The objective of the process is not the product in itself, and both process and product can and should be redefined as a function of the dynamic generated around the initiative. In short, the initiative is an on-going work-in-progress which evolves through the following stages:

- a) the definition of a common analytical framework;
- b) a phase of research using the common framework;
- c) socialisation of the analysis and participatory strategising;
- d) programme support to the implementation of the strategies defined.

The process envisaged is not, however, the same in every case: on the contrary, it is meant to be flexible and iterative, reflecting our evolving knowledge and experience and adapting itself to the specifics of each country case. Within the scope of this initiative, the Centre intends to involve key actors in the democratisation process as participants in the analysis and outcome of the democratic development work.

THE CONCEPTS

Civil Society

The analytical approach chosen by the Centre is informed by its strategic bias in favour of civil society, that is: its conviction that civil society is the key element in determining whether or not an effectively democratic society exists. Civil society may exist without democracy, but democracy cannot exist without a strong civil society (Broadbent, 1993b). The Centre regards civil society as "the sum of all non-family social institutions and associations in a country" which are autonomous, independent of the State and capable of **significantly influencing** public policy (Taylor, 1990). Civil society thus includes churches, business organisations, NGOs, trade unions, citizens' groups, the media, etc. Political parties, as they play a double role - partly within the State and partly within civil society - can be considered part of civil society in certain contexts and with respect to certain issues. In particular, in their role as promoters and generators of public debate on and mobilisation around policy issues, political parties play an active part in civil society. They also act as mediators between citizens and the State, and can therefore be an important locus for promotion of democracy when the nature of the relationship between State and civil society is at issue. They are as well the means by which an individual can move from being a citizen in civil society to a citizen holding power in government.

The family as such is not considered here to be an organisation belonging to civil society. It must however be examined in the light of its extremely important role in learning and socialisation, and often as an environment favouring the realisation of the human person. The fact that the family is not considered to be part of civil society does not deny its crucial importance as a locus of the realisation or violation of the human rights of its members, particularly women and children. The family is rarely an actor as such on the public policy scene, but it must be subjected to specific scrutiny as an institution that promotes, denies or violates rights of certain of its members, and as an institution whose structure and functioning are determined by public policy, sometimes to a great extent. **(4)** Due respect to cultural norms and practices notwithstanding, two major international conventions protect rights within the family (International Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination Against Women), and as such represent an international consensus on standards of treatment and behaviour in the "private sphere".

However, despite the fact that the family - or the "private sphere" in general - is not part of civil society, the very concept of "civil society" designates a zone of interaction between the "public" and "private" spheres: it "indicates the role of the private sphere' in the

gestation of conditions for collective public' action, and in the reproduction of the political and social order" (Vilas 1993). In the evolution of the modern state, civil society preceeded democracy. Indeed, there are today states with civil societies that themselves function undemocratically.

Democratic civil societies have at least three important characteristics:

- - civil associations are politically independent of the State;
- - a culture of tolerance and dialogue prevails;
- - all adult men and women have equal political rights, and, among them, the right to choose and reject their governors.

Moreover, the relationship between State and civil society in a strong democracy is characterised by substantive equality of access to the State for all groups without discrimination based on gender, race, religion or ideology (Broadbent, 1993b; Rueschemeyer, 1992). Language and other factors should also be taken into consideration as potential factors of discrimination.

It must be recognised, however, that different groups within civil society in reality have unequal access and potential to influence public policy. In general, organisations representing the economically and socially marginalised sectors of society have less voice than the business sector, which most often has a privileged relationship with the State. Three measures of a group's influence are:

- - ability to influence the setting of the **agenda** of public policy;
- - ability to influence the policy **process**;
- - ability to influence policy **outcomes**.

The ability to influence is in turn affected by factors internal to the group (its human and financial resources, its organisational capacity, its advocacy skills), but also by the level of tolerance and interaction amongst diverse sectors of civil society (capacity to form alliances and coalitions, to set common objectives for policy advocacy, etc.).

Strong democratic civil societies are made, not born, though, and that "making of a democratic civil society" has no culminating point. The characteristics referred to above as being indicative of a strong and democratic civil society are actually all processes in themselves: on-going organisation within all sectors of society; continual construction and redefinition of their political autonomy with respect to the State; broadening and reconstructing tolerance and dialogue; ensuring and defending equality of access to the State as well as greater equality within civil society.

Democratic Development

The assessment of the level and quality of democratic development existent in a given country must take into account then the trends on four distinct levels:

- - first, as mentioned above, in the structure and vitality of civil society;
- - second, in the institutionalisation of norms and practices of democratic governance;
- - third, in the creation and effectiveness of mechanisms of input, communication and dialogue between the State and civil society (including on-going institutionalised access to the State for civil society, and means of systematic citizen monitoring of State policy decisions and implementation);
- - fourth, in the power the majority within civil society have vis-à-vis powerful minorities (for example, workers with respect to the holders of corporate power in societies with market economies).

