

HEALTH AND HUMAN
RIGHTS READERS

by

CLAUDIO SCHUFTAN

Published by



(CENTRE FOR ENQUIRY INTO HEALTH AND ALLIED THEMES)

**Health and Human Rights Readers
by Claudio Schuftan**

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For more copies contact CEHAT at:

Mumbai Office:

Survey no. 2804 and 2805,
Aram Society Road,
Vakola, Santacruz (East),
Mumbai - 400 055, India
Tel: (91) (022) 26147727, 26132027
Fax: (91) (022) 26132039
Email: cehat@vsnl.com
Website: www.cehat.org

Pune Office:

Flat No. 3 & 4, Aman-E Terrace Society,
Plot No. 140, Dahanukar Colony,
Kothrud, Pune - 411 029, India
Tel. (91) (020) - 5452325
Phone Fax - 5451413
Email: cehatpun@vsnl.com

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Prologue

The Readers in this volume are the result of my progressive involvement with the Human Rights-based approach to development. As I began reading extensively about the topic, I consistently underlined the most important concepts that I thought progressively brought clarity to my thinking. It did not take long to realize that what had brought clarity to me also would do so for others. That was the spark that started the idea of the Readers.

I knew that more and more materials would be coming, so I needed something that could be serialized on an informal basis and with no rigid time intervals: the Reader was the best response.

Moreover, as I read more and more, some of my own contributions to the field began to take shape resulting in a few more academic pieces I have written and published. After rereading those, it became clear that by cutting and editing them, they could also become part of the Reader.

The end result is that, in about a year and a half of off-and-on work on this, over fifty mostly short Readers have been distributed electronically to several list-servers and a growing mailing list of people I think are interested in these topics.

A number of references I quote in the text of the different Readers only bear the name of the person or document quoted (in italics); this simply means that, in my readings, I found the quotes, but without a precise reference.

Through the (appreciated) interest of CEHAT, the Readers are seeing the light as a publication. We have tried to put some order in the Readers, but they are mostly stand-alone pieces on different aspects of Human Rights work. They should be read as such...and should be shared (in paperback or electronically). As you will see, the running thread in the Readers is to mobilize more and more development workers to adopt the Human Rights-based approach. We want you to join. CEHAT, I am sure, wants to hear from you; we need to build growing coalitions.

This collection of Readers in Human Rights is ultimately intended as an eye-opener and as a mobilizer of its readers. From the very beginning, I have been an active protagonist in the formation and steady advance of the People's Health Movement. It is the grassroots action-oriented philosophy of our movement that has pushed me to bring to a practical and understandable level the sometimes not so easy concepts of the human rights-based approach to development and to health. I dedicate this work to PHM, the organization through which I breathe. Those of you who learn something from these Readers and feel empathy with what still needs to be done should seriously consider joining PHM by contacting our Secretariat (phmsec@touchtelindia.net). More information can also be found at our website www.phmovement.org.

Claudio Schuftan MD
Ho Chi Minh City,
September 2003
aviva@netnam.vn

Publisher's preface

“Charity may be abolished. It should be replaced by justice.”

- Dr. Norman Bethune

A variety of initiatives for Health rights have emerged in India since the People's Health Assembly in the year 2000 and interest in the area of Health and Human Rights has grown significantly. Many health activists have been reading Claudio's episodic 'Health and Human Rights Readers' in electronic version, and these Readers have provided for many 'food for thought' in various forms. Whatever Claudio has had to say would be provocative, informing, at times controversial, but never routine. In this context, we at CEHAT thought that it would be a good idea to publish all the 'Readers' compiled together in sequence, for easy reference. This has led to the collection that you now hold in your hands, containing Claudio's ideas with all their diversity and richness, yet linked by a deep common concern and 'restlessness' to make Human Rights a lived reality, especially in the sphere of health.

Claudio's contribution, among other aspects, lies in effectively applying the Human Rights approach to a sector that has evolved from a long tradition of charity, which has mostly focused on satisfying needs and today is characterized largely by supply-induced demand. He squarely places Human Rights concerns at the centre of all health-related developmental work, and points out that technical fixes or moral stances are not enough to address the pressing *political* issues in this sector, which require us to take informed *political* actions. Addressing NGOs in particular, he reminds us that NGOs would be ultimately judged by their politics, and by where they take their stand in the emerging historic polarisations of our time. Claudio counters a 'post-modernist' framework where all viewpoints and positions may be regarded as equally 'valid' and makes it clear that the 'Left-Right' ideological division is alive and kicking. This division acquires even greater relevance in the era of Globalisation, where 'Might is Right' (and one may add, where the Right dominates, largely because of its Might).

For readers in India, we hope that this compilation of essays would be found especially timely. In India the challenges we face today in the health sector, with the State abdicating its responsibility to provide for an attainable standard of health, are tremendous. The private health sector is growing geometrically, often supported with direct and indirect subsidies from the State. Public health investment is declining and public expenditures on health are not adequate to even maintain the existing infrastructure. The availability of essential drugs at affordable prices has become a major concern. And the burden on people, especially the poor, to spend increasing resources out-of-pocket to meet their healthcare needs is rapidly growing. All this after a quarter century of the promise of 'Health for All by 2000'! This waiting game must end. It is an opportune moment to demand healthcare as a Right.

Here processes to promote health rights, which were initiated and acquired coherence during the People's Health Assembly process, are now crystallising in the form of the countrywide 'Right to Health Care' campaign recently launched by PHM - India. We at CEHAT are happy to be involved with this publication, especially at this moment when we ourselves are supporting the emerging initiative on the Right to health care. Claudio's Readers will certainly be very useful as a catalyst, and one hopes that the ideas brought forth in these writings would help us to sharpen our discussions and debates, as we develop initiatives for health rights in the coming phase.

These Readers are often directed towards NGOs, to help them develop a rights-based approach to health. However, here we may take note of another important set of social actors, namely people's organisations, who are increasingly addressing the issue of health rights. While the role of people's

movements in conducting struggles related to people's right to livelihood and resources is well known, the emerging concern of many such organisations with health rights issues needs to be acknowledged. In this context, some of us in CEHAT have had the privilege of collaborating with various people's organisations in Western India that have developed locally sustained community health worker programmes while launching mass actions for health rights. These experiences have strengthened our conviction, that one effective way to develop struggles for health rights, is for health activists to seek partnerships with people's organisations and mass movements. If we consider the struggle for better health to be a part of the larger struggle for social transformation, then people's movements may surely be expected to play a significant role in health movements in the coming period.

Which brings us to the final point of this note: can every person's Right to Health, in its broadest sense - including the right to sustainable livelihood, food security, adequate housing and a healthy environment - be realised in the existing social system and global economic order? If not, then how do we conceive the struggle for the Right to Health? What are the short-term improvements that we can realistically demand and expect, and what is our larger vision, which may require a struggle at a different plane? Which of the Rights we ask for, are ordained in existing international conventions, and which kind of Rights require an expansion of the notion of Human Rights itself? How can the struggle for Rights become a 'counter-hegemonic' exercise, which tries to achieve the possible, but also redefines the boundaries of possibility and helps us to make another world possible? These are some questions which Claudio's reflections naturally generate, and which one hopes would be addressed by him in his further Readers, which we are sure would keep informing and inspiring us in the years to come.

We would like to thank Claudio for giving his immediate and unqualified approval to us for publishing these Readers, and giving prompt responses to our varied queries, which helped to enthuse us in this task. The contribution of Sri Ravindra Thipse, who carefully went through the entire text and carried out copy editing to ensure a more user-friendly and uniform format, and Smt. Sharda Mahalle who accomplished the complete task of page layout and designing of the book in a short period of time, needs to be acknowledged here.

Abhay Shukla
Centre for Enquiry into Health and Allied Themes
Pune, India

September, 2003
25th Anniversary of the Alma Ata 'Health for All' conference

Abbreviations / Acronyms

AAA	Assessment, Analysis, Action
ACHAN	Asian Community Health Action Network
AIDS	Acquired Immune Deficiency Syndrome
CEDAW	Convention on Eliminating Discrimination Against Women
CEHAT	Centre For Enquiry into Health and Allied Themes
CRC	Convention on the rights of the Child
DALY	Disability Adjusted Life Year
E/HR	Equity/Human Rights
EOHSR	Equity-Oriented Health Sector Reform
GOBI	Growth monitoring, Oral rehydration salt, Breastfeeding, Immunizations
GOBI/FF	Growth monitoring, Oral rehydration salt, Breastfeeding, Immunizations /Food security and Family planning
ICCPR	International Covenants of Civil and Political Rights
ICESCR	International Covenants of Economic Social and Cultural Rights
IEC	Information, Education and Communication
IFI	International Financial Institutions
IMF	International Monetary Fund
HIV	Human Immunodeficiency Virus
HR	Human Rights
HSR	Health Sector Reform
LRA	Labour Research Association
NGO	Non Government Organization
ODA	Official Development Assistance
OECD	Organization for Economic Co-operation and Development
PHC	Primary Health Care
PRA	Participatory Resource Assessment
TB	Tuberculosis
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Fund
UNRISD	United Nations Research Institute for Social Development
USAID	United States Agency for International Development
USD	United States Dollar
WB	World Bank
WDR	World Development Report
WTO	World Trade Organization

ROSALIA

Rosalia Sanchez has seven children,
 twelve diseases, three abortions,
 and a shanty and garbage for a sociologist's fruition.
 Rosalia is twenty seven years, one hundred years, five thousand years old.
 For fifty years, one hundred years, five hundred years,
 Rosalia has needed to eat.
 Who wants to buy the eating machine of Rosalia?
 Who wants to buy five hundred years, five hundred Rosalias?
 ... not making a technical point about the quinquenia?
 Rosalia is a maid who once had a policeman, who once had a share-cropper,
 who once had a child, ... seven times a child.
 Rosalia is made of bones, is made of flesh; the same as a cow, the same as a hen,
 but without a pasture, without a coup.
 Hay for Rosalia! Maize for Rosalia! Rice for Rosalia!
 For five hundred, one thousand, twelve thousand years, since the times of Ur and Uruk,
 Rosalia has wanted a staple to eat.
 When they were painting in the caves of Altamira,
 Rosalia was twenty years old, had three children, and the moon was shining...
 Rosalia has always had three children,
 twenty years of age, one abortion, and the moon was shining...
 Pregnant, Rosalia lives under a bridge.
 I can see Rosalia. Rosalia is lucky to live in an organized world!...
 Rosalia fills forms to ask for a little house.
 Rosalia stands in line in the Ministry of Public Health, lines lasting five hours,
 with a pissed child in her arms.
 -The President says: "No citizen will..., etc."
 Rosalia lives in an organized world indeed...
 There is a Constitution, Human Rights, Prostitution, the Church.
 But, if Rosalia doesn't have enough to eat a biscuit,
 how can she understand the palpitations of a refrigerator,
 or to soak in milk an automobile,
 or lying on a sofa switch-on a record player?
 And this is Civilization, now that Rosalia cannot squeeze,
 at five o'clock, a jazz in tea?
 Rosalia has to live in an organized world!
 We have already gone to the moon:
 "I'll drop you a line from the moon, love!"
 Potatoes in photosynthesis, carnations in photosynthesis, roses in photosynthesis.
 Through a chemical orchard the insects will fly.
 But Rosalia has seven children,
 in midst of Civilization,
 a metaphysical Civilization that cannot solve the problems of Rosalia...
 How many years is it that Rosalia has been going with her children from dung to dung,
 from Constitution to Constitution, from God to God!?
 Rosalia is twenty seven years old, one hundred years old, five thousand years old.
 Rosalia has dung in her dreams,
 Rosalia dreams about dung,
 But dung is not herself.

By Orlando Leon, Venezuelan young poet of 1970s.
 Translated from the Spanish by C. Schuftan

1. Introduction

If we are really honest, we must recognize that, in our development work, we often offer simplistic and politically neutral solutions. High aspirations do not always translate into commensurate actions. We cannot rent ourselves a consciousness by just staying the course. Every one of us involved is sitting in a glass house. Those we proclaim to work for are watching.

The Readers in this volume convincingly argue that ignoring political and Human Rights issues will (continue to) result in non-viable development paths. That is why the ensuing pieces call for embarking in a veritable heroic struggle of ideas and actions against a host of powerful pro-status-quo special interests.

The rights-based approach we are calling for makes inclusion, Human Rights and equity real priorities.

Our public mission, then, is to re-center the development debate and to convincingly articulate the reasons for centering it around Human Rights. The Readers give you food for thought and for action for just that.

The Readers are neither systematically elaborated pieces nor do they launch new theories; they are rather true pamphlets whose provocative theses are meant to bring about real change. Get reading and form your own judgement. Only by using the concepts herein and articulating them convincingly will we begin to make headway towards desperately needed change.

2. Human Rights or the Importance of Being Earnest: A Personal Account

I am a true convert. I do believe the Human Rights approach to development is the way to go forward.

Why Now?

As a freelancer working in public health for the last 2 years I am not involved in any long-term project on an ongoing basis. It is my being involved in different fronts of public health through my consulting that I have come to realize the time has come for a Human Rights-based approach. I have gotten very involved in it. But, so far, mostly as a critic of what we do in the Western Development approach and as a dreamer of what could be...(1, 2, 3, 4)

The failures and very partial successes I witness in my every day work have also made me an avid seeker of alternatives and a reader of the cutting edge literature. I come from a background (Chile) of those who look at development more from a holistic and political perspective. So it was a natural to jump into the nascent Human Rights literature. What I have read continues to reaffirm my own, and a growing number of others, prior belief: The bottlenecks to development are foremost of a political nature. (2, 4) So my adoption of this new approach came easy.

Why?

Because I think the Human Rights approach to development politicizes the discourse and puts rights/claim holders more in the driver's seat of the development process. (2) It also faces duty bearers with obligations they can no longer dodge. This, particularly because their obligations in this field are anchored in international law and draw their power from the official ratification of the various Human Rights

covenants by most countries in the world. This is an important and powerful step forward: We are discovering that what so many of us in development work stand for, is not only ethically, but legally backed by the highest principles of international law. Moreover, the Human Rights-based approach to development overall has become the stated policy ahead for the whole United Nations System.

So I see it as my responsibility to link Human Rights to my work in health and nutrition. And I do get involved. I have seen myself become an activist in this cause. I have chronicled the slow start of this approach and how it is the result of a transition from earlier approaches to change the still prevailing Western development paradigm. (2, 5) And, in the process, I have often taken the position of an alter-ego or a devil's advocate in the cause. (1, 2, 3)

Do I Feel I Have Been Rewarded By Taking This Course?

Yes indeed. I have recently started a periodic "Reader in Human Rights" which is now distributed through a few electronic list servers. It has ignited an interesting chain of responses from readers. This is my contribution to widen the dialogue on Human Rights. And it has come to a good start.

Are People Receptive?

So far, the UN agencies have; although all may not yet have a clear picture of how to steer the Secretary General's mandate towards real actions in their respective upcoming work. (1) Otherwise, our peers using the electronic super highway have also been receptive; although I am perfectly clear that those are not the people that actually need the changes. But we are in the phase where the emerging messages also still need to be beamed to those among us who work in development, because they influence significant others. (The same is the leitmotiv of the publication where you are reading this piece). The involvement of the beneficiaries must be the next logical step in the process. What I am saying is that receptivity has to start with creating awareness in a wide range of actors in the development arena. And I have taken that responsibility face on.... starting at the upper end though, that is true, and that is my shortcoming.

Does the Human Rights Approach Help Me in My Work?

At this stage, I could not think of my work without continuing my engagement in the Human Rights approach. I have simply internalized it. I have added this perspective a bit to all I do and write. It has helped me tremendously in networking with, and hopefully, in mobilizing colleagues and students to build the new coalition that will devotedly work on the Human Right approach. A matter that I still consider pending is for YOU to join this movement.

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3. The Sixteen Groups of Human Rights

The 16 groups of Human Rights as recognized in the articles of the two International Covenants of Economic, Social and Cultural Rights (ICESCR) and on Civil and Political Rights (ICCPR) are:

ECONOMIC RIGHTS

1. The right to feed oneself
The right to be free from hunger
The right to an adequate standard of living, including adequate food, clothing and housing
The right to work
2. Labor rights
The right to just and favorable working conditions
The right to form and join trade unions
The right to strike

SOCIAL RIGHTS

3. The right to social security
4. The rights of families, mothers and children
Protection of the family
Freedom of marriage
Rights of the child
5. The right to physical and mental health

CULTURAL RIGHTS

6. The right to education
The right to compulsory primary education
7. The right to take part in cultural life and the right to free scientific progress
8. The rights of minorities

CIVIL RIGHTS

9. The right of recognition and equality before the law
10. The rights of prisoners
Concerning capital punishment, right to life, prohibition of torture, slavery, and arbitrary arrest, basic principles of the penal system
11. The right to a fair trial
Equality before a court, assumption of innocence, prohibition of ex-post-facto laws and of imprisonment for debt
12. The right to liberty of movement
Protection of foreigners in case of expulsion
13. The right to freedom of opinion
Protection of the individual's sphere of freedom,
Freedom of thought, conscience and religion,
Right to free speech
Prohibition of war and discrimination propaganda

POLITICAL RIGHTS

14. Freedom of peaceful assembly
15. Freedom of association
16. The right to participation in political life

4. Human Rights Based Planning: The New Approach

1. All agencies of the UN regularly prepare long-term plans of action for approval by their respective boards. To arrive at them, these agencies go through detailed situation analyses that identify the most important causes of the problems each specialized agency deals with. As part of the latest UN reform process, the Secretary General of the United Nations has recently mandated that, starting in the year 2000, all agencies of the UN have to change the format of their upcoming plans and switch to what has been called Human Rights based plans of action. (1) Despite a rich literature on and a growing understanding of Human Rights in general, the Secretary General gave few explanations of what exactly this new approach to UN planning would entail.