The Centre's approach to democratic development is based on the premise that full respect for the entire body of human rights is a **necessary** condition of a fully functioning democracy. It is a **sufficient** condition only if we consider human rights not only from the point of view of their formal recognition and promotion by the State **but also from that of their effective exercise by civil society** and citizens. Norms may well exist, but it is the social practice with respect to those norms that is crucial for the effective existence of democracy. (5) Rights are historically generated in processes specific to each society, and as such they are not only a product of, but an integral **constitutive element** of democracy.

Citizenship

In this connection, the notions of **citizen** and **citizenship** are fundamental. The **citizen** is the active subject of civil society. A modern notion of citizenship must reconcile the notion of republican "common good" with the liberal emphasis on pluralism. Citizenship does not abolish class conflict or diversity, but it is predicated on implicit "agreement that the "public interest" does exist and that the parties have the right to participate in its elaboration and in the obligation of submission to society's laws" (Leca, 1992). Notions of citizenship such as Hannah Arendt's (cf. Entrev 's, 1992), see "the practice of citizenship as being intimately linked to the existence of a public sphere where members of civil society can exist as citizens and act collectively to resolve democratically the issues concerning their life in the political community". However, other authors (Leca, 1992) point out that citizenship can only exist "if there is a social space **between** the public and private spheres... Citizenship depends on two simultaneous developments: the autonomous

mobilization of interests, which is an expression of a limited social pluralism, and the communal participation in the activities of the political centre, which is an expression of a widespread and stable devotion to the symbols of the community." This intermediate sphere, located between the private and the public spheres, is precisely the domain of civil society.

The concept of citizenship and in particular, the notion of the role of the responsible citizen has recently become a subject of much debate and creative thinking within civil society. Especially in countries of the South that are experiencing important democratic openings, the idea of the role of the citizen as an active and decisive participant in democratic reconstruction of society and the State represents a radical departure from previous stances. Formerly, the overwhelming tendency was to consider the State and government to be in charge of and responsible for the destiny of society. Although that view persists in many cases, the emerging trend is towards exploring the individual and collective responsibility of citizens, by virtue of their citizenship, for the recognition and respect of rights.

The State has a specific role to play with respect to the development of citizenship, despite the fact that citizenship is, as we have seen above, largely autonomous from the realm of the State. It is the State's responsibility nonetheless to cultivate the notion of citizenship and its implications for citizen behaviour amongst the population.

Transition to Democracy

The problem of regimes in transition from authoritarian to democratic systems poses specific questions for the analysis of democratic development. It is generally assumed, for example, that modernisation and democratic institutionalisation are mutually supportive (cf Taylor & Muntarhorn, 1994). Nun (1993), however, argues forcefully against the view that "modernization designates a panacea rather than extremely complex and conflictual transformations whose features are themselves the central object of political struggle."

The theory of "low intensity democracy" holds particular relevance for many of the contexts the Centre is led to deal with. Are these apparently democratic States (many in Latin America) actually ineluctably evolving towards democracy along with their economic modernisation? The theory of low-intensity democracy would suggest that they are not. Indeed, according to G. O'Donnell (1993): "A State that is incapable of defending its legality maintains a system of democracy of low-intensity citizenship... A situation in which one can vote freely and be confident that the vote will be properly scrutinised, but where one cannot expect just treatment from the Police or from the administration of justice, all of which calls seriously into question the liberal component of that democracy and which gravely restricts citizenship." In such cases where it can be reasonably demonstrated that there is no movement on the State level towards a fully democratic system of governance, the Centre's strategy for support to democratic development will reflect that by concentrating its collaborative efforts exclusively within civil society, and by working to generate as much pressure as possible from the international community towards that State.

At the same time, the extension of participation rights that in general accompanies political modernisation by the same token establishes the legitimacy of political dissent and confrontation. As Nun (1993) again remarks, "Participation is an 'essentially contested'^a category, not a talisman, and the identities and autonomies it may promote... are neither absolute nor constituted once and for all: they are subject to redefinition and negotiation, and conflict is inherent in them." As a major site of participation, civil society itself is a conflictual space which, in its more recent expressions, also reflects a "broadening of the socio-cultural reference points for collective action" (Vilas 1993).

In an international environment that tends to equate "liberalisation" and "democratisation" (6), the argument (cf. Broadbent, 1996) that the neoliberal model of a market economy is structurally incapable of defending and actualising the full family of human rights, requires analytical attention. In a context of globalisation, the Centre must work together with its partners on the development and promotion of a model of market economy which **maximises**, rather than undermines, rights. Such an approach flows from the Centre's commitment to democracy as a model of society and not simply as a model of State.

THE DEMOCRATIC DEVELOPMENT EXERCISE

The process as conceived for the purposes of the ICHRDD, involves four distinct and consecutive phases, each of which provides feedback for the other three and for the process as a whole. It is in that sense a **work-in-progress**. Each phase is designed to respond to specific objectives.

Phase 1: The Analytical Framework

This analytical framework consists of a series of six categories of rights representing the entire range of human rights, to be examined in the light of the concepts of democracy, civil society and citizenship outlined above. Its application in a dynamic manner should treat each category of rights as a field of interaction in which sectors of civil society constitute themselves and the democratic institutions within which they evolve.

The analytical framework is accompanied by a table of criteria (7) to be used as a tool for assessing state recognition of and respect for the entire range of rights. The table is not to be taken as a graphic representation of the framework as a whole.

A. The Categories

The criteria used are grouped into six interdependent categories: participation, security, well-being, non-discrimination, collectivities and democratic institutions (8) (itself subdivided into "state institutions" and "rule of law"). The categories are each rendered more explicit by subdivision into a series of criteria drawn from international human rights instruments, thus highlighting key issues in the recognition and implementation of rights. Each category and each criterion can be used to examine the circumstances of any sub-group within society (based for example on distinctions such as gender, age, social class, ethnic group). The human rights criteria used are drawn from the following instruments:

- - the International Bill of Human Rights (comprising the Universal Declaration and the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights), which is the standard reference for all human rights assessments;
- - the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which adds legal and normative weight to the Centre's emphasis on women's rights;
- - the Declaration on the Right to Development, which adds the dimension of international political economy to our overview;
- - ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries, which constitutes the only internationally-recognised instrument in this field. Although it does not touch on the issue of self-determination, it does specify the obligations of states regarding a broad spectrum of civil, political, economic, social and cultural rights of indigenous peoples.

Where appropriate, regional human rights instruments should also be incorporated into the analysis.

The corpus of international and regional human rights instruments is diverse. As many as 60 separate rights may be derived from them. A comprehensive examination of the full range of rights is neither feasible nor necessary. Instead, this series draws on a representative set of proxies. The criteria chosen are neither arbitrary, nor beyond dispute. Although reasonable people may differ on the priority to be accorded different sets of rights, the Centre has chosen to accord equal importance to each criterion. No attempt is made to privilege one category of rights over another, develop an ordinal ranking system for specific criteria, or a cumulative scorecard (compare Carter Center, 1992; Humana, 1986; Gastil, 1991; UNDP, 1992).

Each criterion was chosen for its central contribution to what the UN Charter calls "the dignity and worth of the human person". This emphasis also resonates with the Centre's conception of democratic development. **The ultimate purpose of democratic development is to maximise human potential through the active participation of citizens in controlling their own destinies, within the respect of duties towards others and towards the collectivity.**

This selection of criteria also underlines the indivisibility and interdependence of all human rights (9). That is why they are drawn from all points of the human rights compass: civil, political, economic, social and cultural. Taken together, the criteria are representative of those rights that make a life of dignity and meaning possible. By the same token, the absence or abuse of any one criterion diminishes the prospects for the dignity of the human person or group. Hence "political participation can be meaningless without adequate security of the person; it can be very restricted in its scope if discrimination is rife in society; it can appear close to meaningless where basic welfare needs are not met" (Taylor & Muntarhorn, 1994). In the same way, the degree of actualisation of women's rights as human rights in a society is an indicator of the quality of its democracy.

The grid entitled "Criteria and Indicators of a Democratic Society", which accompanies this text, is conceived as an analytical tool, **but does not purport to be the graphic representation of the analytical approach proposed in the narrative text.** Notably, the grid covers aspects of rights norms and practices that are the domain of the State: it does not purport to reflect the issues and practices prevalent within civil society. Civil society, its actors, practices and issues, given their extreme complexity, do not lend themselves well to representation in a simplified grid form, but will be fully developed within the narrative text.

Following is a more detailed explanation of the categories of criteria used and of the issues to be examined in each.

i) Participation

This category addresses the quality of citizen participation both on the level of the democratic institutions of the State (elections, multiparty system, government accountability, etc.) and within civil society (as described above). Three key civil liberties are the participatory rights to free expression, free association and free assembly. Two other participation rights enable citizens to "take part in government" either "directly or through freely chosen representatives". Article 21 of the Universal Declaration of Human Rights goes on to affirm that:

The will of the people shall be the basis of authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal suffrage and shall be held by secret vote...

This "take part" clause points beyond elections to a more expansive notion of a strong civil society capable of significantly influencing public policy. The "take part" clause underlines the programmatic character of participation. Although "dormant or imprisoned within

a hostile environment", the norm is a spur to protest with "subversive potential" (Steiner, 1988: 136). Direct participation through voting in local and national elections is a fundamental act of political participation. It measures three things: popular consent in the choice of decision-makers; competitiveness and fairness (particularly of electoral laws, political parties and electoral outcomes); and inclusiveness (universal or restricted suffrage). But voting and elections also have implications for any analysis of the health of political institutions, such as electoral commissions, the judiciary and the civil service.

The presence, absence, improvement or decay of the three civil liberties of free speech, assembly and association help measure the State's disposition towards civil society. The freedom to organise is key for democratic participation. It affects the prospects for the political expression of most elements of civil society: from political parties to development NGOs, from religious organisations to chambers of commerce. Independent trade unions can only flourish where there is substantive freedom of association and the right to strike. Trade union rights should be a key research focus both because of the important role the labour movement has played in the development of many modern democracies, and because such rights straddle both covenants and are the focus of many ILO conventions to which states may be party (Rueschemeyer et al., 1992). By the same token, NGOs as key development actors need an enabling environment for their work. Assessments should thus be made of any restrictive State legislation or policies towards NGOs, particularly as concerns their ability to act in an advocacy capacity.