2. UNICEF has taken a lead in defining in a bit more detail what Human Rights Based Planning means and entails for them. (2) What follows is a bare bones explanation of what this new concept is all about:

3. All actions in development projects/programs have to be based on a solid situation analysis.

The latter has to be based on an Assessment and an Analysis of the existing situation that will then lead to decisions being made for Action; this has been called a triple A (AAA) process.

But the assessment and the analysis cannot be done in a vacuum --without previously having worked on a Conceptual Framework of the causes of the problems that are to be solved.

This means that one has to have an in depth understanding of how those problems come about - what their determinants are - before one can decide what the best options are to do something about them. In other words, "One finds what one looks for"(...based on a conceptual framework). (3)

4. In the case of advocating for better children's health and nutrition, the first concept that has to be agreed upon is that poor children's excess mortality, excess ill-health and malnutrition are actually Outcomes in the conceptual framework. The three are determined by a series of Immediate Causes that include inadequate food intake and high prevalence of preventable diseases. The latter two, are themselves the result of yet another level of causality, Underlying Causes, that include household food and fuel insecurity, inadequate maternal and child care, low water and sanitation levels and inadequate access to (or utilization of) health care services, particularly by the poor. This whole pyramid of causes has at its base a series of Basic Causes represented by limited access to education (particularly for girls) and insufficient community control (power) over the resources (human, financial/material and organizational) poor people need to solve their problems at each causal level. (3)

5. The essence of a good situation analysis, then, is to carry out a Causal Analysis based on a pre-existing Conceptual Framework and to base all decisions for action to be taken on this analysis. Therefore, appropriate interventions for the main causes at each causal level have to be found.

Addressing each cause is necessary, but not sufficient to change the outcome (i.e. ill-health, malnutrition and excess deaths). Communities need to act at all levels of determinants at the same time. This is why so many "selective PHC interventions" have failed in the past.

6. The above, basically summarizes what professionals in the field were expected to be doing up to now when trying to solve poor children's health and nutrition problems. But the upcoming Human Rights Based Approach to Planning brings with it a new perspective to our work.

7. The essence of the Human Rights based approach is that it tells us that, additionally, we now need to carry out what is called a Capacity Analysis (or accountability analysis). (2)

What is a Capacity Analysis?

8. To analyze any Human Rights situation it is essential to identify two main groups of actors: **Claim Holders** and **Duty Bearers**. (4)

9. **Claim Holders** are the groups whose universally recognized entitlements are or are not being catered for by the societies they live in, and whose rights are thus being upheld or violated.

10. **Duty Bearers** are those individuals or institutions that are supposed to uphold the specific right related to each entitlement.

11. For example, in the case of a child as a claim holder, the first-line duty bearer is the mother; next are the father and other family members. But --forming a veritable pattern-- there also are duty bearers for children's rights further up the ladder: community leaders, district and provincial authorities, national and international leaders and institutions. (2)

12. To recap, the end result of a good causal/situation analysis is a list of locally specific immediate, underlying and basic causes that determine the problems being addressed. The participatory AAA process that identifies all those causes then also comes up with the suggested solutions for each cause identified.

13. It is here --when potential solutions have been collectively identified-- where Capacity Analysis comes in.

14. Capacity Analysis takes what is being proposed to be done for each determinant at each causal level and looks at what is already being done or not being done (and why) for that problem. It then looks at *who* should be doing something about it [individual and/or institution(s) who is (are) the corresponding duty bearer(s)] and attaches the name of that (those) person(s) or institution(s) to each proposed solution. This results in a list of the most crucial persons/institutions that have to be approached to push them to get the proposed solution(s) for each cause implemented. Note that, often, a particular duty bearer cannot meet her/his obligations because some of her/his rights are being violated by a duty bearer higher up (parents without resources to pay school fees cannot be blamed...). (2)

15. In a very simplified way, the end result of a good Capacity Analysis is a four or five columns table:

- the first column lists the causes listed from immediate to basic;
- the second column lists the respective right(s) being violated, for which group of claim holders (for example, children) for each cause (e.g. the right to food, the right to healthcare, etc);
- the third column identifies the gaps between what is being done and what still needs to be done (i.e. the actions needed --and one action may push duty bearers to finally carry out several previously neglected duties);
- the fourth column --to be realistic-- identifies the most critical respective duty bearer(s) *by name* (individuals and/or institutions responsible, often at more than one level);
- a fifth column may be added to specify who is going to approach those duty bearers and by when.

16. This table thus becomes an action plan to get the various Human Rights deemed to be violated redressed for each specific group of claim holders.

17. What this new Human Rights Approach to Planning does, then, is to couple the causal and the capacity analyses. At first glance, this may not mean much to readers being introduced to this new concept. But it is a powerful combination.

18. The coupling not only identifies what needs to be done, and at what level, but it also targets the person or institution that has to be lobbied/pressured, because they are legally responsible to do something about it under the Covenants of International Human Rights officially signed and ratified by almost all countries in the world.

19. The Human Rights approach, therefore, gives advocates of children's welfare new powers: When appropriate, as advocates we can now approach duty bearers as 'guilty of not doing what they are legally (and not only ethically) supposed to do'. The Human Rights covenants currently in force are very explicit about this. (5) We just have not sufficiently used this added power in our work so far.

20. Duty bearers have to be approached using the Human Rights violation justification, and have to be made accountable to comply! (6, 7) Alleging a "lack of resources" is not a good enough justification by duty bearers not to uphold the rights being violated. They have to convincingly demonstrate to us that resources available (even if meager) are not being used for other less essential functions. (7)

21. If we all do follow this new approach, we may set a growing precedent that will further the cause of those claim holders (children, for example) whose basic Human Rights are being violated worldwide.

22. Issues are a bit more intricate than here reflected, but this is a good introduction.

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5. What Does the New UN Human Rights Approach bring to the Struggle of the Poor? – I

We Live in a New Age of Rights

1. Why does our commitment to a Human Rights approach in health, nutrition and development work overall need to change?

I would argue it is a fundamental reaction to the additive negative impacts of Globalization because Globalization is creating and is accelerating poverty, disparity, exclusion, unemployment, marginalization, alienation, environmental degradation, exploitation, corruption, violence and conflict.

2. In short, people who are being marginalized by Globalization today are really being pushed to the limit and they do need action. In real terms, beneficiaries of top-down social services (mostly the poor) have no active claim to ensure their needs will be met. So the Human Rights approach comes to introduce the missing element of de-facto accountability; and this is its added value in development work. (1, 2)
3. Because the rights-based approach takes the entitlements of those being marginalized as its starting point, a preliminary consensus needs to be reached that development, to be sustainable, must be based on equity. (3, 4)
4. The rights-based approach does strive for equity and sustainability; it focuses on the basic and structural (macroeconomic) causes of poverty, ill-health and malnutrition; it further highlights the strategic importance the formation of social capital plays in the development process. (5)
5. Historically, there has been much circularity in the discussion of Human Rights. Now, more concrete actions need to be identified. There is still a segment of the Human Rights community that thinks that one can settle world order issues while the power issues are still against the majority of the marginalized. But, as just said, this is almost a contradiction. Worldwide development will simply not take place through the benevolence of the Global Free Market and of those who, through their power, control it. (3)
6. During the process of relentless Capitalist accumulation, serious social cleavages have eventually occurred. One would think these did sober us. But we are now living in yet another utopia, one that extols the ultimate benefit of Globalization. This utopia is made of a similar, but dangerous mythical belief that ultimately the free market will make everybody happy. (6)
7. The Human Rights approach is here to set limits to the vicissitudes and sways of the (socially insensitive) market. (7)

The Challenge: What Changes?

8. Because of the fatal flaws of Globalization as the latest stage of Capitalist development, more humane global governance is now needed more than ever. (8)
9. It is a fallacy to focus on whether Globalization or bad governments are the most important cause of Human Rights violations. The Human Rights approach shows us what states should do or not do. When they fail the test, many governments actually use the Globalization argument (of being victims of a global process) as an excuse for not implementing their obligations. (8a)
10. In fact, one more often finds considerable softness in the approach of governments to rights and to their implementation. Often, a rights-based approach is not even on their radar screens. So both the individual duty bearers, as well as the system are to blame and to be held accountable. (3)
11. The United States, for example, has regarded the socio-economic rights of the Universal Declaration of Human Rights as a wishful “letter to Santa Claus” (Jean Kirkpatrick, former US ambassador to the UN). The US has little sympathy for Social and Economic Rights, in contrast to its vociferous and selective support of Civil and Political Rights.
12. In the case of all governments, how much of their general budgets they devote to health, to food, to education and to poverty alleviation is of substantive Human Rights concern. One should thus look at how the various expenditures are distributed among the various population groups. Governments do violate Human Rights when they fail to offer adequate services to certain segments of society. To take a

very real and current issue, should, for example, the provision of such services be privately organized, governments still remain responsible for the egalitarian and adequate provision of the same. But, are they? They are often not; one just needs to look at the existing evidence to see that. Civil society watchdog groups should be monitoring these developments. (9)

13. A Human Rights-focused analysis of statistical data should examine the extent to which various expenditures in social and other services are distributed among the diverse population groups according to need. Beneficiaries' watchdog groups have to scrutinize these actions to make sure they 'respect, protect and fulfill' Human Rights, and protest if they fail to do so. In so doing, they will actually address the whole gamut of government Human Rights violations. (9)

(In all candor, the very way in which statistics are now organized and presented by government agencies may be one of such violations already.) (8)

14. But are governments the sole holders of Human Rights duties? The answer is no. Who are the other duty holders then? The example of children as right holders helps us illustrate this point: The duty bearers of children's rights are, first and foremost, the immediate care-givers, followed by the family/household members, the community and neighbors, local, sub-national, national and international institutions –all linked in a web of complementary duties.

15. This is the theory. But what we have real problems with right now is to convert these concepts into working programs, people's claims into rights, so as to implement a rights-based development model in all its components. (10)

16. Although the recognition of the fundamental rights of all members of the human family is the basis of an overall ethical and political approach to development, really understanding these rights has largely, so far, been confined to Human Rights institutions, especially the UN agencies. How much should/can one rely on these agencies then to shift the focus of current and upcoming development programs to a Human Rights focus? For the time being, perhaps quite a bit. (2)

17. Their first challenge will be to create a common language with governments and NGOs, a language primarily based on social commitments to Human Rights and on raising the level of responsibility of the different actors –both as claim holders and as duty bearers. (5)

The second challenge is to make the Human Rights approach concrete and give it substance. (11, 12)

[We desperately need more rights-based programming approaches. It would be good to have concrete examples of such programming. But, for now, we don't. (13, 12)]

Thereafter, UN agencies will have to build a more structured political constituency for Human Rights. (14)

18. But for now, most governments fear that the recognition of these rights would interfere with their policy choices. They will have to be made to understand that certain aspects of the rights approach may be subject to progressive (gradual) realization. On the other hand, poorer states will have fewer resources available. But there is a minimum core of rights that they all have to uphold! States have to guarantee the respect of those rights under any circumstance, irrespective of the resources available to them. (9)

19. What this means is that progressively, Human Rights objectives need to be better defined and refined to more explicitly establish universal Human Rights goals. Human Rights have yet to acquire a more operational meaning for people, and that is a major political responsibility we all have to deal with now.

Put another way, in operational terms, effectively mainstreaming Human Rights in all development activities remains a challenge of enormous dimensions --and the challenge is a political one. (2, 4, 15)

20. The main challenge here is to achieve consensus among development actors on such operationalization --and that is unthinkable outside an ideological framework which will bring us right back to the left/right, capitalism/socialism divide of "to all according to their needs regardless of their means".

21. What will become central in this debate is for all of us to understand that Human Rights means the right to demand a whole series of things. Among them:

- that economic and physical access to basic services is equally guaranteed, especially for girls, women, the elderly, minorities and the marginalized,
- that steps be taken to progressively achieve all Human Rights,
- that expeditious and verifiable moves be undertaken towards realizing those rights,
- that accountability, compliance and institutional responsibility be required in all processes,
- that administrative decisions are in compliance with Human Rights obligations,
- that unwillingness be differentiated from inability to comply,
- that states prove that there are reasons beyond their control to fulfill their obligations,
- that the private business sector (national and transnational) also complies with Human Rights dispositions,
- that national strategies on Human Rights be adopted that define clear benchmarks,
- that the implementation of national strategies is transparent, decentralized, includes people's participation and moves towards eliminating poverty,
- that new legislation be developed involving civil society representation in its preparation, enforcement and monitoring. (16)

22. If the above demands are met, the added value of the rights-based approach will accrue in a way that:

- beneficiaries become active claimants,
- the process underlines the legal obligations of states,
- Human Rights provide the principled framework used to make decisions,
- the process moves the debate from charity/compassion (where there is already fatigue) to the language of rights and duties (accountable to the international community with compliance that can be monitored),
- the respective imperatives can be made more forcefully (making governments effectively liable). (17)

23. It is in this light that the Human Rights approach enhances the scope and effectiveness of social and economic remedial measures by directly referencing them to close to universally accepted obligations to be found in the related UN Covenants. (16)

These obligations, let us be reminded, are either passive, negative or positive (depending on the specific Human Rights circumstance) and they are in competition with obligations stemming from other rights, especially when resources are scarce. (18)

24. One must nevertheless keep in mind that the duty to fulfill Human Rights does not depend on an economic justification and does not disappear because it can be shown that tackling some other problems is more cost-effective. (19)

25. The practical consequences of adopting a Human Rights approach then is that one realizes that all major currently active or passive social/political forces have the same obligations towards these rights; the challenge is to make them compliant with the fact that the responsibility must be shared. (5)

26. To put things in a historical perspective, in the Basic Human Needs-based approach, beneficiaries had no active claim to their needs being met. The 'value-added' flowing from the Human Rights-based approach is the legitimization of such claims giving them a politico-legal thrust.

27. Going back to the example of the child, in the Basic Needs approach, the child was seen as an object with needs (and needs do not necessarily imply duties or obligations, but promises). In the rights-based approach, the child is seen as a subject with legitimate entitlements and claims (and rights always imply and are associated with duties and obligations).

6. What Does the New UN Human Rights Approach bring to the Struggle of the Poor? – II

The Human Rights Approach: Some Iron Laws

28. As the new era of Human Rights-based planning in development work gets under way, there are a number of iron laws that begin to gain acceptance. Among them, and in no particular order, I would say, are the following:

- The struggle for Human Rights is more than a struggle to defend legitimate immediate interests, but is a struggle for universal justice. (20)
- A right is a right only when it is universal; otherwise it is a privilege.
- Human Rights have already been accepted by almost all countries as universal, indivisible principles. No further discussions are necessary. The burden of compliance is now on the world's state parties.
- Human Rights cannot be departmentalized and are obligatory, not optional for states. They require governments to undertake active and effective steps in this direction. Therefore, Human Rights begin at home. (8, 4)
- Human Rights cannot be prioritized either. But actions to end their violation can. (2a)
- The Human Rights approach places development work within an internationally recognized and legally binding normative framework (a significant foundation that is currently absent from prevailing development approaches and activities). (4, 21)
- Rights can be usefully seen as the codification of needs, reformulating them as ethico-legal norms and thus implying a duty on the part of those in power. (22)

- The notions of duty and justice (...and merely not social responsibility or compassion!) give rights their cutting edge. (23)
- Justice is supposed to be the source of state power. Challenging states on the basis of justice as related to Human Rights challenges their legitimacy. This is a very powerful challenge. (20)
- Human Rights are inseparable from social justice. But to be effective, they require the adoption of appropriate policies and legislation at national and international level.
- (Ergo,) To ensure that the values of Human Rights are respected, they have to be underpinned by international Human Rights law, and at the same time incorporated into national laws.
- A lack of Human Rights means multiple denials. Therefore, poverty is the main obstacle to the attainment of Human Rights. (11, 4)
- At the beginning of the 21st century, the implementation of the fundamental legal rights enshrined in the different Human Rights UN Covenants represents the right political approach to development, particularly because it allows us to identify and actively challenge the prevailing oppression of the poor and powerless in society.
- Implementing a rights-based approach redirects the efforts in a way that optimizes the satisfaction of poor people's basic and other needs in a sustainable way. (24)
- All unmet basic needs represent violations of rights. (2a)
- Up until a specific right is realized, this right is to be considered violated. (2a)
- There is a big difference between having basic needs and having universal rights: the latter can be legitimately claimed. (As opposed to rights, charity is given when convenient). (4)
- The health sector and other social sectors are often left to deal with the results of Human Rights abuses. (4)
- In Human Rights work, taking the first steps is the most important; it is better to concentrate on a few practical issues and strive for an incremental progress in them. (11, 3)
- In the national context, the best approach is to start using the Human Rights approach, not worrying about getting it perfect the first time around. (11)
- One strategy can often be used to address the violation of several different rights. (2a)
- Society produces endless 'justifications' for Human Rights violations which are often even accepted by the oppressed themselves. Human Rights work debunks these justifications. It liberates minds and mobilizes people. (20)
- The ongoing feminization of poverty is a violation of Women's Rights. The time has come to call these realities what they truly are: Human Rights violations. New Human Rights legislation has, therefore, to incorporate a gender perspective. (21, 5)
- The invisible hand of the market has no capacity to create a decent Human Rights-based society for all. (22)
- Human Rights facilitate the building of alliances --the joining of hands with millions of others-- since appeals for justice generate worldwide support for widely shared moral reasons.
- A sub-set of iron laws pertains to the issue of power in society as it relates to enforcing Human Rights. They are as follows: (23)
 - Ø Rights holders cannot only be passive beneficiaries of the duties of others.