Finally, freedom of expression, access to information from the public and the private spheres and the right to communicate are at the core of the idea of democracy. An independent media, both in terms of ownership and expression, is essential for informed political choice and wide public debate of alternative policies. Public access to the media, both in terms of production and consumption, should also be examined. Moreover, a vigorous democracy's lifeblood is in the existence of a vital public sphere where all citizens, including the most underprivileged, are allowed and encouraged to express their views.

Specific characteristics of the participation of women must be recognised and analysed. Above and beyond a statistical examination of levels of political participation by women (participation in elections, both as voters and candidates, proportion of women parliamentarians and high-level civil servants, number of women in influential positions in civil society organisations, etc.), the structural determinants of women's participation should be identified. For instance, do women's roles in the private sphere inhibit them from political participation? Do attitudes towards women constitute a barrier to their public role? Over and above that, do women and their concerns succeed in influencing public policy? Do women have an attitude towards power and authority that is different from that of men and which therefore affects the type and amount of their participation in the public sphere?

ii) Security

This category is used to assess the level of individual and group security. When the right to life and freedom from torture are violated systematically, all other individual and group rights are at risk. Freedom from extra-judicial killings (including forced disappearance) and torture are non-derogable rights and must not, therefore, be violated under any circumstances, including national emergencies. Arbitrary arrest and detention are used here to assess the climate of individual and group security or repression, even though both may be legally permitted by domestic legislation during bona fide states of emergency.

As concerns women, specific problems for their physical and psychological security exist in all societies and must be analysed specifically. In the private sphere (i.e.: family) as well as the public one, women may be subject to aggression (sexual, physical, psychological) or the threat of aggression, which constitute specific forms of torture. Most often these violations of women's rights are undertaken with complete impunity. We define violence against women in the same manner as the United Nations' Declaration on the Elimination of Violence Against Women (A/48/629), as follows: "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." In the terms of the Declaration also "women's opportunities to achieve legal, social, political and economic equality in society are limited... by continuing and endemic violence." Certain groups of women particularly at risk are identified by the Declaration as "women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict...".

iii) Well-Being

Not only are social and economic rights important for their own sake, they are also vital for sustaining democracy and for prompting economic growth. Empirical evidence suggests that sustained and extreme material inequality or the absence of public policies to redress such skewed distribution may contribute to democratic decay (Arat, 1991). Welfare rights, once considered to be the challenge of 20th century development (Marshall, 1950), are today under duress in both the South and the North. The neo-liberal reinterpretation of the role of the State is fundamentally undermining economic and social rights to start with, but also threatens the entire family of rights (Broadbent, 1996). Economic and social rights are rendered more precarious because the majority of States have chosen to define less clearly their legal weight and justiciability. States are merely enjoined by international human rights instruments to "progressively realise" those rights. The normative and policy retreat from welfare makes it especially relevant for ICHRDD to re-emphasise the salience of social and economic rights for human development and durable democratisation.

Trends in material social welfare will be assessed using the criteria of education, health care, labour rights and environment. These will

be taken as proxies for the larger category of basic human needs: to food and shelter, as well as to employment. Any factual description should be supplemented by an assessment of both state policies and international considerations, such as economic reform packages, that promote or erode social and economic rights. This section should also include an examination of environmental issues as a day-to-day problem for large parts of the population of southern countries. Erosion and large-scale industrialisation are but the tip of the iceberg. Usually these problems affect most severely the marginalised sectors of the population. Using international commitments as a guideline, researchers should examine state controls over private and public companies, as well as policy sensitivity to environmental issues (in agricultural programmes, for example). Also, environmental issues in the South as in the North are a major rallying-point for social movements: what is their position in and impact on civil society as a whole?

It should also be kept in mind that this category of rights is a generator of social conflict and is the site of much organisation on the part of underprivileged sectors of civil society and, as such, the inspiration for alternative policies.

As in most countries in both the North and the South, women constitute the majority of the poor, the category of well-being is particularly relevant to them: any reduction in social policies hits women first and foremost, increasing their poverty and their double and triple burdens. Moreover, the very design and conception of social policy in general takes into consideration at best only very partially women's responsibilities and roles in this field. It should also be noted that the various aspects of the issue of well-being are especially interrelated for women: for example, when social programmes are diminished thus increasing women's domestic responsibilities, their ability to find and maintain salaried employment is undermined, and their capacity to organise in order to ensure respect for their labour rights is also negatively affected. Access to family planning services is an important indicator of quality of living conditions for women, since lack of such access generally translates into higher rates of female mortality and lower access to education. Free choice in family planning is essential for women to be able to exercise their rights.

National and International Political Economy

During the 1980s and 1990s, the disposition and capacity of any state to provide the full range of human rights has been markedly influenced by the intensification of globalisation. On the positive side, this phenomenon has brought with it increased awareness and interaction amongst civil societies internationally, and has even stimulated the development of an embryonic "global civil society". The movement towards extension of market economies has, some maintain, afforded more equal access to improved living conditions and, by the same token, contributed to generating greater demand for democracy from civil society. On the negative side, two related phenomena have come into play: -1 The dominance of the neo-liberal economic ideology to the detriment of all other possible conceptions of a market economy has led to an exclusive insistence on de-coupling the state from the economy and abandoning the state's historic task of offsetting the unequal social impact of market forces. -2 Chronic debt overhangs and economic reform packages usually require reduced spending on welfare goods, such as education and health care.

Structural adjustment programs brokered by international financial institutions (IFIs) reduce states' autonomy to frame or even debate macro-economic and social policy. This may have consequences that undermine democratic development. Domestic publics are often shut out of negotiations between states and powerful IFIs. The absence of internal democratic debate and the severity of the austerity measures may prompt social instability that threatens democratic governance. In sum, "the erosion of the state's capacity to respond to pressures and demands emerging from within national territories ... is eliminating the **raison d'être** of political participation as it has been traditionally conceived" (Perez, 1993).

Hence, the researchers should (a) frame their analysis of welfare provision in the context of any extant economic reform packages. Where appropriate they should discuss the degree to which such packages erode the social and economic rights of the poorest; and (b) examine the impact of IFI-brokered reform packages for the prospects of democratic public policy making. Growth in national income does not automatically increase the well-being of the poor. In most countries presently considered to be experiencing a process of democratic transition, income distribution is extremely unequal. As a result, (c) the researchers should examine whether or how skewed income distributions and/or land ownership reinforce an unequal capacity for different groups and classes in society to access and influence the political process, both at present and in the past. How do those historically-constituted economic relationships affect the construction of political institutions and the nature of democracy?

iv) Non-Discrimination

The principle of non-discrimination is fundamental to the concept of modern democracy, and it is suffused throughout the human rights conventions, cutting across the civil-political/socio-economic fault line. The heart of the democratic ideal is that all persons deserve to be treated with equal respect regardless of their gender, status, beliefs or ethnic origin. The category of non-discrimination should apply to all rights across the board. Groups often discriminated against are, for example: women, children, refugees, the disabled and the elderly, migrants, rural poor and aliens (Baehr et al., 1995: 412).

An assessment of the nature and extent of discrimination is also useful in determining political trends and as an **early warning** of democratic decay. Economic and political discrimination against linguistic, religious, ethnic or national groups may be one of the root causes of cultural degradation and communal violence, civil war or secession. Societies which promote and protect diversity help deepen the traditions of tolerance, compromise, and the peaceful resolution of conflict that are essential to democracy. Here perhaps more than in any other category of rights, it is clear that specific policies and practices are crucial to the realisation of the rights.

Women are again a case in point: what are the social practices that prohibit women from acceding to equal realisation of their rights or, alternatively, being able to determine their social priorities and having the liberty of action to be able to execute them? Can women make life-choices and maintain traditions of their choice without having to pay a price in terms of reduced access to the public sphere?

v) Rights of Collectivities

This category of rights refers principally to the issue of indigenous and tribal peoples and minority groups.

The principle of collective self-determination is presently the central debate regarding the formulation of the international instruments on indigenous rights within the United Nations and regional systems. The constitution of indigenous rights revolves around this issue in most national contexts as well. In addition to assessing the degree to which indigenous groups enjoy security of the person, investigators should examine practices that lead to cultural genocide (policies of forced integration, restrictions on language or religion, the influx of new settlers, the impact of economic mega-projects and resettlement that may ensue, etc.).

The issue of minority rights should be analysed in terms of their constitutional and legal recognition (who is recognised as a minority and on what terms?). The policy framework for defining minorities and their rights should also be confronted with the prevailing international approaches to the issues. What kinds of relations exist within civil society as a whole between minority and majority groups? How do minority groups influence the public policy debate? What in the worldview of minority groups constitutes a creative contribution to the formulation of citizen rights and responsibilities?

Similarly, the women of political minorities (10) must face particular problems as women, both within their group and with respect to the majority.

vi) Democratic Institutions

- a) State Institutions

The above categories assess the human rights and democratic participation of civil society. They must be put in context by an analysis of "political society" to assess the role of State institutions in promoting or inhibiting democratic development and human rights. Institutions such as the legislature, political parties and the judiciary should buttress a democratic civic culture by safeguarding and promoting human rights, holding governments accountable, and limiting potential abuses of executive power. It must be kept in mind that a specific assessment should be carried out of the degree and the manner in which these institutions take account of women's rights and issues, in particular of whether or not the State exercises **due diligence** in these matters and to what extent the State assumes, as it should, responsibility for sanctioning the actions of non-State parties.

- b) Rule of Law

An independent and predictable legal framework is vital for orderly commerce and for individual and group redress for rights violations. For example, no discussion of cultural rights, personal security, or freedom of association is possible without considering the rule of law. As an aspect of the political institutions category, the key rule of law issues are the independence of the judiciary from executive influence or control, the degree to which the Constitution reflects democratic principles and guides governmental actions, and effective civilian control of the security forces. To what degree does the legal framework reflect an overall concern and guarantee for gender equality?