- Ø It is not good enough if the beneficiaries of the duties have no power or control over their enforcement (...i.e., they need to be empowered).
- Ø Having a claim necessarily involves having (or getting) power.
- Ø More specifically, to enforce a duty, the claim holder needs power over the duty bearer.
- Ø Claims are rather useless if there is no power to have duty bearers enforce their public duties.
- Ø A party *other* than the duty bearers has to possess power over the duties in order to make sure most public duties are enforced.
- Ø In sum, power is the key relation in Human Rights. A right confers power, i.e. the power to change some normative relations long taken as given --provided the system makes it possible for claim holders to do so. (...and we have to help making this possible).
- Ø (Montesquieu had it right:) It is necessary from the very nature of things that power should be a check to power.

29. The question we are left with when looking at these iron laws collectively is: Will our new delineation of a new Human Rights approach be any more capable of solving pending fundamental development issues? This question is pertinent at this point since it is the same fundamental issues, which have been and are the central constraints that have limited progress and sustainability in prior development efforts. We are talking about the political constraints.

The politics of it all

Politics is nothing more than the ability to resolve, time and again, conflicts of interest.

30. Because we need to be concerned with what happens to people now, what we do now will affect the next generation. That makes Human Rights eminently an issue in the contemporary political discourse. (8)

31. Human Rights ultimately give direction and boundaries to political and economic choices; some economic choices simply are not permissible, even if they promise a good return. Just like the limits of a national Constitution, there are things politicians can simply not do, and other things they have to do. That is how we should conceptualize Human Rights.(8)

32. With such an overwhelming mandate, most of us just feel helpless. But it is partly due to that feeling of helplessness that normative approaches are finding fertile ground, and that development thinking is no longer accepting utilitarian approaches. I thus see this as the beginning of a political movement; one that aims to develop and implement a non-ethnocentric global ethics (and, for now, we have to recognize that the United Nations is the organization that is set to lead that movement). (2)

33. In reality, there is a need for a political solution in conjunction with humanitarian efforts. But in the last instance, only politics will determine the speed with which the ultimate achievement of Human Rights will be realized. (25, 13)

34. I contend that it is by using a combination of the Human Rights instruments that we can become more political in our work. Furthermore, given their moral standing, people's organizations should begin to speak more with one voice on these issues. (4)

35. On the other hand, political leaders do understand that change is more inevitable when communities demand their rights. Development agencies need to do likewise. (26)
36. Human Rights language raises social commitment. It is a very politically powerful language. As our social commitment increases, our level of political responsibility also increases. (5)
37. But it is more, we also need to focus on the politico-legal links in Human Rights work. (4)
38. The Human Rights framework is becoming a guidance and a directive in the area of global governance. It must now be used in a politically deliberate and systematic way to ensure its ultimate achievement, ergo the realization of Human Rights. (8)
39. The question, of course, here is: Are we all likely to have the strength and the political will to use Human Rights effectively as our supposedly new weapon against global violations of the Right to Development? Or put otherwise, will the explicit inclusion of Human Rights into the politics of, for instance, malnutrition make any difference to the many millions whose lives are blighted by this problem? (27)
40. One can be skeptical. Not much has really changed so far. This, because of the political sensitivities involved in resolving these issues. They have never really been addressed in depth. But these sensitivities are now under siege: We are at a point where you cannot but take sides! Get prepared for a fair struggle.
-

7. What Does the New UN Human Rights Approach bring to the Struggle of the Poor? – III

The Participation Factor in Human Rights

41. Getting Human Rights implemented means not only engaging development agencies, but also the government. For the latter to happen, the people (those whose Human Rights are being violated every day) will have to be mobilized, and that is a political decision.
42. While there is a fair spectrum of policies, legislation, structures and programs pertaining to the realization of Human Rights already out there, there are still many people who do not receive these basic rights. Human Rights are not yet being applied for many. We thus need social mobilization efforts of a more aggressive type to fight for the enforcement of such rights. (28)
43. Under the existing Human Rights Covenants, it is one of the state's obligations to actually facilitate the mobilization of civil society, to make them powerful actors in the process. But we all know the difference between doing and paying lip service...
44. Therefore, fostering a viable civil society is key for pressuring governments into doing what they solemnly signed and are supposed to do in the first place.
45. In the process, capacity building alone is not enough. We need to empower people along the lines of their rights being upheld.

46. All this, because only when those living in poverty are understood by all to be the most effective analysts of their own problems and agents of their own solutions is it possible to formulate effective and sustainable interventions. (19)

47. In short, to succeed, we need citizens action in a broad two-way consultative process aimed at enforcing Human Rights. (5)

The Use of Indicators in Human Rights Work

48. Tools need to be developed to assess the impact of Human Rights.

49. Under the new paradigm, activists in every country must demand verifiable benchmarks be set to monitor the evolving status of people's rights; and they also will have to struggle for the adoption of a framework law to be used as a major instrument to implement the national Human Rights strategy. (16)

50. On the other hand, a responsible research community also has much to offer, particularly in terms of collecting information on rights violations and feeding the same back to communities directly. (11)

51. They also need to again reanalyze all the information stored in official data banks of routine data collection systems to try to reinterpret that information from a Human Rights perspective, i.e. disaggregating it by gender, socio-economic group and other pertinent parameters that can uncover flagrant or hidden inequities and Human Rights violations.

52. An example can illustrate this need for reinterpretation: We can no longer celebrate growths in GNP/capita while nutritional status is not improving -- and using that to argue that malnutrition is not significantly a poverty (or income) related issue... As it turns out, child malnutrition can and should be used as a prime indicator to monitor Human Rights violations. Stunting is a good poverty indicator as is the percentage of household income spent on food. (29, 30)

The World Bank, or A Position Full of Contradictions on How to Look at The Human Rights Approach

[For your judgment, I am here quoting from the intervention of James Christopher Lovelace, WB vice-president, in the ACC/SCN Symposium on 'The substance and politics of a Human Rights approach to food and nutrition policies and programs', Geneva, April 1999. (13) (Emphases are mine)]

53. "The WB recognizes that the Human Rights approach is an important new narrative (...?) of the international development discourse...

(Granted,) Sustainable Development is impossible without Human Right. (But) This realization does not imply the World Bank's lending and non-lending decisions will always be governed by Human Rights considerations...

For the WB, the measure of its commitment on ethical, political or rights issues does not lie in its pronouncements, but on how its resources have been applied. Its loans have helped turn rights into realities (...?)...

(On the other hand,) The Bank's Articles of Agreement clearly state that in all its decisions, only economic considerations shall be relevant. (WB, 1996). This criterion has, at times, been applied in too narrow a fashion, sometimes with negative consequences...

The question (then) is whether the limited mandate of the WB would preclude it from adequately confronting the issue of Human Rights...

(No matter what.) The Human Rights framework still leaves us with the practical challenge to make choices...

(I think) The principles of Human Rights must exert an abiding influence on the design of the operational details of WB projects...

(Actually,) We need a division of labor: advocacy for respect of Human Rights should be the task of the UN agencies, bilateral donors and NGOs; providing resources for scaling up projects that fulfill Human Rights should be the role of the International Financial Institutions...

The WB's specific role and contribution will (thus) continue to be to bring to the debate a measure of economic rigor required to systematically weigh alternative means towards fulfilling the states' obligations towards Human Rights" ...

54. One critic of Mr Lovelace's portrayal of the Bank's stance countered that the World Bank had been instrumental in making it very difficult for governments to respect, protect, facilitate and fulfill their Human Rights obligations. It had repeatedly created constraints such that people in many countries had not had their rights fulfilled. As a matter of fact, he said, Structural Adjustment constantly creates difficulties and constraints for Human Rights. (2)

55. To this, Mr Lovelace replied: "I would agree that structural adjustment hasn't always considered the human dimension, and in some cases has clearly worked against it". (13)

[The above is not presented as an exposee or a mockery; it just is to show how the Human Rights approach also forces institutions to take sides: and they are not always well prepared to do so. I am confident the Bank will find some astute way out (or in) on this issue as well].

Human Rights from the United Nations' and the NGOs' Perspective

56. As is well known to most readers, in his 1997 Reform Proposal, the Secretary General of the UN called for all UN agencies to mainstream Human Rights in all their activities. (2)

57. UN agencies are considered to be duty bearers particularly in terms of monitoring and publishing indicators of Human Rights worldwide. (11)

58. It is also the UN's role to hold states accountable for non-compliance with their specific Human Rights obligations. In such a function, UN agencies act as political mediators. UNDAF, the United Nations Development Assistance Framework, is a new tool set up by the organization at country level to strengthen inter-agency cooperation and coordination in this mediation. (9, 8)

59. Moreover, since the Covenants already delineate both state and societal obligations, civil society, NGOs, the private sector and others in the national and international community also are bona-fide duty bearers. (5)

60. So, the more society is organized as a myriad of institutions that respect, protect and fulfill Human Rights and that act locally to assure the realization of these rights, the more we can expect progress in the future. (5).

61. The role of civil society groups is to, among other, act as pressure groups. Therefore, to guarantee gains, civil society will have to continue its strong sociopolitical mobilization effort in a bid to hold national and international institutions with obligations in the realization of Human Rights accountable. (8)

62. This, because development cooperation (ODA) does not automatically contribute to the respect of Human Rights. Civil society will thus have to oppose development activities that are ill-conceived and even counterproductive in Human Rights terms. Ergo, development agencies will need to fix their sights more on the Human Rights dimension of their work and civil society will have to create and sustain the pressure for this to happen. (31)

63. The NGO community can indeed play a major role in this. Among other, they will have to:

- keep asking the right questions that seek information on violations/fulfillment of Human Rights,
- submit written statements (plus photo and video documentation when appropriate) to authorities and to watchdog groups on their assessments and findings,
- follow up on corrective measures taken (or not taken),
- detect bad faith in the implementation of Human Rights obligations, and publicly denounce this fact.

64. Ideally, all development agencies should, in the near future, develop internal mechanisms to ensure that their own policies and programs de-facto execute Human Rights obligations.(2)

65. In the meantime, the danger exists that organizations use Human Rights language as non-committal rhetoric just to feel good and 'move with the tide'.

66. Finally here, we still need to clarify the role of the for-profit private sector in the Human Rights discourse. Historically, small local enterprises have not been a threat to Human Rights; Transnational Corporations have. Now they need to be held accountable.

Little has been written on this topic so far. (6, 18)

Some breakthrough will be needed here. I declare my incompetence on this issue.

8. What Does the New UN Human Rights Approach bring to the Struggle of the Poor? – IV

Writing Human Rights into Law

67. In all honesty, many governments (if not most) continue to take a soft approach to the implementation of Human Rights. Human Rights actually require a people-oriented state -- a fact that superficially may seem obvious, but of course isn't. (3, 32)

68. There are at least two challenges in this front to which they are not living up to. On the one hand, we need to adopt corrective legislation and take administrative measures to amend and abolish dispositions that are now contrary to Human Rights. On the other hand, new legislation needs to be put in place.

69. The new national legislation on Human Rights will have to contain specific targets and corresponding time frames/deadlines which can be monitored . (33)

70. In an ideal situation, the mere reference to Human Rights should create legal pressures towards the implementation of those rights. But, being very realistic, Human Rights enforcement and accountability still are key remaining unanswered questions in this struggle. (11, 20)

71. Because of the acute current monitoring needs, it is important to establish national Human Rights Commissions whose funding is independent of government bodies. When laws are then promulgated, states will simply have to respect the work of these Human Rights advocates and other watchdog groups --including the work of non-nationals involved in taking steps to foster the respect of universal Human Rights; there should be no fear of harassment or persecution for them. (11. 16)

72. Very early drafts of proposed legislation must be forwarded to civil society movements, labor unions, academic and scientific associations, private sector representatives, relevant government bodies and international organizations for review. (5)

73. Later on, a powerful measure that could be implemented is for victims of Human Rights violations to be entitled to adequate reparation. For this, one could conceive of nationally respected ombudsmen or national Human Rights Commissions being put in charge of holding hearings for victims of poverty and Human Rights violations. (16, 28)

74. In their reporting on Human Rights to the UN, Party States have to acknowledge: implementation problems, existing relevant national legislation and rules, regularity of monitoring (open to public scrutiny), priorities established and how the administration makes sure these rights have been implemented, how progress is being evaluated and the specific measures taken to achieve the realization of each of the rights.

This is already written into state obligations. Civil society now just has to sign off on these reports to keep them truthful.

75. Adding another perspective, it is not a well known fact that the right to ensure international fair trade between nations is also explicitly mentioned in the Human Rights legal documentation. The latter calls for no restrictions in the access to markets and no trade embargoes which may jeopardize a state's population. It clearly emphasizes fair trade over free trade. This, of course, is another vast area begging for more worldwide activism. (9, 2)

76. In sum here, let us agree that without enshrining civil and political rights into explicit legislation, there is no guarantee that other rights, even when inscribed in laws and constitutions, can be made effective. The absence of powers to make governments accountable and responsible to their citizen on these fundamental rights is one of the greatest obstacles to rights-based agendas.

Training in Human Rights

77. Having a Human Rights framework does not automatically change the way managers working in the development sector think about benefits. Only through a long process of incorporation of these politico-legal and other principles into everyday norms and directives and into service training programs will it be possible to progressively change deeply rooted Human Rights-neutral or Human Rights-opposed attitudes. (5)

78. Nobody suggests that we begin each day by reciting the Universal Declaration of Human Rights! National and international development and social services delivery staff should be appropriately trained and be challenged to, by themselves, explore the effective use of Human Rights in their everyday work. For sure not a small task, but one we need to tackle with a sense of urgency. (4)

79. Human Rights standards have thus to be incorporated into personnel training, because by using these standards they will gain an additional degree of authority and power, at the same time becoming more accountable. (31)

Some Conclusions

Betting on the invisible hand and ignoring the rights of the socially excluded is immoral; it is the issue of a deliberate collective social exclusion that we are out to combat. (22)

80. Borrowing a term from sub-comandante Marcos of Chiapas fame, the first challenge we face in Human Rights work is to bring the Human Rights issue to a level of “impertinent consciousness” where it bothers us not to get involved.

81. In the strategy of imposing the new Human Rights paradigm over the old and obsolete development paradigm, we have to get involved in a long haul capacity building, advocacy, social mobilization and people’s empowerment effort so as to influence short, medium and long term outcomes.

82. We are ultimately fighting for a development that is anchored in the dyad Human Rights-Human Needs. And because to succeed in this field we need to change current realities in a socially and politically relevant manner, our actions will have to be based on a very strong political discourse. (22, 5)

83. Normatively, this means we need to go from declarations (UN Declaration of Human Rights, Convention of the Rights of the Child, Convention on Eliminating Discrimination Against Women) to national plans of action, and to national legislation on these rights.

Operationally, it means we actually need to go from people articulating their needs into specific claims and then targeting them to specific duty bearers who already have clearly stipulated obligations. These claims have to then become enshrined in laws that are enforceable in practice; in the enforcing of these laws, we need to make full use of existing facilitating factors and join hands with all strategic allies to tackle all possible obstacles and face all strategic enemies. (34, 12)

84. We all know that it is easier to fight for one’s principles than to live up to them (Alfred Adler 1875-1937).

At every step of the fight you commit yourself to embark on, just keep in mind that the actual issues you will be fighting for together with the people, are important, but not crucial: The process is!

More impact does not require just more inputs... It is not about doing the things right; it is about doing the right things and accessing the right leverage points that will make the big difference.

85. The Human Rights approach thus brings to the forefront the point many activists have been making for over 30 years ... Previous development initiatives had good intentions in them; we could have gone further with the Basic Human Needs approach or with Primary Health Care, for example... But we did not. Basically, because the political resolve was not there.

86. A lot will have to be deconstructed before we can start to set up this new Human Rights approach. What may look destructive from outside is a necessary precondition. Resolving the principal contradiction in each country will require identifying the main opponents of the new approach, as well as the right tactics and strategies to forward the noble cause of Human Rights.

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9. The Role of Human Rights in Politicizing Development Ethics, Development Assistance and Development Praxis – I

“The vast majority of humanity just has the right to see, to hear... and to remain silent.”