B. The Application of the Framework

The portraits established on each of the categories of rights criteria should not be exclusively, nor even principally descriptive. Clearly, selected descriptive data is necessary to frame the present situation, but the objective of the framework is to provide strategic analysis: to serve as a tool for identifying key issues and actors for democratic development. A global, as well as sectoral, portrait of civil society should emerge from the application of this framework. An analysis of civil society as it exists in relation to each category of the framework - its strengths and weaknesses, its actors, issues, trends and practices - will be established. But an overall assessment of civil society should also be given, identifying major actors, outstanding characteristics, and trends and issues that cross-cut sectors. The framework should be used to analyse how state and civil society actors have, through their policies and concrete initiatives, generated rights and how this process of rights-constitution has in turn influenced the construction of civil society and democracy in a given country.

The framework must therefore be applied in the following ways:

- It is to be **problem-oriented**: each of the categories should be approached as a problem. That is to say: what are the major issues

with respect to this category and how are they framed nationally? Who are the major actors working in this field of rights? How do they interact? What is their assessment of the impact of the issues presented in this field on the quality of democracy and trends towards democratisation? How has this field of State and civil society intervention been constituted historically? What social sectors do the major actors represent? What policy proposals are they putting forward? What are the foreseeable trends for the future in terms of the actors and the configuration of each field? What is the impact of the functioning of the field itself on the constitution of civil society (that is: how does the creation of issues and debates or struggles in a particular field or sub-field of rights contribute over time to the constitution of the actors themselves and how does it influence the course of development of civil society and its views)?

- It is to be used in a **gendered manner**: Each category of rights must be re-read in terms of women's experience. How are women affected by the problems and issues arising within each category? Are women significant actors in the field? Do other actors promote the issues identified by women as important for them? To what extent does a country's specific family tradition (or traditions) contribute to or inhibit gender consciousness?

- It should identify **the cultural originality** of each context. Human rights instruments are theoretically universal but they are heavily informed by Western religious and political thought (Leroy 1994) and, moreover, **every** context - including our own - is culturally and historically specific. Specific notions and practices either legitimating or delegitimizing the ideals of democracy, rights, tolerance, etc., should be examined in each context. What are cultural attitudes towards power and authority? Do such attitudes differ according to gender, social class, ethnic group, age, etc.? These cultural and historical resources for democratic development (cf. Taylor & Muntarhorn 1994) may constitute important cultural capital which can be mobilised for or against democratisation.

- It should centre its analysis on **dynamic trends**. Each of the categories must be situated in its historical evolution, identifying both opportunities and constraints from this point of view.

- The framework is to be considered **a flexible tool**. Although it is designed to provide a common set of criteria and concepts in order to guarantee political and theoretical coherence to the strategic analysis it is to generate, the framework can and should be adapted according to the specific contexts in which it is used. Certain categories may be given more in-depth discussion than others, if the context so warrants. Or, if in a specific country there is clearly one over-arching issue or theme (i.e.: set of issues) considered by major actors to be crucial for democratic development, the application of the framework should be adapted in accordance with that.

Phase 2: Research

The objective of the research phase is to apply the **common framework** to **specific country situations** in order to **identify strategic issues** for democratisation, which will then be actively **processed with key actors in those issues**.

Our experience to date indicates that a change in our methodology is warranted: the research and study should not be approached as a phase separate from the formulation of strategies and programmes, but should be developed from the outset with the involvement of key local actors. Taking this lesson into account, the research process will henceforward be coordinated by a researcher-animator, to be chosen in consultation with in-country partners, and who will work in collaboration with a staff person from the Centre, to do the following, over a period of six to eight months:

- - carry out a brief baseline analysis for discussion;
- - serve as resource-person in a two-day seminar of partners and key contacts to apply the framework;
- - expand and develop the results of the seminar analytically
- - produce a document including strategic proposals.

The product of the research phase will be an analytical report on the basis of the framework, for publication.

Phase 3: Socialisation

The objectives of the Centre in this phase are:

- - to socialise the results of the research phase in a way that will contribute to strengthening State-civil society dialogue;
- - to broaden the spectrum of actors willing to promote the joint strategies identified for addressing key issues for democratic development
- - to deepen the commitment of the actors involved **(11)**.

The process involves the creation of a local steering committee composed of a cross-section of the most dynamic organisations on the democratic development front, which will have the responsibility of organising and holding, in collaboration with the Centre:

- - workshop(s) to discuss the findings of the research phase and to develop a programme of action; and
- - a high-profile public event bringing together State and civil society actors to debate aspects of the proposed

programme of action.

In order to ensure maximum socialisation of the research results with other Canadian organisations and institutions involved in support to democratic movements and institutions in the country at hand, the Centre will continue to organise a one-day follow-up workshop in Canada, to discuss the study and put out for discussion the most provocative issues raised by it. Here also, the Centre will make an effort to actively involve other contributors, to ensure a productive and lively debate. Where appropriate, this discussion may serve as the basis for developing joint initiatives with other Canadian funders.