- Eduardo Galeano

A Touch of History

1. The newly emerging Human Rights framework in development work comes as a reinvigoration to old time radicals who have been advocating and fighting for a more political approach to the ‘maldevelopment’ the second half of the 20th century has witnessed.
 2. Gone are the heydays of Latin American revolutionary fervor and of African Socialism, of President Allende’s Unidad Popular and of President Nyerere’s Arusha Declaration and Ujamaa. But the role of an avant-garde remains the same: to cause fermentation. (1)
 3. Historically, countries in the South first saw the arrival of Northern-led infrastructure/public works builders who attempted to set up the backbone of Third World economies. Then, in the 1970's, came basic human needs backers who attempted to provide people with their bare bones necessities for survival. Now, we have the greens reminding us of the environmental limits of development. But, so far, these approaches only weakly touched the political dimension, failing to tackle it as the principal stumbling block to genuine people’s development.
 4. I have personally been a witness to this snail-paced process of politicization of development work; I have seen it evolve in slow, incremental steps over a period of roughly 25 years. My experience has mostly been in the field of nutrition.
 5. My journey started with the rise and fall of the ‘Food and Nutrition Planning’ era from 1974 on. At the time, many of us critiqued that newfound panacea to solve the problems of malnutrition in the world. (2, 2a)
- It eventually died a quiet death. Systems analysis techniques and models, devoid of a political vision/perspective, simply led to a dead end alley. It took us years to figure that out.
6. Furthering the fight for a more genuine grassroots development, a second breakthrough, to me, came in 1984. At that time, the first steps were taken in coming up with what later became the ‘Conceptual Framework of the Causes of Malnutrition’ with its different levels of causality. (3) The accompanying AAA approach (assessment/analysis/action) came as a consequent companion to such a causal analysis.

It called for the entire AAA process to be carried out by the beneficiaries themselves. (The AAA approach contended that only when those living in poverty are understood to be the most effective analysts of their own problems and agents of their own solutions, is it possible to formulate effective and sustainable interventions. (4).

7. As is now well known, the Conceptual Framework's basic causes focus more proactively on the people's access-to and control-over the resources they need to develop and on the structural underpinnings of underdevelopment. The Conceptual Framework/AAA approach thus represents the acceptance of a dialectical approach that looks at the major and minor contradictions in society that result in worldwide ill-health and malnutrition of women and children as an outcome. The adoption of this approach was, therefore, a step towards further politicization of the development paradigm.

It called for a dialectical unity of knowledge and action. (5)

8. In 1990, the Conceptual Framework/AAA approach actually became UNICEF's flagship approach to solving the problems of malnutrition the world over. For a long period thereafter, the international public nutrition community got side-tracked and concentrated mostly on acting on the underlying causes of malnutrition insisting though that each of them (food, health and care) was necessary, but not sufficient. Not surprisingly, such a shortcut approach ended up being "too timid and too narrow". (4) Again, it took us years to figure that out.

In a way, this was a comparable phenomenon to that which, a decade earlier chose reductionistic approaches to PHC such as GOBI or GOBI/FF (growth monitoring, oral rehydration salts, breastfeeding, immunizations, food security and family planning) that led us only half-way to 'Health For All 2000'. (Moreover, a sizable portion of the world's nutrition community got more heavily involved in the micronutrients field –and away from the Protein-Energy Malnutrition field-- which also de-emphasized the political aspects of combating malnutrition.) (6).

9. Roughly ten years after the Conceptual Framework/AAA approach was launched, came the (complementary) 'Human Rights Approach' encompassing:

- a revival of the role of the Civil, Political, Economic, Social and Cultural Rights in development work,
- a drive to explicit 'poverty redressal objectives' in development work making it paramount that we need to work with the poor as protagonists, and
- a further bid to more concretely operationalize the newly approved rights such as those enshrined in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Right of the Child (CRC), the Right to Food, and the (upcoming) Right to Development.

The New Discourse

10. The main areas of concern of this Human Rights approach are eight:

- Population and Gender,
- Mortality and Fertility,
- Health,
- Education,
- Income and Employment,

- Habitat and Infrastructure,
- The Environment,
- Human Security, and
- Social Justice.

11. Because Human Rights derive from the dignity and worth inherent in the human person, when deprived of rights, a wo/man does not represent the human person whom the Universal Declaration regards as the ideal of a free wo/man. (7)

What I am focusing on hereunder –let me clarify-- is not (directly) on the need for the overall Political Rights of people to be universally upheld. I am rather interested here in the politics of enforcing (all) Human Rights using a people-centered AAA process. This, since, for me, Human Rights are the resurrection-of or the return-to a greater focus and action on the basic causes of the Conceptual Framework which still remain unaddressed at the base of the causality pyramid.

12. The Human Right approach reiterates, in no uncertain terms, that a relationship exists between Human Rights and economic and social development. And within a Human Rights-based development, it is the politics of equity that ultimately counts.

13. Orthodoxy aside, politicization is here meant to be a process that transforms anguish into anger and into the search for being ultimately relevant --keeping in mind that a political climate is something one creates, not something that is found out there.

14. In that same sense, Human Rights is about breaking the silence of powerlessness that keeps the needs and desires of the poor from being part of national political agendas. For the disempowered to get voice is not enough; Human Rights is about getting them influence, and about the processes that lead from having voice to having influence.

15. In sum, the added value of Human Rights is that they cannot be relegated to a mere social aspiration: they are rights; even if, at present, some of them are not enforced (or enforceable).

10. The Role of Human Rights in Politicizing Development Ethics, Development Assistance and Development Praxis – II

When A Little is Not Enough

“What you push is what you change.”

16. I would like you to agree with me that taking, what I call, a ‘minimalist stand towards Human Rights’ will do no harm, but neither will it do much good.

17. This, because Western Development has led to:

- adopting what has been called an ‘exclusion fallacy’, where what we choose not to discuss (most often the politics of it all) is assumed to have no bearing on the issues, and led to
- consistently adopting soft solutions when faced with hard choices (e.g. ‘safety nets’ that are nothing but a part of a strategy to manage poverty so as to attenuate social unrest and keep it at a minimum cost).

18. Moreover, such exclusions and the choice of patch solutions make impact their primary goal, not equity, not Human Rights. The stark reality is that there is no escape from politics, no way to represent the social world free of ideology.

Commitment to change coming from ethical imperatives alone does not fuel great social movements anymore. It is not enough to encourage the articulation of a shared moral vision, because it leaves us unable to consolidate this vision into moral outrage and that outrage into political power to change an unfair state of affairs impinging on the most basic rights of people.

19. Society is said to evolve as a (bloody) pendulum: a conservative cycle/a liberal cycle; action and reaction, always taking a toll of death. As long as we are trapped in this cycle and do not proactively try to break its passive successions, we cannot expect much in the way of Human Rights (in this context meaning 'liberation' to many). As a matter of fact, we cannot even expect any fundamental change, except that of the awful slow variety where each step takes two generations or more. (8)

20. Actually, both soft (ethically-motivated) and hard (politically-motivated) approaches to Human Rights are necessary. But the former alone is simply not sufficient! Both call for a militant commitment.

21. The bottom line is that there will be no more business as usual (or even business being more focused or interventions more targeted, as the present mood seems to call for). This is thus a key time for reflection and soul searching. (9)

22. We need moral advocates to influence perceptions. Granted. We need mobilization agents and social activists to influence action. Granted. But we also need political advocates to raise political consciousness and provide leadership. The latter cannot be left for later. Therefore --since working on a common set of values is politics-- agreeing on the politics of Human Rights --beyond ethical pronouncements-- is the real challenge.

23. But orthodoxy (the right doctrine) is not enough either. Orthopraxis (the right acting) is ultimately more important. (A. Gramsci). The challenge is to move the process from orthodoxy to orthopraxis and from minimal to full steam.

The Human Rights Paradigm

24. The use of the Human Rights discourse in development work undoubtedly constitutes a paradigm break. But so far, this break has only been conceptual, not yet operational. In this day and age, there is a social need for commitment beyond ethics. What I am convinced of is that, in its operationalization, the new Human Rights paradigm will have to become more overtly and explicitly political with the creation of well organized pressure groups amongst those whose Human Rights are being violated. And to transcend minimalism, these groups will further have to rapidly coalesce into major movements --a challenge, among other, for the Internet.

25. Fighting for Human Rights is combating the surplus powerlessness of the have-nots by creating a movement that helps build committed, multi-level action networks.

26. We need to explode the myth that things are just fine; they are not. For this, our strategy, of necessity, must become more political; that is an imperative set by how the world ticks. Power politics cannot simply be ignored; we cannot look the other way; we have to deal with it.

27. It is not enough to go from People's Needs, to their Entitlements, and from there to their Rights, and then Passing Laws, hoping the latter are Enforced.

This is considered to be a soft approach in the new paradigm.

28. We need to start from the People's Felt Needs, translate those into Concrete and Effective Demands, that foster People's Organizations, to start Exercising (growing de-facto) Power, and then Consolidating (their newly acquired) Power with that of other like-minded similar organizations.

29. The latter delineates the needed hard approach and path, because what is needed is to counter a host of complex social and political issues that are preventing people from improving their own well-being –and these are mostly related to control processes in society.

Has Science Helped People's Development?

30. In the latter part of the twentieth century, Science was not deliberately at the service of people's rights and development. The mainstream sciences --both basic and social-- simply failed to raise the level of the political discourse in development work.

31. Science does provide us with all the knowledge we need to implement Human Rights. But without the ethical and political imperatives to apply its principles to human development it remains toothless and idle, and overwhelmingly serves the interests of the 'haves'.

11. The Role of Human Rights in Politicizing Development Ethics, Development Assistance and Development Praxis – III

Getting From Here to There

32. Meetings on Human Rights (e.g. the recent 26th Session of the UN's ACC/SCN, Geneva, 12-15 April, 1999 and many other), and even the UN Secretary General's own pronouncements, are desperately asking for ways to operationalize the new Human Rights-based paradigm.

33. As alluded earlier, the fundamental changes needed to realize universal Human Rights are not possible without conflict with the powers-that-be (those who have excess power). Thus the call for politicizing development praxis in this new paradigm.

But because there is no progressive politics without the masses, only political mobilization --or 'practical politics', as it also has been called-- will do; no matter how we will call it. Otherwise, we may have to wait for another ten years, for who knows what new breakthrough... [Actually, I do subscribe to the metaphor that "without genuine political mobilization, development is like a Christmas toy: Batteries not included".

34. We are talking here about a practical, hands-on mobilization: mobilization for self-help actions, for lobbying, for placing demands, to fight for people's basic economic, social and political rights, to exert active resistance to social evil. Such a mobilization has to lead to empowerment where popular demands are accompanied by concrete action proposals. (10)

Human Rights in the Era of Globalization

35. I am convinced the Left/Right, Capitalist/Socialist ideological divide is well and alive and kicking as the world's political pendulum is desperately trying to regain its center (and maybe go beyond...to the left?) after the free market ideology has been reigning supreme. (11, 12)

36. As under Colonialism, under Globalization we live under the rule of “Might is Right” and, under the rule of that might, Human Rights just fall between the cracks...

37. Globalization does not have a human face, it leads to the recolonization of the whole planet. The term Globalization is a euphemism for a process of domination. Power differentials are at its crux. We cannot wish it away. [This fact reinforces the view that when economics ceases to strengthen social bonds it is time to start thinking in political terms].

38. But as opposed to people only having their Basic Needs taken care of, people having Basic Rights makes it possible for Rights Holders to legitimately claim the same. Additionally, the Human Rights approach imposes clear obligations on Duty Bearers (e.g., signatory governments) that, by definition, must be met. (As the cliché goes, a right exists only with a concomitant duty). Such obligations include respecting, protecting and fulfilling Human Rights provisions they agreed to by becoming signatories. (13)

And that is the breaking point of the new paradigm: It strengthens our hand to act politically.

39. In the development context, what this means is that states have the duty to improve the fair distribution of the benefits from development. And we have to hold them accountable for it.

40. Not all forms of growth and development are Human Rights friendly. Development has to demonstrably give protection to the most vulnerable and impoverished in society to be Human Rights friendly. (7)

41. The values we will now advocate for under the new Human Rights discourse are thus underpinned by International Human Rights Law that, in the future, needs to be incorporated into national laws -- in part through our future political struggle for this, and through our action as a watchdogs of their enforcement. Our Human Rights work should, therefore, begin at home.

42. The focus has now clearly shifted to the politico-legal links between development and Human Rights (*G.B. Brundtland*) keeping in mind that in the Human Rights framework, the duty to fulfill the rights --of children and women, for example-- does not depend on economic justifications or excuses. (4)

43. Moreover, the Human Rights leverage should also be forcefully applied to contingent bilateral and multilateral diplomacy as a preemptive move to prevent violent man-made disasters and their flagrant Human Rights violations.

Pleading Guilty

44. Democracy and Human Rights are interlinked and mutually supportive. (*World Conference on Human Rights*)

45. As development organizers acting as political activists we have to be willing to come into conflict with the ideology of the ruling minority any time it disregards Human Rights. For that to happen, we need to demystify the ideology of power-taken-as-being-neutral in the ruling development paradigm.

46. But so far, our prestige as intellectuals has depended on laying claim to being ‘rational and apolitical’, in short, espousing the “ideology of the extreme center”.

47. Moreover, there is not yet among us a felt responsibility for the creation of national and international conditions favorable to the realization of Human Rights. (7)

48. Because of that, I think most of us stand accused for our complacency towards the status-quo and violations of Human Rights, for our lack of criticism of the overall lack of progress in development, for our political naiveté (or our choice not to get involved in the politics of it all), for our uncritical pushing forward to do something and get things done and over with, for our paternalistic and ethnocentric approach.

In short, we cannot escape taking part of the blame.

12. The Role of Human Rights in Politicizing Development Ethics, Development Assistance and Development Praxis – IV

What We Have Not Yet Done

49. The implementation of Human Rights requires first and foremost its translation to the domestic level. The current lack of development may not be invoked by Governments to justify the abridgment or postponement of internationally recognized Human Rights. Human Rights work will thus require committed leadership and an expanding popular commitment focused primarily on ensuring democracy, improvements in the incomes of the poorest, universal access and affordability of quality health, education and other social services, and improvements in the overall living conditions of people (especially women). (7)

50. As a start, at the country level, we need to check on the follow up each country has made on major recommendations from international conferences that they attended (a key role here for UNDAF, the new UN Development Assistance Framework).

51. How can the UN be associated with such a hard approach without being accused of political interference? UNDAF is but a very first, yet insufficient and mostly still top-down, step in that direction. It is hoped it will evolve to higher levels of accountability on Human Rights issues.

52. Steps also have to be taken, then, to clarify the universal minimum core content of Human Rights as opposed to a minimum core per country; the latter risks excessive relativism and/or lenient application of the principles of the Universal Declaration and other Human Rights covenants. (7)

53. Furthermore, existing standards that are not in conformity with the current Human Rights regime have to be openly opposed.

Where to Start?

“In development work, dreaming is OK,
but being naïve is not.”

54. We do not exert effective political leadership on most of these issues yet. But we cannot run away from showing intellectual leadership at least. All of us are called upon to help legitimize and enforce all UN-sanctioned people's rights, and that requires a crucial change in conceptual thinking, a change of our mindset.

55. More than before, defining Human Rights objectives and establishing explicit Human Rights goals is thus a political task we cannot escape. We urgently need to contribute to the setting up of the legal entities that will define people's rights more bindingly (e.g. setting up National Human Rights Committees).

56. To this, we will have to add all the needed work at grassroots level to launch the Social Mobilization and Empowerment processes needed to pursue the hard path alluded to earlier. (14)

57. Additionally, among many other, what we need to, is to

- Strengthen the capacity of development workers in all fields of specialization to more effectively analyze and act upon the core economic, political and social determinants found in the basic causes of maldevelopment wherever they work (4)
- Overcome the culture of silence and apathy of this staff around Human Rights issues; this means they will have to work more directly with communities using a AAA approach
- Challenge and build consensus on political issues related to Human Rights, perhaps starting with eliminating in people's minds the division they see between politics and their professional endeavors
- Move from the politics of status-quo to a politics of global responsibility for the enforcement of Human Rights; we need to become scholar-practitioner-activists
- Work towards the more liberatory view of social movements (*Paulo Freire*), and not waiting for opportunities, but creating new opportunities [rights have to be taken; they are not given!].
- Move from Human Rights to wider Social Rights and from Declaration to Implementation (*Gramsci*); we need to “walk the talk and not talk the talk”.
- Link the normative standards of Human Rights with other developmental processes in which each of us now works so as to proactively change our roles in development work in the new millennium. (7)
- Forcefully support the 20/20 Compact, because a Human Rights approach will need additional financial resources (20/20, also is a useful monitoring tool to monitor the intentions of governments and donors to implement economic, social and cultural rights). (7)

58. The overall call is for us to move from a basic needs to a rights-based approach. In it, beneficiaries are active subjects and bona-fide claim holders. In the rights-based approach duties and obligations are set for those duty bearers against whom a claim can be brought, both nationally and internationally, thus ensuring that claim holder needs are met. The added value of the rights-based approach really lies in creating and enforcing the legal accountability needed and in legitimizing the use of political means in the mainstream process of enforcing it. (7)

59. The establishment of national and international complaints procedures is, therefore, also needed. Short of civil society taking up this function on its own shoulders, national and international monitoring bodies will be needed. One can start with eliciting contributions to the formulation and adherence to voluntary guidelines that pursue the application of Human Rights principles.

Epilogue

60. What has been said here, is not food for cheap Internet philosophers. I see this endeavor as the opening of the nth chapter of a long-term painful struggle on these issues that desperately attempts to horizontalize the previous more vertical dialogue on the topic. We need you to react. Here and elsewhere.

61. We are in for an exciting new era. We need all the courage we can muster. Wouldn't you rather become a protagonist than a bystander?

62. Tactically, I am not so sure it is so good to say all this. It may give a tactical advantage to the 'powers that be' that are actually afraid of or fear and will oppose with all their might any move towards politicization.

63. There is a big catch up task to be undertaken to remedy past wrongs and making the next decade a winning decade for Human Rights. Never be sorry to be too late.

64. It is fitting to close with another quote from the Latinamerican writer Eduardeo Galeano who asked: What if we would start exercising the never proclaimed Right to Dream to lead us to another, possible world?

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13. On the Role of the State, the UN and Civil Society

1. Human Rights are plainly not guaranteed by the existing institutional arrangements. [We have to understand this as a point of departure]. (Amartya Sen)

2. A country becomes State Party to a convention or covenant once it has ratified it. The same is then binding and the state is obliged to take what are considered appropriate steps.

3. As the duty bearer, the state is then considered to have a contractual relationship with the rights holders.
4. Additionally, the state has to periodically report to the UN on progress made in implementing the prescriptions of the covenant.
5. States' compliance with their obligations under each covenant is thus to be monitored by the international community ultimately via the UN.
6. This double (reporting/monitoring) mechanism, in theory, should help decrease our level of past frustrations since, now, international monitoring is no longer excluded and can no longer be considered as an external interference (!) even when taken up by international NGOs and civil society organizations alone or together with local partners.
7. Such international monitoring aims at establishing a dialogue with those states that can be shown deliberately to violate Human Rights, or more commonly, to omit pursuing explicit policies towards the realization of these rights.
8. All this amounts to nothing but the restoration of the mandate already contained in the original (over 50 years old) UN Charter to pursue Human Rights.
9. It is probably only a matter of time before all UN agencies will have explicitly committed themselves to a Human Rights approach (which will permeate all agencies) and carry out this monitoring mandate as related to their specific/respective mandates.
10. The Human Rights component of their programs will now have to cut across all the agencies' political and technical priorities.
11. To this should be added the same agencies' new responsibility of advising interested member states in the drafting of so-called 'framework legislation' towards the formulation and implementation of domestic Human Rights laws.
12. In short, in the future, the comparative advantage of the UN agencies will rest far more on their capacity to generate ideas and to shape of the normative framework for development and health than on their ability to transfer resources.
13. This transition from general commitments and principles to actual implementation will need time especially since the respect for Human Rights often goes against dominant economic interests, against the interests of Globalization and those of entrenched power elites. But this represents a challenge rather than a constraint.
14. The misconception that the realization of rights is necessarily costly will have to be vigorously countered as well.
15. Moreover, it should be understood that the state does not always have to be the direct 'provider'; it can and often will be the facilitator of and guarantor for primary Human Rights actions taken by others in society.
16. While the UN remains critical for advocacy actions, for standard setting and guidance, it is essential that country-level initiatives be developed.

17. In this endeavor, continued gaps in communication and understanding between Human Rights advocates/analysts and practitioners remains a major problem.

18. For example, many NGOs are still unfamiliar with the Human Rights potential to strengthen their work.

Reference:

- Barth Eide, W. (2000): The promotion of a Human Rights perspective on food security: Highlights of an evolving process, Chapter 14 in Clay, W. and Stokke, O. (eds.) Food and Human Security, Cass Publishers.

14. Health, Human Rights and Donors

1. Focusing on sustainable poverty alleviation is inseparable from bringing about greater respect of Human Rights and greater equity.

2. Current development thinking is at a cross-road.

3. We need to influence overall development strategies and particularly the professional 'lords of poverty' to move a step closer to putting Human Rights issues at the center of poverty eradication.

4. We cannot leave it up to (undefined) 'others' to undertake the needed steps to bring Human Rights center stage.

5. This sense of urgency must be heightened for all of us, including donors. They have to understand that technical actions will not bring about significant improvements in the condition of the poor.

6. The myth of the Chinese proverb of 'give me a fish and you'll have fed me for a day, and give me a net and you'll feed me for life' has to be debunked. This fallacy is repeated over and over again. The real question is who owns the pond/lake/river/ocean and what the RIGHTS of the poor are to fish there...

7. Access to the Commons (or means of production, for that purpose) is not to be taken for granted!

8. Donors have to join together to fund Human Rights violations surveys in the recipient countries and these data are to be published annually in a publication of the type of UNICEF's "The Progress of Nations" or UNDP's annual report where countries are ranked according to their respective Human Rights performance.

9. Subsequently using these data to tackle identified Human Rights violations at national and sub-national level will then become the main challenge for committed donors to get involved in helping revert them.

10. As is true for NGOs, donor agencies will thus also have to more forcefully pursue Human Rights-promoting, bottom-centered, empowering interventions.

11. They will have to bring recipient governments to the table to negotiate binding commitments (with signed memoranda of understanding) to move in the direction of poverty eradication via the Human Rights approach (with specific poverty-redressing and rights-upholding objectives), including the close monitoring of progress.

12. Funds can then be released in tranches based on the achievement of negotiated verifiable Human Rights indicators along the implementation line of funded projects.
13. A donor-NGO/civil society link and funding window should be developed concomitantly along the same lines (...for remissioned NGOs).
14. In case of non-responsiveness or non-performing government projects, donor funding should be progressively reallocated to the NGO/civil society sector.
15. Non-performing NGOs should be dropped under the same guise.
16. All this may only add up to a start --and from the top at that... But it is a start in the right direction.
17. Next, we will have to let most inputs for future actions come from the more directly affected themselves.
18. Perhaps most of our energies will need to be spent on the latter. The road ahead will, for sure, require our greatest boldness ever.

Human Rights and International Financial Institutions (IFIs)

19. In an apparent recent rediscovery of 'the social', the Bretton Woods IFIs are now also turning to Human Rights.
 20. But this 'revalidation' of 'the social' and of Human Rights is happening mainly at the micro level in these institutions. At the macro level, IFIs' attention to social questions is, in all honesty, still very much an afterthought!
 21. In reality, (purportedly) 'sound' macroeconomic policies continue today to be designed mainly based on cold economic considerations.
 22. Then, [luke-(warm)] social 'band-aids' are applied in order to achieve acceptable outcomes -- outcomes IFIs feel they cannot be blamed for by the rest of the international community.
 23. IFI prescriptions for the privatization of basic social services (i.e. the privatization of health) is antithetical to Human Rights, antithetical to the basic tenets of wealth redistribution, antithetical to poverty eradication strategies, and, therefore, antithetical to equity.
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15. Arguments in Favor of an Empowering Community Capacity Building in Health

1. The notion of duty and justice (...and not compassion!) give rights their cutting edge.
2. Power is the key relation in health and Human Rights issues: A right confers power, i.e. the power to make key changes as far reaching as the system allows claim holders to do so. (...and it is our duty to help making the latter possible).
3. People have full power only when they can alter existing (power) relations. (...and it is our duty to help making this possible too).

4. X has to have power over Y to affect results; power thus is a normative advantage...to change the existing unfair health system and to turn it to people's advantage. (...and it is our duty to help create that advantage as well).
5. Only exercising full power can people freely select among the available and possible solutions; people's empowerment is thus needed.
6. Claims are rather useless if there is no power to have duty bearers enforce their public health duties.
7. A party other than the duty bearers has to have power over the duties in order to make sure most public health duties are enforced.
8. To enforce a duty, the claim holder is the best suited to exert power over the duty bearer.
9. It is not good if the claim holders have no power or control over the enforcement of their health claims.
10. Actually, people can only have a true health claim when they also have the power to claim for it; the power is a necessary ingredient in their claim; ergo, having a claim necessarily involves having (or getting) a power.
11. Rights (claim) holders cannot only be passive beneficiaries of the duties of others.
12. People's health rights are recognized as long as the rights holders have power over the duties.

Reference:

- Sumner, L.W. The Moral Foundation of Rights.
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16. Short Discussion Topics

Human Rights Accountability Analysis

1. Capacity/accountability analyses (that tell us why duty bearers at many levels do not seem to be able to perform their duties as expected) are a cornerstone of Human Rights planning.
2. The key question is: Who gets to do these needed analyses and who the calling to account?
3. It sometimes sounds too much as if it is some outside authority who is going to do these things for us and, 'with a lightning bolt call the sinners to account'.
4. This attitude/suggestion that some outside agency will/must do this has to be combated. The task cannot simply be disembodied and left up to outsiders.
5. Primary (but not exclusive) attention needs to be given to local grassroots groups to lead these analyses.
6. Bottom line: it is unthinkable to talk about capacity/accountability analyses in any other way than in a participatory way.

7. But we should not concentrate too narrowly on grassroots either; agents at all levels have roles to play; we need to figure out their (and our own) respective responsibilities and inter-relationships in this endeavour.

8. National governments need to be actively lobbied to concretize their commitments to pass framework national Human Rights laws.

9. Ambitious capacity/accountability analyses risk leading us to too many priorities. We have to reduce the analyses to a limited set of claim-duty relationships that are likely to be most critical in a given situation.

10. If not limited, we risk ending up with a very large number of claim-duty relationships and actors who we will not be able to productively involve in new actions for which we will now hold them accountable.

11. Therefore, the recommendation is to --with people's participation-- arrive at a list of the most crucial three or four 'sins of omissions' for each particular set of selected rights violations; later in an AAA (Assessment/Analysis/Action) cycle, people can reevaluate and pick their new priorities.

On Goals and Means

12. We always need to keep in mind that Human Rights do not proscribe --they prescribe--and on broad goals at that.

13. Human Rights do not specify means for reaching those broad goals.

14. There thus is a separation in Human Rights work between goal setting and figuring out how to reach them: The first part is to a great extent done already; the second is history in the making.

15. For the time being --and hopefully not for too long-- it is we (you and I and growing numbers of others) who are called upon to take up the challenge of furthering the operational aspects of Human Rights so as to translate them into concrete actions.

16. As we do so, we have to be absolutely clear that there is no neutral territory in combating oppression and eradicating poverty.

17. Those who believe in neutrality will ultimately become prey to the agendas of the conservative social forces.

18. As long as the movement for Human Rights does not seek to dismantle the structures of power that breed and sustain inequity with its accompanying Human Rights violations, the latter will remain untouched or just cleverly manipulated to make them look like progress.

19. Work on Human Rights, as well as work on reshuffling power relations to tackle the problems of poverty will have to pass through gaining the support of the middle class. For example, health services must be made equally accessible to all on a basis that is perceived as fair by all; this also means that Human Rights principles have to be equally applied to all citizens --not only to the poor.

20. The current emphasis on privatizing the provision of health services and on targeting only the victims of the most severe violations (alas to offer them only token palliative measures) goes in exactly the opposite direction of what is meant here.

21. Such current policies are unmistakably making the solidarity work needed for the attainment of Human Rights next to impossible.
22. Therefore, rights should not be theorized in the sense of claims playing themselves out in a vacuum.
23. Achieving them will mean a struggle.
24. Rights are not a standard granted from above, but a standard bearer around which people have to rally to bring about a struggle from below.
25. Know where you stand and know on whose side you wish to be counted as an actor.

The Right to Information

26. All peoples and all nations have the right to share their knowledge with one another.
27. It is thus vital that a proper balance be struck between the ownership interests of knowledge producers and the public good interests of knowledge users.
28. The international community has to come to the realization that the right to knowledge is far too important to be left to commercial forces only.
29. The much-heralded 'knowledge societies' of the information superhighway will amount to little more than paper tigers if their governance is delegated to the marketplace:
30. The market will simply produce and distribute knowledge according to people's purchasing capacities.
31. Conversely, a Human Rights-inspired system of governance will favor the availability of knowledge not according to people's means, but according to people's needs and aspirations.

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17. Elements for a Human Rights Activists Course and Curriculum

Introduction

1. Many of our fellow development professionals are not satisfied with the training future generations of our colleagues are receiving. Quite a few have been vocal about it and discussions have ensued for the last few years. More recently, a sizable part of the discussion has centered around the mix of technical and other skills Human Rights advocates need to acquire given the challenges they are sure to face in their future careers. Not much of the content of this discussion has found its way into concrete changes in the curricula of schools that train different types of future development workers.

2. Not enough has been done to address the training needs of future Human Rights advocates as relates to their role as activists. As development workers, we are simply still ill-prepared to act confidently in the realm of Human Rights. It behooves us to get prepared to contribute to the central issue in the upcoming phase of development work worldwide.

3. As part of the effort to find our professional niche in tackling the basic causes of maldevelopment more proactively than we have done so far, we cannot escape our obligation to look for workable training options that will prepare future colleagues to better do so. Alternative modalities of training for different groups of them will have to make up for this deficiency in their current training. Here, I will concentrate primarily on graduate students training --thought to be an important group to start with. I will opt for a modality that can be accommodated without necessarily entering into conflict with already crowded curricula in masters degree programs.

4. Giving graduate students in the different disciplines of development work a chance to practice activism skills vis-à-vis the problems which we are training them to resolve is a duty that ideally should be woven into all courses of their degree program. This not being the case, a second best (and hopefully transitional) approach is to set up an additional course that will better confront these students with their future ethical and political responsibilities, i.e. those they will surely have to face when they start working.

5. When facing this challenge, one has to keep in mind the possible strong and valid opposition of those who will say we might as well use our energies in such an endeavor to work directly with people, communities and budding civil society organizations. They would argue that working with the future "development engineers" might be less well spent time since they are not the ones who are going to actually make the needed changes anyway. But then --if we are lucky-- engineer-activists retooled in an activist's course may become additional advocates/multipliers/strategic allies in the huge task ahead of us of more proactively removing the basic causes of malnutrition worldwide.

The Course: A Technical Note

6. A summer school course (or equivalent) of 10 weeks in a graduate school will fit the needs well.

7. The course will be primarily based on a series of student debates and role plays. [A debate/role play format is the closest I can think of to mimic the real life challenges nutritionists-as-activists will face in their careers].

8. The students will be given access to a specially stocked room in the library and to the internet to research and prepare their debate strategies and contents.

9. A set of rules will be made explicit and a team of 3 faculty (teacher) judges will preside each debate. There will be one 6 hrs. debate per week for a total of 8 debates.

10. Guest lecturers will be invited to discuss their Human Rights or other advocacy experiences in two-hour seminars twice a week. The rest of the time the students will be preparing their case, reading, reviewing case studies and hanging the key pieces of what they find up in the form of a poster of 3-4 square meters.

11. There will be two teams of 6-7 students each with one faculty tutor each to support them. Each team will elect a leader.

12. Each debate will consist of an opening statement or argument which will refer to the poster which will be unveiled at that time. This presentation will be academic in style and will bring up the key debate points.
13. A full range of audiovisual media will be made available for the teams to use in their presentations.
14. The opening statement will be followed by a mandatory role play in which one set of 'actors' will represent the community and the other set the activists who are trying to learn from and discuss with the community representatives the best relevant action measures to take for the Human Rights problems brought up; simple language and convincing examples will have to be used.
15. In a strategizing exercise, the team will then say how they want to implement what they propose.
16. The first role-play will be followed by the second team presenting their opening argument, their poster, their role play and strategy.
17. After a break, the actual debate will start; one chosen student will act as a rapporteur and the chairperson of the panel of judges will direct the debate. The teams will challenge each other on issues. Faculty will also challenge them.
18. The format of the debate will be such that it will attempt to convince and persuade others about a certain reality and about the corresponding course of action needed. The contrasting potentials of top-down, bottom-up and bottom-centered approaches to solve the Human Rights problems unveiled need to be brought up and critiqued. In other words, the debaters have to point to a way out that they think is better than what we have had so far. Creativity will be encouraged in the presentation of their arguments.
19. The two posters will stay up for 4-5 days each week for closer scrutiny.
20. The whole proceedings will be videotaped (by two students themselves). The teams will have access to the tapes, to look at them so as to plan better strategies for their next debate. Later, a professionally edited version of the debates can be used for an internet version of the course. [Graduate students from the Communications Department of the University can do this work for academic credit].
21. The debate will be followed by a wrap-up session in which each team leader will summarize the major points made by his/her team; the student rapporteur will highlight the key points of the debate. The judges will then point out which elements of the debate are relevant to the students' future engineer-activist's role, as well as pointing out strengths and weaknesses of each team; good leadership points will also be pointed out.
22. Practicing negotiation skills, the students will then be called upon to produce a short synthesis statement on the topic of the debate (summarizing the best of both positions presented). Efforts will be made to post such syntheses in different pertinent email list-servers and web sites; the better ones may be considered for submission for publication.
23. Guest witnesses will be welcome and an open audience will be encouraged in the debates by advertising each of them on campus in advance. The audience could give a show of hands to the team they thought did a better job.
24. The students will be allowed to switch groups provided there is another student in the other group who is willing to swap. The faculty may also have some say on this, early on, to better balance the teams.

25. The first week will be an introductory week with instructions on the mechanics of it all plus a couple of lectures on "effective and critical reading" skills that will allow the students to more effectively scan printed and electronic materials, on "how to build a case", on "principles of role playing", perhaps on the use of a conceptual framework of causes of Human Rights violations and the Triple A approach (Assessment, Analysis and Action) that facilitates participatory decision-making; other relevant topics can be thought of for this introductory week.

26. The faculty will set up the reading materials in the special room in the library by doing a systematic search and networking with colleagues worldwide to collect relevant documents. Graduate students on work-study assignments can be used for this (as well as for the videotaping). At least 2 computers with internet access are needed for each team.

27. The following weeks will each have one debate plus 2-3 scheduled guest lecturers' seminars -- making sure that these do not preempt topics of future debates.