Phase 4: Programming

Programming strategies and orientations will flow more or less easily out of the forum/workshop and study process, depending on the context. Democratic development is an extremely wide field, however, and the Centre will attempt to target its support work to focus on its areas of expertise and interventions appropriate to its nature as a para-governmental organisation. There are an enormous number of non-governmental organisations, many of which are doing excellent work in the field of support to civil society. There are also a growing number of governmental and inter-governmental organisations promoting democratic development as they see it. There are, however, extremely few hybrid organisations like the Centre, and as such the Centre can occupy a very unique and useful niche in facilitating, promoting and structuring state-civil society dialogue and interrelation both overseas and in Canada. Such a role is seen by civil society in many countries as being an essential aspect of the democratisation of their societies, and they are putting it forward as a necessity with or without the Centre raising it as a priority.

The Centre will also aim to concentrate its democratic development activities within those fields in which it is developing thematic expertise, that is to say: women, indigenous peoples, impunity, trade and human rights. Of course, these thematic approaches need to be flexible and adapted to each country situation, and in some cases other approaches may prove to be more appropriate.

The Centre's programming support will be directly linked to the process, and one of the important aspects of programming will be to support the very process of definition and implementation of the process. This includes such aspects as supporting on-going dialogue between the state and civil society and - in collaboration with civil society actors - a strategising component, policy research and advocacy in the field, etc. These will form the major (if not entire) part of the programming support in the field. The democratic development exercise will also inform the Centre's choice of long-term partners, with both the study and the strategising components contributing to identify those who share its fundamental objectives and are central to the strategic problems it wants to address.

Follow-up mechanisms should allow the Centre to continually identify and feed back into the overall process and its components the lessons learned through this experience as well as the unexpected positive spin-offs.

The overall activities of the Centre will be informed by the process:

- - Advocacy work will be informed by the strategic issues identified on a country basis. These issues should be integrated into the overall advocacy programme as part of its objectives for influencing.
- - A communications strategy will disseminate debates and proposals arising from each country process, with a view to informing public opinion at large or (where appropriate) specific decision-makers.
- - Policy interventions with international institutions will include recommendations arising from country strategies.

Once the cycle of studies is finished, the exercise is not over. The Centre will undertake a follow-up study in each country three years after the original study was finished. The purpose of the follow-up studies will be to up-date the analysis, to identify new strategies and partners if necessary, to challenge our growing certainties. They will also play an evaluative role by attempting to assess the degree of relevance of the programme as it exists at that point.

The Centre hopes to play a role in stimulating discussion in Canada and internationally on approaches to democratic development, both with a view to improve its own instruments and strategies and to intensify the level of international discussion of these issues. To this end, the Centre will convene and participate in regional and international fora on democratic development, promoting active participation as well of representatives of organisations from the South who are at the forefront of debates on democracy.

ENDNOTES

- (1) This version of the framework draws liberally on the paper prepared by Gillies (1995). **Return to text**
- (2) The completed studies are on Kenya, El Salvador, Thailand, Tanzania and Guatemala, and those presently underway are on Peru and Pakistan. **Return to text**
- (3) The support the Centre provides can take diverse forms according to the issue being addressed, and can involve various sectors of the Centre's personnel and resources. The support can be in the form of a financial grant, co-sponsoring activities particularly designed to increase the legitimacy of certain issues in the public eye), political support (through representations to the national government or to the Canadian mission; through advocacy campaigns on an international level; representations to international institutions), public awareness (raising the

media profile nationally and internationally on key issues), financial leveraging (negotiating funding from or co-funding with other international donors). **Return to text**

- (4) Aspects of the legal and policy framework which affect and determine family structure and functioning, and by extension, the role of women in society, are the following: day care provisions, pension plans, inheritance law, child support measures, income tax laws and social programmes in general. **Return to text**
- (5) By "social practice", we understand not only what takes place within civil society and the State, but also within social institutions, and in particular the family, which are not part of either but which play a key role in mediating the relationship between the individual and society. **Return to text**
- (6) Privatisation is in some international circles being characterised as "economic democratisation". **Return to text**
- (7) The term "indicators", used in previous versions of the framework, is here replaced by the term "criteria". These criteria are the international legal instruments representing the commonly-accepted standard of respect for the whole spectrum of human rights. In the discussion of each of the criteria chosen, we will set out a series of indicators which will allow us to measure the degree of normative and practical respect for these criteria. See grid. **Return to text**
- (8) Although the category of "democratic institutions" does not arise directly from the international human rights instruments, we consider it necessary in order to assess the quality of democracy. **Return to text**
- (9) As noted by Caceres (1995), the different "generations" of human rights are mutually dependent, each of them being a necessary condition for the "real applicability" of the others. **Return to text**
- (10) That is to say that even where ethnic groups may constitute a demographic majority, as in Guatemala or Bolivia, they are politically dominated by the "ideological majority". **Return to text**
- (11) The major stake-holders are the Centre itself and the organisations involved as partners in the exercise. These partners will be principally national organisations in the country under discussion, but may also include a small number of external funding agencies committed to supporting initiatives similar to those of the Centre. **Return to text**