28. A choice of topics for the debates on Human Rights might be the following: [In no particular order yet]

- 20th century Science, Ethics and Politics and their effects on Human Rights.
- Corruption, bureaucracy, accountability and transparency and Human Rights.
- Development ethics and ideologies/paradigms: the last 40 years and why it has all worked poorly for Human Rights.
- Engineers and activists in Human Rights and development work: What's first, the chicken or the egg?
- Equity and Human Rights.
- Foreign aid, debt and Human Rights.
- Genuine people's participation in Human Rights and development work: community-based programs.
- Human Rights and demographic trends in developing countries.
- Human Rights and economic development.
- Human Rights and empowerment.
- Human Rights and Globalization.
- Human Rights and income distribution.
- Human Rights and land reform.
- Human Rights and rural credit for women.
- Human Rights and small scale income generation programs.
- Human Rights and SRA, LRA, PRA, PLA and other such letter soup acronyms.
- Human Rights and sustainable development.
- Human Rights in emergencies.
- Human Rights in the 21st century: New needed commitments.
- Human Rights in the times of AIDS.
- Human Rights work as a career.
- Human Rights: networking and coalition building.
- Human Rights: NGOs and civil society; the need for NGOs to 'revision and remission' their mandates to regain an activist's role as true allies of the poor.
- Making sense of the myriad of "World Reports" (WDR, State of the World's Children The Progress of Nations, State of the World-Worldwatch Institute, ACC/SCN Report on the state of the world's nutrition, etc.).
- Nutrition, health and Human Rights.
- Paulo Freire and the 'conscientization' movement: relevance for Human Rights work.

- Sectoral World Declarations and Human Rights (3 Rome declarations on food issues since 1984, Rio, Copenhagen, Beijing, Cairo).
- The new Human Rights approach of the UN.
- The political economy of Human Rights.
- The role of donors in worldwide Human Rights: blessing or curse?
- The role of government in the battle against Human Rights violations.
- What is really empowering?
- Women's role in Human Rights and development: what is really empowering for them?

29. This list of topics should be edited and completed after a wider discussion of this idea. Conversely, the list of topics may be replaced by a list of sharply pointed questions that would stimulate students to find appropriate answers for.

30. The students will be given this list during the first week and will vote the 8 topics they want to cover in the whole course. They can also combine two or more topics in one debate or propose new topics for faculty consideration. Topics not chosen may become the basis to decide which guest lecturers to invite.

31. The last week of the course will focus on lessons learned by the aspiring engineer-activists on the topic of Human Rights. Each team will do their own presentation on this followed by the faculty. Each team and the faculty will hang their conclusions in a last poster. Suggestions for improvements on the course will be a part of this exercise. Each of the 12-14 students will then be given an opportunity to tell the class what they want to do with all this in their upcoming career and will receive peer and faculty feedback on it. In their presentations, they should also bring out their own personal and professional enthusiasms and apprehensions for the coming decade.

Note: The format here proposed follows the North American environment of a graduate course. Adaptations can be made to suit other academic environments. The course could also be adapted as a distance education course, perhaps with the debate being carried out in an electronic 'chat room' or asynchronously via email.

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I would like to thank George Kent from the Univ. of Hawaii for his valuable comments to this draft.

18. Some Pearls of Wisdom about Health Care Financing

1. Equity in health means equal access for equal need.
2. Near-zero-priced public services for the poor is an essential public policy towards equity.
3. Government intervention in the inequitable workings of the free market is required to bring about equity in health. The problem of resource shortages in the health sector cannot thus be seen as only a sectoral problem.
4. Health fees are little more than an additional form of direct taxation.
5. Changes in health care financing should be promoted because they will improve the existing situation and not for their own (or the donor's) sake.

6. **Levying fees will prevent the more deprived groups from seeking care at government facilities. It will add an additional barrier to their use. 'Affordable' fee levels are next to impossible to set...**
 7. **Even where efforts are made to base fees at affordable levels, the poor will accumulate debt when faced with major illness.**
 8. **Effectively protecting the poor from charges (fees) depends on setting up cumbersome administrative procedures for waving fees.**
 9. **Given that lower socio-economic groups are least likely to use health care services, a sample survey only covering health care users is probably biased toward higher income households.**
 10. **The question that always needs to be kept in mind when interpreting any survey results is: Does willingness to pay reflect ability to pay?... This means that, ultimately, we need to address the ethical issues of the impact of charges on equity.**
 11. **From the World Bank's perspective, efficiency is the key concern to pursue in health care financing; equity takes second place to efficiency.**
- The Bank supports a market-based allocation of health resources and envisions a limited role of government in the distribution of societal resources. But ultimately, it is the relative utilization of health resources and facilities by the different socio-economic groups which will tell us about how equitably the allocation of these resources has been. Increasing efficiency is, therefore, not a good enough reason to raise fees.**
12. **Equity considerations are of primary importance; they are of importance as a policy goal. But the market-based allocation of care discriminates against the poor --with a fee system aggravating this situation.**
 13. **Efficiency considerations are concerned with matters of allocation rather than distribution.**
 14. **The basic justification for assessing equity does not change with the level of resources available in a society: it is the same in rich and poor countries. Moreover, limited resources do not justify greater levels of inequity.**
 15. **With equity in mind, the assessment of the likely impacts of paying fees on users has to be disaggregated by income distribution quintile, and these characteristics of users (and payers) need to be assessed before and after implementing the change.**
 16. **The challenge definitely is finding a just balance between efficiency and equity.**
 17. **From the perspective of the poor, social and economic considerations are too often forgotten in the politics of health care allocations. For instance, treatment costs per event are lower in rural areas, but transport costs for patients are significantly higher. Or, another example to ponder: Seasons determine income and times of low income coincide with times of potentially greatest sickness.**
 18. **Payment exemption mechanisms and retention of revenue arrangements remain grossly unaddressed in health care financing plans....and most of the power still remains centralized.**

19. Increasing access to health care is not impossible if fee revenues are retained by the facilities themselves. But barriers still exist for peripheral facilities to retain fee revenues and using them effectively at local level with community inputs.
20. Because public expenditure is more important than taxation in the overall distribution of income, health care expenditures should be biased in favor of the poor. Therefore, need for health care should be defined along the lines of the socio-economic status of households.
21. Income per capita is highly associated with demand for medical care. Low income is a barrier to access to care.
22. Equity has to be understood as a social justice and distributional fairness issue: a more broadly-based socio-economic development is thus a prerequisite for an improved health status that is sustainable.
23. Worldwide, the distribution of health care is already inequitable in socio-economic terms. It will become more inequitable increasing the cost of care. It will reduce the demand for services by the lower income groups and by female household members. It will also delay presentation for care for them. Therefore, raising the cost of treatment will only aggravate poverty.
24. Prices are important determinants of health care demand and that demand is reduced more in response to price changes when income is lower.
25. In summary, health care financing reforms alone cannot bring about sustained better health. The promotion of wider structural changes in society is also required. Health must thus be seen as only a part of total care. Aiming for better universal health care forces us to consider and tackle the unequal distribution of the circumstances under which preventable malnutrition, ill-health and deaths are perpetuated.
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Food for an ombudsman's thought

19. Health Sector Reform and the Unmet Needs of the Poor: A Critique

I have been re-reading some of the Health Sector Reform (HSR) and health and poverty literature. I have been amazed by the ambiguity, lack of clarity and of a sense of direction, and even some misconceptions I have found in an otherwise serious literature. This is not the time to call names or to point fingers, but let me give you a generic potpourri (or a smorgasbord) of what I found:

1. The most pervasive problem with some of the articles is that they say a lot of the right things one could be in agreement with, but they fail to put it all together to build a new needed vision (and much less a mission) for the future. They would say things like: "what is needed are plausible strategies", but fail to come up with such. Or, as another says: "Our discussion has perhaps been frustratingly inconclusive. In our view, this is inevitable, given the complexity of the issues and the current state of knowledge about them. We can only estimate potential benefits". Alternatively, I have seen authors use an 'options' approach which is a sanitized way to give advice by saying things like: 'governments have a choice of doing A, B or C'. But the respective author rarely sticks her/his neck out strongly in favor of one or two alternatives that point to a clear direction.

2. Further, the literature too often portrays governments as not having the political will to do such and such, without making it clear that that (*laissez faire*) in itself IS the manifestation of a will, ergo a political choice (i.e., not to exercise a will...).

3. I am also disturbed by the abuse of the 'cost-effectiveness' paradigm in the writings as a stiff, sacrosanct principle overriding good old social concerns in health.

4. What bothers me further is the acceptance, as a *fait accompli*, that the existence of an already in-place 'mixed public-private health sector' system supposedly is an impediment for decisive government action to straighten out the system as a whole, especially with a view to securing care for the poor who are consistently and universally being left out in this 'mix'.

5. Some of the literature I ran into also implies the DALY approach can be modified to steer actions in the direction of the needs of the poor (which some authors purport to be experts in when, as one of them says "it is important to understand these changes from the perspective of poor households"). I'm not so sure the DALYs are a fruitful analytical tool for the poor to put their hopes in; equity issues just take the back seat in its approach.

6. When it comes to what functions governments MUST perform, people make lists. I feel these often to be biased. In some of the papers reviewed, these lists more and more often --almost as a given-- take the position of the market approach to the delivery of health care, namely 'Let government do what the private sector cannot'. I am afraid this is not a proven recipe either, as long as the profit motive remains the driving force of the latter.

7. Nowhere I read are community based insurance schemes presented as an important potential co-payer of health services. I say co-payer, because governments (central and local) DO HAVE to live up to their Human Rights obligation to provide care for the poor. Because, and let me stick out my neck here, I AM - together with others - talking about governments having to increase their health budgets in a renewed greater, long-term commitment to Health for All! Of course we are also talking about other things that need being done, but this issue of a renewed struggle to increase government spending in health is key in our vision for the near future. Governments around the world have indeed neglected their duty to meet the needs of the public.

8. In most of what I have re-read, I do think there are prescriptions that could have been put forward more forcefully. Not truths, but prescriptions to better address the challenges we face. Without having an argument with a lot of what is said as individual statements, I would have loved to see more authors give some more direction even at the risk of attracting criticism. That is exactly what the times are calling for.

The second generic comment I would like to make is that much of the literature also critiques some of the more equitable approaches proposed elsewhere for a more 'poor-friendly' HSR. Many authors do not fully agree with the alternatives proposed:

9. Many are convinced that proposing a bottom-up approach puts too much faith in attaining the many structural changes needed. Further, many are of the opinion that when management of services is turned over to the local people, they do not become any more efficient or effective.

--On the other hand, I, together with many others, still do find evidence that when the management of services is (really) turned over to the people, the added accountability and transparency DOES make them more efficient/effective than what they are now; not perfect, but better. Of course, this turning

over of control has to be matched by government support of such a move including it reallocating resources to back the new truly decentralized structure. For sustainability purposes, any viable alternative will have to pass through this turning over of responsibilities, whatever other remedies are instituted. Even diehards would agree with some variant of this today.

10. Other authors contend the problem is not the structure; the root problem, they think, is pervasive apathy and corruption at all levels of the public service --from the village to the top. Some of them may have become hardened through some personal experience to believe that people tend to act only when there is some compelling reason for it. And today, in many countries, there is absolutely no compelling reason for anybody to take their public responsibility seriously. In fact, these authors think it is against the public servants' own self-interest to fulfill their public responsibility.

--Many of the proponents of equitable approaches do agree that people tend to act when there is some compelling reason for it; I remain convinced though that one has to and can create such compelling reasons for people to take their public responsibility more seriously using the right mix of (monetary and non-monetary) incentives, local support supervision and local accountability to beneficiaries. Devolving real powers to local populations, so that public servants are de-facto accountable to them, is feasible and is crucial for this.

11. Unfortunately, many of our colleagues have also come to believe that predominantly tax financed health care is a myth. ('Citizens often end up paying twice', they say, 'first for the consultation at the public clinic and then again at the private practice of the public-clinic physician; this is probably the reason for an increasing number of people going to the private sector services directly').

--Against this, the many 'other' of us contend that there is absolutely no evidence (but a lot of faith) that private hospitals do a better job for low income groups or that they will locate in areas of need rather than of potential profit (when the evidence shows that only public hospitals serve disadvantaged groups or areas). Let's face it squarely, as regards the private alternative, even if we could perfect all the 'market distortions' that hinder private services, the result would still be grossly inequitable and totally unworkable to care for the poor.

12. Proponents of HSRs of any kind ARE genuinely interested in finding a workable solution to the major problems exposed by this humble ombudsman --granted.

--But what I found is that too many define the current realities with what I think is a bias and an a-priori skepticism against the public sector. That is the unhealthy attitude many of us think needs to be broken. The PUBLIC SECTOR IN HEALTH still has the central moral and de-facto responsibility to be the guarantor of equitable health services being made available to all its citizens; nobody can or will do it for the state. Within this context, neither the public financing of private providers (contracting out of clinical and/or preventive services) nor the private financing (running) of public health facilities (as for example currently in China) serves the interests of the poor equitably. The profit motive stands in the way.

13. Finally, you may say that dogmas are just dogmas; and what we need are solutions.

--Yes. But it is HSRs, as currently applied, that seem to be more driven by dogmas than by evidence. From my ombudsman's perspective, and not claiming exclusivity, solutions have to start with a vision that leads to a mission...and visions of an enhanced role for public sector driven solutions as here proposed are not dogmas; they are viable and in the best interest of those we purport to serve.

Acknowledgments:

I thank Goran Dahlgren for his contribution to this text.

Food for thought about a state of mind (1)

20. On Development, the Real World, Power Games and the Ugly Faces of Greed

Variations on a theme by the Danish writer Peter Hoeg.

Inspired, extracted (plagiarized) and paraphrased from his short story "Reflections of a young man in balance", in Tales of the Night, Panther Books, The Harvill Press, London, 1998, pp.295-308.

Words no longer make much of an impression on many of us. You can take what follows any way you please: as a 'cri du coeur', as a lament or as an ode to hope. I look at it as one way to come closer to the truth about what I do. I will admit to one feeling though -- a faint feeling of anger; I foster it because it keeps me warm. Something tells me that we need to get to the bottom of it all, to the most intimate hopes and fears of what we do for a living. Thoughts as the ones expressed here keep me from sleeping. But they make some sense of my sleeplessness.

The most profound truth about all Development (and indigenous knowledge) is that it is a state of mind. And to that state, those changes we call advances or modernization hold only little relevance. As outsiders, there is little we can say or do that is not or does not become a cliché.

All of us see Development as a series of reflections in mirrors of our own images. But the mirrors are actually false. They help us hiding behind a thin film of humanity (we can genuinely be accused of that). As champions of partial truths, we build these mirrors, which end up invariably being a screen on which we project Development as we would (biasedly) like it to be. These mirrors are dreams. They are based on speculations (from speculum: mirror). Partial truths tend to be sinuous, only bi-dimensional fragments of real life. Partial truths lead us to visions and reflections that remain mostly unaffected by what we do to address them. What we do represents an attempt to half-consciously realize our hopes and allay our fears. The mirror registers our hopes for the truth; it gives us a glimpse of an undeniable misapprehension.

But we know so little about the causes we actually serve. Are we taking the right and crucial steps along the path that will alter the world for the better? People ask us to show results; we think we do, but are we not often entertaining them with descriptions of how difficult it is to reach them?

Anyone who looks into a mirror sees what she wishes or fears to see; a mirror of Development that showed things as they really are would have to show the misery, the suffering, the anguish, the joys of the beholders. How often do we skip these images?

People often ask us why we take part in the daily ordeal and political chicanery of spreading Development. Perhaps the most honest response is: We have to make a living. If anyone questioned me further I would be tempted to say I have no wish to say anymore about it. This because it has long dawned on me that I am a player in a ghastly power game; anything else is an illusion.

Maybe what we see in the Development mirror has nothing to do with the finicky reality; the real world is not inside our mirrors. Some of the "facts" we base our actions on may easily have been formed in the mirror when IT produces us. We chase the mirror's images. If we ran from them, they would pursue us. Whatever we feared the most, the mirror will ram down our throats.

Since I realized this, it has become clear to me that this is a dilemma with which we will always be faced: the 'account of reality' is what makes me what I am and what alters me accordingly. The

question is how far the beholder is passively subjected to the impression of reality, and how far she herself actively shapes what she sees. But, on the other hand, this question may be wrongly posed; it presupposes that there is a stable Development reality to be observed. There is no such thing. As soon as we lay eyes on the world, it starts to change. And we with it.

The history of Development is the history of a boundless faith in the power of (the Western) will. I perceive the infinite limitations of that will. Faced with this, I have to submit to the mirror; either that or forget the whole thing.

The process that leads towards reality comes in stages, like the steps on a staircase. We have to take from the mirror the images that show us the world in flux, a world that strives for reaching a credible utopia; a world that is activated by ideas, by people, by reason, by economic hard facts that take into account the ugly faces of greed: a world that does not exist yet; a world that recognizes that human beings are infinitely alike and infinitely diverse.

Getting closer to reality brings liberation. Viewing reality does not mean immediately making sense of a given setup though; it means surrendering oneself and triggering an unfathomable transformation in us. Getting closer to reality helps us discern between different types of colleagues among those that have spent their lives searching for solutions to underdevelopment. Are they right in what they are looking for? We can further judge the great systems that have tried to inform the world about truth and life claiming to be absolutely truthful and well balanced. Have they been right?

Of course, all of us have had inspired instants in which we had a glimpse of reality. But quick forgetfulness (and fear, apathy and bias) erases it all.

I know now the source of my anger. But I am only human, and that is the problem; for humanity is frail, it forgets, it betrays (even its own principles), it devaluates, it is hit by moral and intellectual inflation.

If only I could remember how it felt to be modest and in command of the situation. But forgetfulness is eroding my (and my colleagues') effectiveness. We are clearly leaving crucial things out of the Development equation. I write this with an increasing sense of worry. What's happening to our clichés? Our cynicism? Our mirrors?

Food for thought about a state of mind (2)

21. On Morality, Freedom, Choices, Justice and the Need for People's Power

*Variations on a theme by South African Nobel Prize winner Nadine Gordimer.
Inspired, plagiarized and paraphrased from her novel "A Sport of Nature", Penguin Books, N.Y. 1988.*

*I am not lonely. But in my darkest hours,
I feel I am alone.*

In development work, living without a cause is living without a reason to be. As opposed to those who do not, those of us who have choices ought to have morals. How often are we caught in the thought that we know what is right, even if we do not manage to do

it? Many of us spend our professional lives living in the midst of inequities and behave as decently as we can –under the circumstances. We can spend our lives on our front porches and never be of real use to anyone, especially if we uncritically listen to all the dis-information floating around about development, justice, rights and equity.

We can indeed choose to continue to live on “innocence and ice-cream”. But is that ethical?

We cannot just be grounded on remembering how good it used to be; instead, we need to embark in providing a new style of leadership (more and more based on the inalienable principles of Human Rights). We need to be taken out of the ranks of ‘useful onlookers’ and become grassroots protagonists. We say we have been preparing for change. That is all right. But have we really worked for change that is meaningful to those we purport to serve?

The much-taunted freedoms of assembly, speech and the press are not the only ones that count. Freedom is divisible. Most of us want life for the poor people to be better. That is a freedom too! I still prefer the way freedom is divided here (in Viet Nam, for example) over the way it is divided in the great riches of the West.

Some choose to fight through charity (or God). This comes about, in part because we do not know why we are in this world...and religions tell us why. Others decide to go fight with the people - not through God. (For me, in the real world, God changes sides too often). To one of Gordimer’s characters it was not the Church, but Marx who told him what the world was really about.

Donors send soup powder to change the world. In the meantime, some get power. The important thing is to be on the side that gets the power...you will never come to power on soup powder. And you have to be in power to be able to feed your own people. You get there with power (people’s power) and you stay there with money. (In the process of negotiating to get there, it is not questions of justice and reason that count; it boils down to the question of sheer power). Justice is high-minded and relative. We can give people justice or withhold it. But power, they find out how to take it for themselves; through circumstances that arise pragmatically from the specific circumstances of their lives. That is why textbook revolutions fail. Therefore, is it our role to help create those circumstances?

But even under these prerogatives, if we do not attempt to do justice, we cut morality out of power. And that is dangerous.

We can go away from what is happening now. But we can never go away from our moral responsibility.

We need to be fully engaged with the world and the present, based on a concrete historical past.

Then there is no need for too much reflection.

The past becomes a preparation to put action in motion.

Food for finding where your thoughts are

22. Variations on a Theme by the Chilean Writer Isabel Allende

Inspired, extracted (plagiarized) and paraphrased from her novel "The Daughter of Fortune", Plaza y Janes Editores SA, Barcelona, 1999, pp 296-301.

Some of us have for too long lived surrounded by four walls, in an immutable environment, where time rolls in circles and the line of the horizon where we are heading to in our work is barely perceptible. We have grown up professionally inside an impenetrable armor of good manners and conventionality.

We have been trained to please and serve, and ended up limited by our own routines, the prevailing social norms and our hidden fears. For too long, fear has been our companion: fear of authority and of what people will say, fear of the unknown and of what is different, fear of the unpredictability of social justice, fear of leaving the protected cocoon and facing the dangers of the real world out there, fear of our own fragility and of the ultimate truth.

Our truth has been a sweetened-up truth, made of omissions, courteous silences, well kept secrets, order and discipline –while masses of the poor share the same space and time with us, yet it is as if they did not exist for us. And under such circumstances, our aspiration has really been more to achieve virtuosity. But now we are beginning to doubt the significance of that word.

As this doubt assaults some of us, we are waking up. We do not know in what turn of the road traveled we lost the person we used to be. Looking back, we are not sure anymore which of the causes we championed were meaningful, which we won and which we lost. If we made some mistakes and had uncertainties and fears about the future, we feel we have paid dearly for them already.

We feel new wings growing on our shoulders; we feel we can fly like a condor; we feel suddenly empowered; a new arrogance allowing us to make meaningful decisions in our professional lives is overtaking us, and we are willing to pay the consequences for it. We feel we do not owe an explanation to anyone for these changes.

An atavistic, seldom before felt sense of optimism and commitment invades some of us. We have lost that sensation of multiple fears always sitting in the mouth of our stomachs. Our fears have melted as we have lost our fear of fear. We now find new strengths as we face new risks. We are finding new forces within ourselves that we probably always have had, but did not know we had, because we had never used them. We are ready to join the growing number of explorer-doers seeking new ways out to the problems of the world. We feel pride as wo/men who are reinventing equity.

Some of us walk victorious while others still carry disillusion mostly having early defeats to show for. But we feel we own our destinies, our future, and our own irrevocable newly acquired dignity. We finally understand talk about liberation, about rights and empowerment, and about freedom from want in new ways and yearn to discuss with others what we see and feel about each of them.

We can now live each day without necessarily making plans that are not worth spending our lives on. We feel we have a blank sheet in front of us where we can write our new plans and, in the process, become whoever we want to become, without anybody judging our past. In short, we can be reborn.

“Irrationally held truths may be more harmful than reasoned errors” - T. Henry Huxley

Thinking loud

23. On Statistics

Statistics create subjects; they tell stories and shape cultures.

Over the past five decades, development practitioners have prided themselves on successfully creating more sophisticated ways to measure and compare. Statistics have become crucial, if not the most crucial of, development tools.

They describe, measure and help to build the arguments in favor of, or even against, development issues. (For example, as somebody jokingly said, “smoking is a major cause of statistics”).

Statistics, we are told, reflect economic and social characteristics; they have the power to focus awareness on a range of problems, deficiencies, challenges and improvements.

Of all the development tools, it is clear that statistics play the central role in constructing power and knowledge.

However, statistics are often used unknowingly (?) by development experts to further entrench the (prevailing) development discourse. The problematic, potentially biased nature of the statistic in development work is given little credence.

One of the cruxes is in the choice of indicators; it always embodies certain values about what information ‘counts’ (“whatever the cakes we bake are the ones we will have to eat”). For instance, when choosing which data are collected to determine the type and extent of a given health problem affecting a population, Human Rights principles and norms can be considered or disregarded. The resulting statistics will tell a different story altogether.

Further, decisions on how to disaggregate data (by age, gender, socio-economic, ethnic or other group) also have direct influence on the policies and programs that are put into place.

While being comforted by the statistic, we remain unaware of how central the use of statistics can be to the politics of representation. Statistics ultimately is a political technology which can create a reality that is understood as factual and as a translation of the truth.

We thus have good reasons to be skeptical (or at least inquisitive) about statistics; after all, it is notable that the seventeenth century term for what is now called statistics was “political arithmetick”.

Notes:

- 1) This is partly plagiarized, but I regrettably lost the reference. Although it is nothing terribly new, I think it is still worth bringing to a higher level of consciousness every now and then. Any disagreements?
- 2) Comment from Joe Hannah: On the same subject, here is a quote whose author I also do not know: "If you torture multi-variate data sufficiently, they will confess!"

24. Food for NGOs Thoughts

In the 2001 World Development Report devoted to poverty, it is stated that there are limits to a micro-level approach to poverty, and a macro-level approach is advocated for. The latter is supposed to include work with and through NGOs. For this to happen comprehensively, the Human Rights dimension will have to become more central. And this implies some changes in NGO work will have to happen.

Let me share with you my micro-comment on this macro-issue:

In these times of widening gaps between haves and have-nots --between those whose rights are mostly upheld and those whose rights are being systematically violated--

NGOs simply cannot continue doing business as usual.

The vast majority of them are long overdue for “REVISIONING/REMISSIONING EXERCISES”. These are literally “retreats” in which NGO staff ask themselves:

- What are we all about?
- In the present climate of Globalization cum pauperization (involving a whole a chain of old and new Human Rights violations), are we part of the problem or part of the solution?
- How are our activities contributing to combating these Human Rights violations, to combating poverty and to bringing about greater equity in a sustainable, empowering way?

If NGOs do not like the ring to the answers to these questions (and many others like these in the same vein)...well...you guessed: It's time for them to remission their organization!

A few NGOs (e.g. ACHAN in Madras, India, achan@vsnl.com) have successfully done this and are proactively convincing others to do likewise.

NGOs: Get your planning going for the most important workshop you have held in the last 'x' years and let the new Human Rights approach be at its center...

25. Food for Donors Thoughts

It should be clearer to many of you by now that focusing on sustainable poverty alleviation is inseparable from bringing about greater respect of Human Rights and greater equity.

As we have discussed, current development thinking is at a cross-road. This gives us a golden opportunity to influence overall development strategies and particularly the professional 'lords of poverty' to move a step closer to putting Human Rights issues at the center of poverty eradication. In this endeavor, we cannot leave it up to (undefined) 'others' to carry out the needed steps to bring Human Rights center stage and miss this close to a last ditch opportunity. This sense of urgency must be heightened for all of us, including donors: technical actions will not bring about significant improvements in the condition of the poor.

The myth of the Chinese proverb of 'give me a fish and you'll have fed me for a day, and give me a net and you'll feed me for life' has to be debunked. This fallacy is repeated over and over again. The real

question is who owns the pond/lake/river/ocean and what the RIGHTS of the poor are to fish there...Access to the Commons (or means of production, for that purpose) is not to be taken for granted!

Donors have to join together to fund Human Rights violations inventories in the recipient countries and these data are to be published annually in a publication of the type of UNICEF's 'The Progress of Nations' or UNDP's annual report where countries are ranked according to their respective Human Rights performance.

Actually subsequently using these data to tackle identified Human Rights violations at national and sub-national level will then become the main challenge for committed donors (...would some of them also need re-visioning / re-missioning retreats...?).

As is true for NGOs, donor agencies will thus also have to more forcefully pursue Human Rights-promoting, bottom-centered, empowering interventions. They will have to bring recipient governments to the table to negotiate binding commitments (with signed memoranda of understanding) to move in the direction of poverty eradication via the Human Rights approach (with specific poverty-redressing and rights-upholding objectives), including the close monitoring of progress. Funds can then be released in tranches based on the achievement of negotiated verifiable Human Rights indicators along the implementation line of funded projects.

A donor-NGO/civil society link and funding window should be developed concomitantly along the same lines (...for re-missioned NGOs). In case of non-responsiveness or non-performing government projects, donor funding should be progressively reallocated to the NGO/civil society sector. Non-performing NGOs should be dropped under the same guise.

All this may only add up to a start - and from the top at that... But it is a start in the right direction. Next, we will have to let most inputs for future actions come from the more directly affected themselves. Perhaps most of our energies will need to be spent on the latter. The road ahead will, for sure, require our greatest boldness ever.

26. Caveat Emptor: A Participatory Approach is not a Human Rights Approach!

Beware: The fashion is out. Everybody wants to jump into the bandwagon of Human Rights.

It is coming to our attention that to be 'up to the times' a number of donors and NGOs are telling us that their programs have incorporated participatory approaches to their development, health and nutrition programs. They see those being an "essential" part of Human Rights, because they build activities around the express needs of the beneficiaries.

But this is NOT what the Human Rights approach is about!

Such programs must be retooled to adopt the full Human Rights paradigm to deserve being called such, i.e. the goal of them should be achieved through interventions founded in international Human Rights law that will provide the legal basis for interventions that will ultimately underscore the host governments' fault at fulfilling its obligations to redress the violation of Human Rights of its citizens.

To bring about a reversion of the violations requires changing/adapting ongoing programs' objectives to the Human Rights framework (the difference is one between just delivering the usual services, and making it clear to beneficiaries that they are legally entitled to specific services and can go somewhere to complain if they do not receive what is due them; people need to know what commitments have been made to them).

The new objectives are not to stabilize the problem, but to make it disappear. Accountability now will not only be on services being provided, but on tackling (and ending) the problem at its roots.

You need to see the difference in this.

Typical public health, nutrition or development programs, for instance, do not include Human Rights education and do not address the fundamental problems (and process) that marginalize(s) disadvantaged groups in society. They do little to address the basic causes and inequalities that lead to the perpetuation of poverty. And these are the challenges that the Human Rights approach does address, i.e. it attempts to redress the imbalance between society's privileged and its disempowered members and it clearly identifies individuals and agencies of the state that are called upon to carry out these obligations, and, it also says how they are to operate to remove the specific Human Rights violations.

Another subterfuge used that comes to our attention is for donors to say that they are carrying out some of their activities through NGOs that do advocate for Human Rights. Well, the same objections apply here. This is not enough, even if the latter NGOs are genuinely involved.

The fallacy that needs to be uprooted is that development and, for example, public health programs such as child survival and nutrition programs, 'implicitly' address fundamental issues of Human Rights. In the Human Rights approach, nothing is left implicit. Without retooling to an explicit Human Rights focus such claims remain but hot air.

References:

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Food from a Commissioner's thoughts

27. Development And Rights: The Undeniable Nexus

For this issue of the reader, I find it fitting to excerpt and adapt from Mary Robinson's (High Commissioner of Human Rights's) statement to the Copenhagen Plus Five meeting in Geneva in June 2000.

***“Without the rights rhetoric (and praxis),
I am afraid we will end up
with a total and uncaring market system
that will not solve our problems.”***

- Judge Albie Sachs, South Africa

Just a few years ago, the language of Human Rights was unwelcome in the work of development. Human Rights were regarded as 'political'.

On those rare occasions when Human Rights were raised, it was often in the context of conditionalities set by donors.

Today, the situation is different. Most official and non-governmental aid organizations have now committed themselves to the integration of Human Rights into their work; at least in general. As was long overdue, a new dialogue is taking place, more and more using law-based approaches to Human Rights, and the same have been integrated into the latest reforms of the UN system.

The path to human dignity runs not through imposed technocratic solutions, imported foreign models, or presumed trade-offs between development and rights.

Health, education, housing, fair justice and free political participation are not matters for charity --but rather matters of right.

This is what is meant by the 'rights-based approach': a participatory, empowering, accountable, and non-discriminatory development paradigm based on the full set of universal, inalienable Human Rights and freedoms.

Poverty eradication without empowerment is unsustainable.

Social integration without minority rights is unimaginable.

Gender equality without women's rights is illusory.

Full employment without workers' rights may be no more than a promise of sweat shops, exploitation and slavery.

The logic of Human Rights in development is inescapable.

As said, rights-based approaches are normatively based on international Human Rights standards and emphasize accountability, equality, empowerment and participation.

The question is: How closely does the rhetoric match the reality?

Therefore, the focus of the next five years must be on accountability, because duty bearers delivering on commitments is crucial to the advancement of Human Rights.

All partners of development must accept higher levels of accountability!

Human Rights-accountable aid is the respective responsibility of donors.

Human Rights-accountable business practices will have to come to mean fair trade, decent jobs, protected consumers and clean environments.

But the will to protect Human Rights must be accompanied by the means to do so.

Because there are crucial resource implications, international cooperation is a sine-qua-non, including higher levels of aid with 'rights-friendly' priorities, deeper debt relief, and protection of poor countries from the negative impacts of structural adjustment and globalization.

Recognizing women's rights as Human Rights --in law, policy and practice-- is also crucial.

But perhaps no social phenomenon is as comprehensive in its assault on Human Rights and human dignity as is poverty.

Poverty erodes or nullifies economic and social rights (health, housing, food, safe water and education) and civil and political rights (fair trial, political participation and security).

The poor are acutely aware of the indivisibility of these rights! But the same are elusive to them...

From a Human Rights perspective, poverty is a condition characterized by the sustained deprivation of choices and the power necessary for the enjoyment of fundamental rights.

The social exclusion, humiliation, abuse, rejection and harassment the poor are subjected to --and their

lack of power in regard to insensitive local officials, corrupt institutions and inaccessible development decision-makers-- all point to the need to create the new mechanisms necessary to ensure that the voices of the poor are heard and given authority in development.

The rights-based approach does provide a better response to the continuing challenges of poverty -- particularly those not reflected in current statistical indicators...

This, because the rights-based approach brings with it a more rational development framework, more complete structural analyses, enhanced accountability, increased transparency, higher levels of empowerment, ownership and active participation, safeguards against harm, and -- most importantly-- a more authoritative basis for advocacy.

Food for duty bearers thoughts

28. On the Role of the State, the UN and Civil Society

“Human Rights are plainly not guaranteed by the existing institutional arrangements.”

- Amartya Sen

We have to understand this as a point of departure.

A country becomes State Party to a convention or covenant once it has ratified it. The same is then binding and the state is obliged to take what are considered appropriate steps. As the duty bearer, the state is now considered to have a contractual relationship with the rights holders. Additionally, the state has to periodically report to the UN on progress. States' compliance with their obligations under each covenant is thus to be monitored by the international community ultimately via the UN.

This double (reporting/monitoring) mechanism, in theory, adds to decreasing our level of past frustrations since, now, international monitoring is no longer excluded and can no longer be considered as external interference (!) even when taken up by international and civil society organizations alone or together with local partners.

Such international monitoring aims at establishing a dialogue with those states that can be shown deliberately to violate Human Rights, or more commonly, to omit pursuing explicit policies towards the realization of these rights.