TABLE OF CRITERIA AND INDICATORS OF A DEMOCRATIC SOCIETY

HUMAN RIGHTS INDICATORS	Instruments ratified and applicable	Legislation and mechanisms protecting or impeding rights	Role of the State: - active - passive	Respect for rights or seriousness of violations
CRITERIA				
<p>Participation:</p> <ul style="list-style-type: none"> - Right to vote 1. ; - Right to take part in government 2.; - Freedom of opinion and expression 3.; - Freedom of association and assemble (trade unions, political parties, citizens' groups) 4.; 	*****	*****	*****	*****
<p>Security:</p> <ul style="list-style-type: none"> - Extra-judicial killing 5.; 	*****	*****	*****	*****

<ul style="list-style-type: none"> - Torture 6. ; - Arbitrary arrest and detention 7.; - Domestic violence 8. ; 				
<p style="text-align: center;">Non-discrimination 9.</p>	*****	*****	*****	*****
<p style="text-align: center;">Welfare: 10.</p> <ul style="list-style-type: none"> - Education; 11. - Health; 12. - Labour; 13. - Environment; 	*****	*****	*****	*****
<p style="text-align: center;">Collectivities:</p> <ul style="list-style-type: none"> - Minority rights; 14. - Indigenous Peoples; 15. 	*****	*****	*****	*****
<p style="text-align: center;">Political institutions:</p> <ul style="list-style-type: none"> - Free and fair elections; 16. - Competitive party system; - Separation of powers; - Local government /Decentralization; - Civilian control over the military; 	*****	*****	*****	*****
<p style="text-align: center;">Rule of Law:</p> <ul style="list-style-type: none"> - Access to justice; 17. - Fair trial; 18. - Democratic Constitution; 	*****	*****	*****	*****

Notes to the criteria and indicators list

- 1. Universal Declaration of Human Rights: art. 21(3); International Covenant on Civil and Political Rights: art. 25(b); Convention on the Elimination of All Forms of Discrimination against Women: art. 7(a). **Return to table**
- 2. Universal Declaration of Human Rights: art. 21(1); International Covenant on Civil and Political Rights: art. 25(a); Convention on the Elimination of All Forms of Discrimination against Women: art. 7(b) and 8. **Return to table**
- 3. Universal Declaration of Human Rights: art. 19; International Covenant on Civil and Political Rights: art. 19. **Return to table**
- 4. Universal Declaration of Human Rights: art. 20, 23 (4); International Covenant on Civil and Political Rights: art. 21, and 22 ; International Covenant on Economic, Social and Cultural Rights: art. 8; Convention on the Elimination of All Forms of Discrimination against Women: art. 7(c) and 14(2)e) . **Return to table**
- 5. Universal Declaration of Human Rights: art. 3; International Covenant on Civil and Political Rights: art. 6 (1). **Return to table**
- 6. Universal Declaration of Human Rights: art. 5; International Covenant on Civil and Political Rights: art. 6 and 7; Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment; Declaration on the Elimination of Violence against Women; CEDAW General Recommendation no. 19. **Return to table**
- 7. Universal Declaration of Human Rights: art. 8, 9, 10 and 11; International Covenant on Civil and Political Rights: art. 9, 10 and 14. **Return to table**
- 8. Declaration on the Elimination of Violence against Women. **Return to table**
- 9. Universal Declaration of Human Rights: art. 2, 16 and 17; International Covenant on Civil and Political Rights: art. 2, 3, 23 and 26; Convention on the Elimination of All Forms of Discrimination against Women: art. 1, 3 and 13. **Return to table**
- 10. International Covenant on Economic, Social and Cultural Rights; Declaration on the Right to Development. **Return to table**
- 11. Universal Declaration of Human Rights: art. 26; International Covenant on Economic, Social and Cultural Rights: art. 13; Convention on the Elimination of All Forms of Discrimination against Women: art. 10. **Return to table**
- 12. Universal Declaration of Human Rights: art. 25; International Covenant on Economic, Social and Cultural Rights: art. 11 and 12; Convention on the Elimination of All Forms of Discrimination against Women: art. 12. **Return to table**
- 13. Universal Declaration of Human Rights: art. 23; International Covenant on Economic, Social and Cultural Rights: art. 6; Convention on the Elimination of All Forms of Discrimination against Women: art. 11. **Return to table**
- 14. International Covenant on Civil and Political Rights: art. 27. **Return to table**
- 15. ILO Convention on Indigenous and Tribal Peoples (Convention n 169). **Return to table**
- 16. Universal Declaration of Human Rights: art. 21(3); International Covenant on Civil and Political Rights: art. 25 (b). **Return to table**
- 17. Universal Declaration of Human Rights: art. 8 and 10; International Covenant on Civil and Political Rights: art. 9, 10 and 14; Convention on the Elimination of All Forms of Discrimination against Women: art. 2, 15. **Return to table**
- 18. Universal Declaration of Human Rights: art. 10; International Covenant on Civil and Political Rights: art. 14; Convention on the Elimination of All Forms of Discrimination against Women: art. 2 and 15. **Return to table**

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