All this amounts to nothing but the restoration of the mandate already contained in the original (over 50 years old) UN Charter to pursue Human Rights throughout the system...

It is probably only a matter of time before all UN agencies will have explicitly committed themselves to a Human Rights approach (which will permeate all agencies) and carry out this monitoring mandate as related to their specific/respective mandates. In the latter, the Human Rights component will now have to cut across all the agencies' political and technical priorities.

To this should be added the same agencies' new responsibility of advising interested member states in the drafting of so-called 'framework legislation' towards the formulation and implementation of domestic Human Rights laws.

In short, in the future, the comparative advantage of the UN agencies will rest far more on their capacity to generate ideas and to shape of the normative framework for development than on their ability to transfer resources.

This transition from general commitment and principles to actual implementation will need time especially since the respect for Human Rights often goes against dominant economic interests, against the interests of globalization and those of entrenched power elites. But this represents a challenge rather than a constraint.

The misconception that the realization of rights is necessarily costly will have to be vigorously countered as well. Moreover, it should be understood that the state does not always have to be the direct 'provider'. It can and often will be the facilitator of and guarantor for primary Human Rights actions taken by others in society.

While the UN remains critical for advocacy actions, for standard setting and guidance, it is essential that country-level initiatives be developed. In this endeavor, continued gaps in communication and understanding between Human Rights advocates/analysts and practitioners remains a major problem. For example, many NGOs are still unfamiliar with the Human Rights potential to strengthen their work.

Finally, good governance, in terms of appropriate state actions in the realm of Human Rights, should be the result of and go in tandem with ongoing civil society initiatives. This is not automatic and needs to be better worked out as a matter of urgency.

Reference:

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Food for questions to be asked

29. On Vulnerability, Access and Discrimination

Typical Human Rights questions one should ask about services are:

Is there sufficient attention being paid to the most vulnerable groups?

Is there equal access to services?

Do service providers practice non-discrimination towards people with scant means or no de-facto entitlements? , and further,

Are privacy and confidentiality observed?

If present, social vulnerabilities can and should be reduced. One of the important means is to pass/modify laws/regulations so that they now positively discriminate in favor of the specific vulnerable populations.

But the vulnerable themselves do not have the clout to pressure for this to be done.

It is we, the providers, who have to start working with the most vulnerable so they can pick the tools they need to claim the specific rights of their own.

Human Rights do provide a tool of analysis that will help 'the forgotten' identify key societal determinants that are responsible for their vulnerability and their violated rights.

Human Rights can and should thus be used to reduce those vulnerabilities and violations by modifying pertinent behaviors, attitudes, power relations, and ultimately programs, regulations and laws.

Because Human Rights focus on 'the forgotten', understanding the diseases of poverty (which are foremost the biological translation of social, economic and political diseases) necessitates an understanding of Human Rights.

Human Rights puts the individual at the center, and this is not to be seen as contradictory but synergistic and complementary with public health which deals primarily with populations rather than with individuals.

As a process or an approach, Human Rights actually also call for a broad-scale movement that engages people in achieving specific goals and outcomes.

To live up to this, we have to promote practical ways of participation that make Human Rights relevant to people's everyday lives! ...this, not necessarily an easy task.

The road will be long and tortuous. Sustainable social and behavioral changes will be needed at many levels and we have to foster those --starting yesterday...

In practical terms, Human Rights define what governments can do to us, cannot do to us, and should do for us. It is in this context that we have to understand their obligation to respect, protect and fulfill:

- Governments respect when they refrain from directly or indirectly interfering with the enjoyment of people's rights, e.g. by providing non-discriminatory social services for all.
- Governments protect when they rescind old decrees or prevent third parties from interfering with or infringing people's rights, e.g. by canceling user fees, or by de-facto impeding that pharmaceutical houses or the insurance industry affect equal access to health (as recently in South Africa).
- Governments fulfill when they adopt legislation towards the full realization of people's rights, e.g. by providing redress for people whose rights have been impinged, or by ensuring strictly equal protection under the law, or by stopping discrimination in the access to the procurement of services such as health.

(Freedom from discrimination is central in international Human Rights law.

A prominent example is discriminations against women.

As a matter of Human Rights, women have to have (!) the ability to control and make decisions about their lives).

Human Rights are thus important standard setters in the assessment of government performance, of governments taking the appropriate measures and ensuring internationally sanctioned provisions.

And civil society simply has to take up the challenge and become the protagonist in these accountability checks.

Governments may decide to embark on a 'progressive realization of Human Rights', i.e. progressively proceeding --'to the maximum of their available resources'-- to get there. If this can be independently proven, that is OK. (Conversely, lack of government resources, is not a reason for not implementing Human Rights provisions!).

From the global perspective, and under exiting provisions, the international community does have the obligation to support the upholding of Human Rights in such resource poor countries, especially if the latter are genuinely embarked in the progressive realization of rights.

Three more issues need be emphasized here at the end:

1.- The neglect of the right to information/education does have a substantial health impact, especially for women. For instance, mis or lack of information about antenatal care, nutrition, TB, HIV, or epilepsy (to mention just a few), or even about available curative and preventive treatments can and does make the difference between life and death.

Therefore, a retooled (!) public health IEC (information/education/communications) will have to play its role in eliminating Human Rights violations.

2.- Human Rights have implications for data collection and use.

Human Rights principles and norms are relevant when choosing which data are to be collected to determine the type and extent of, for example, health problems affecting a population. Decisions on how to disaggregate data equally have direct influence, not only on the policies and programs that are put into place, but also on the sub-populations to be reached as a matter of priority.

3.- Commercial sex workers, substance abusers and AIDS patients are being particularly stigmatized and criminalized in our societies; they are pushed to the margins.

This does not obviate their right to equal and non-discriminatory access to information, prevention and treatment services, as well as to the social services that address the underlying and structural causes of these facts of 21st century social life.

*: Some topics do and will repeat themselves slightly in these readers. It has been my experience that by being exposed to them from slightly different angles they slowly begin to sink-in into our consciousness.

Reference:

- Health and Human Rights in Sustainable Development Group, World Health Organization, (2001): Stop TB Guidelines for Social Mobilization: A Human Rights Approach to TB. Geneva.
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Food for some not so disparate thoughts

30. Potpourri

More on Accountability Analysis

Capacity/accountability analyses (that tell us why duty bearers at many levels do not seem to be able to perform their duties as expected) are a cornerstone of Human Rights planning (see previous Human Rights reader on Human Rights planning).

The key question is: Who gets to do these needed analyses and who the calling to account? It sometimes sounds much too much as if it is some outside authority who is going to do these things for us and, 'with a lightning bolt call the sinners to account'.

This attitude/suggestion that some outside agency will/must do this has to be combated. The task cannot simply be disembodied and left up to outsiders.

Primary (but not exclusive) attention needs to be given to local grassroots groups to lead these analyses. Bottom line: it is unthinkable to talk about capacity/accountability analyses in any other way than in a participative way.

But we should not concentrate too narrowly on grassroots either; agents at all levels have roles to play; we need to figure out their (and our own) respective responsibilities and inter-relationships in this drama. Also very prominently, then, national governments need to be actively lobbied to concretize their commitments to pass framework national Human Rights laws. (1)

On the other hand, ambitious capacity/accountability analyses risk leading us to too many priorities. We have to reduce the analyses to a limited set of claim-duty relationships that are likely to be most critical in a given situation. If not limited, we risk ending up with a very large number of claim-duty relationships and actors who we will not be able to productively involve in new actions for which we will now hold them accountable.

Therefore, the recommendation is to --with people's participation-- arrive at a list of the most crucial two or three 'sins of omissions' for each particular set of selected rights violations; later in the AAA (assessment/analysis/action) cycle, people can reevaluate and pick their new priorities. (2)

On Goals and Means

We always need to keep in mind that Human Rights do not proscribe --they prescribe-- and on broad goals at that.

Further, Human Rights do not specify means for reaching those broad goals.

There thus is a separation in Human Rights work between goal setting and figuring out how to reach them. The first part is done; the second is history in the making.

For the time being --and hopefully not for too long-- it is we (you and I and growing numbers of others) who are called upon to take up the challenge of furthering the operational aspects of Human Rights so as to translate them into concrete actions. (1)

As we do so, we have to be absolutely clear that there is no neutral territory in combating oppression and eradicating poverty. Those who believe in neutrality will ultimately become prey to the agendas of the conservative social forces. As long as the movement for Human Rights does not seek to dismantle the structures of power that breed and sustain inequity with its accompanying Human Rights violations, the latter will remain untouched or just cleverly manipulated to make them look like progress. (3)

Moreover, work on Human Rights, as well as work on reshuffling power relations to tackle the problems of poverty will have to pass through gaining the support of the middle class. For example, services must be made equally accessible to all on a basis that is perceived as fair by all; this also means that Human Rights principles have to be equally applied to all citizens --not only to the poor.

The current emphasis on privatizing the provision of services and on targeting only the victims of the most severe violations (alas to offer them only token palliative measures) goes in exactly the opposite direction of what is meant here. Such current policies are unmistakably making the solidarity work needed for the attainment of Human Rights next to impossible. (4)

Therefore, rights should not be theorized in the sense of claims playing themselves out in a vacuum. Achieving them will mean a struggle. As we have said before, rights are not a standard granted from

above, but a standard bearer around which people have to rally to bring about a struggle from below. (5)

Know where you stand and know on whose side you wish to be counted as an actor.

More on the Right to Information

Although there are several references in Human Rights instruments to the right to education/information and the right to share in scientific advancement, such provisions are not supported by an effective enforcement mechanism. Conversely, the new WTO global regime for intellectual property rights does have at its disposal such enforcement procedures, i.e. cross-retaliatory trade measures.

This is a flagrant paradox, because

- everyone has the right to knowledge (including the entitlements to access to knowledge),
- no one can be arbitrarily deprived of the sources of knowledge,
- the right to knowledge implies due recognition and respect for the rights and freedoms of others, and - all peoples and all nations have the right to share their knowledge with one another.

It is thus vital that a proper balance be struck between the ownership interests of knowledge producers and the public good interests of knowledge users.

The international community has to come to the realization that the right to knowledge is far too important to be left to commercial forces only.

The much-heralded 'knowledge societies' of the information superhighway will amount to little more than paper tigers if their governance is delegated to the marketplace:

The market will simply produce and distribute knowledge according to people's purchasing capacities.

Conversely, a Human Rights-inspired system of governance will favor the availability of knowledge not according to people's means, but according to people's needs and aspirations. (6)

More on Human Rights and International Financial Institutions (IFIs)

In an apparent recent rediscovery of 'the social', the Bretton Woods IFIs are now also turning to Human Rights.

But this 'revalidation' of 'the social' and of Human Rights is happening mainly at the micro level in these institutions. At the macro level, IFIs' attention to social questions is, in all honesty, still very much an afterthought!

In reality, (purportedly) 'sound' macroeconomic policies continue today to be designed mainly based on cold economic considerations.

Then, [luke-(warm)] social 'band-aids' are applied in order to achieve acceptable outcomes --outcomes IFIs feel they cannot be blamed for by the rest of the international community.

IFI prescriptions for the privatization of basic social services (i.e. the privatization of social protection) is antithetical to Human Rights, antithetical to the basic tenets of wealth redistribution, antithetical to poverty eradication strategies, and, therefore, antithetical to equity. (4)

References:

- (1) Kent. G. Personal e-mail dated 26/2/2001.
 - (2) Jonsson, U. (2000): An approach to Human Rights-based programming in UNICEF ESAR, SCN News, No.20, July, pp.6-9.
 - (3) Manji, F. (1999): Editorial, in Development and Rights, A Development in Practice Reader, Oxfam Publications.
 - (4) UNRISD (2000): Social policy in a development context, UNRISD News, No.23, Autumn/Winter, pp.10+11.
 - (5) Shivji, I. (1989): The concept of Human Rights in Africa, CODESRIA, p.71.
 - (6) Hamelink, C.J. (2000): Who has the right to know?, UNRISD News, No.23, Autumn/winter, p.20.
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Food from the thoughts of the mwalimu**31. Human Rights and South-South Cooperation**

An intellectually sound analysis around the new Human Rights-centered development approach is needed to arrive at a collective platform or policy for the South. This is needed as part of the South countries' quest for solidarity and cooperation with one another --in their endeavor to follow a genuinely people-centered development path in freedom.

It is our collective responsibility to organize and coordinate up-to-date analyses --analyses by the South and for the South-- specifically on the new and not-so-new specific national and general international Human Rights issues. The countries of the South will be able to cooperate and act together more effectively only when they have access to greater knowledge and a shared understanding of the major Human Rights questions at stake in their own development --including the implications of these questions for their continued freedom and independence. There is a need for global action in the field of Human Rights and the changes needed have to be channeled to serve all of mankind, but especially the people in the South.

The economic, political, military and social units which have most of the knowledge, skills and capital necessary to make a difference in Human Rights worldwide currently have far-reaching power over those who lack these assets. No country can escape the effects of these powers.

We in the South, must try to understand what Human Rights are in our context and what it will mean not to adopt the Human Rights approach.

We need to know about and seize the opportunities in front of us and be aware of the dangers to our development ambitions if we fail to act accordingly. It is imperative that the South understands its own needs in Human Rights as distinct from the needs and desires of richer and more developed countries; only then can we negotiate from a position of strength.

Countries in the South need to be in a position to act together to maximize the South's benefits from and bargaining power in international negotiations and decisions related to Human Rights. Central to this action is to work towards a common position on Human Rights for collective consideration. Such a position paper is to give information and to analyze the major new and evolving Human Rights issues; it is then to recommend to the countries and organizations of the South what actions they could usefully consider taking, separately or together.

Identifying and articulating the South's common Human Rights interests does not imply seeking confrontation with the countries of the North. The existence of distinct groups of countries (e.g. Group of 8, OECD, Group of 77, Non-aligned Movement) is an expression of a reality: the imbalance in the level of development --and therefore the imbalance of power-- in the world. These imbalances impose an obligation on all of us to continue the endeavor to reduce them. Actions of the rich and powerful have a greater effect on others than do events in poor and weak countries. That is the everyday meaning of the imbalance of power. (But even so, the poorest or smallest of us do affect others --either by what we do or fail to do!). Within this imbalance, different degrees of interdependence have always existed. But now, with the speed and nature of modern communications, the effect of external developments or decisions can be very quick and great. For the weak, these effects sometimes have been and are catastrophic.

Therefore, we in the South must be able and ready, at any time, to speak for --and more often to defend-- our own Human Rights interests as these power-induced changes actually take place, or as we are collectively threatened with them. Doing this is the normal process of negotiations between groups with different interests. For, ultimately, progress can only take place on the basis of respecting human and national equality; changes will only be beneficial to world peace and to our collective betterment when respect is accorded to all by all and when justice is available to all.

Neither Human Rights nor development can be based upon the oppression of might, whether this be economic, scientific, political or military might. [Nor can the current acquiescence of silence on the part of those whose Human Rights have been and are ignored and violated --but who feel too vulnerable themselves to argue or protest-- continue!].

All governments sometimes find it helpful to have someone who can say what they would like to say, but from whose words they can, under pressure, disassociate themselves if necessary. As members of civil society, we need to say such things! And the call is here to do it for Human Rights concerns which do relate to economic, social, cultural and many other questions which underlie and affect the peace and development of our countries and our people.

The need is there. We thus have to set up the participative mechanisms to work towards making recommendations concerning possible action by the South in the realm of Human Rights. But then it will be for the governments and the people to ultimately determine what actions they wish to, have to and can take. We can only persistently lobby. Therein lie our challenges, because what we do in this domain has to be used by the people, by the governments and by the institutions of the South... An instrument becomes useful only by it being used!

Our countries face an international environment and a world economy dominated by the strong developed nations and corporations of the North. Moreover, international institutions are, to a considerable extent, shaped on the basis of the values and interests of the North. It is an understatement to say that often the values, aspirations and interests of the South are ignored as if they were unimportant.

Developing countries can have strength on this issue of Human Rights only if and when they act together, in cooperation and in a coordinated effort. We do not have to be ignored. We are too many to be ignored. If the South wants to count, it must stand up and be counted! Let's encourage this needed collective action and let's continue to advocate the reforms of international institutions as and when this seems necessary to achieve our declared Human Rights goals.

But let's also be conscious of the things we have not done which ought to have been done and in particular which it would have been useful to do.

To focus on the most important Human Rights issues of current or future relevance to development requires political, diplomatic and intellectual support from the South governments and from non-governmental organizations; it also requires financial support from the South.

Our capacity to achieve the goals of the South will depend on the support these goals receive from the countries of the South. Assistance from friends in the North will, of course, be helpful. But we in the South must continue to be the prime engine.

The value of what we achieve in Human Rights will lie in our intellectual autonomy and independence.

Note:

- Adapted from Mwalimu Nyerere's address given at the South Center in Geneva, Sept.18, 1995. (South Letter, Vols.1+2, No.37, 2001).

Food for a mid-summer's night thought

32. A Call for Substance and Networking

The Substance

I do not know about you. But I have the feeling that not much is happening in advancing the Human Rights cause in development work.* We hear (and write) praises about how this is the right way forward, but an expanded understanding and concrete steps remain scanty. A lot of what is said sounds disturbingly progressive... but has not enough substance to base praxis on.

We cannot continue to blame everything on the global power structure only. (Lamentations alone do not lead to liberation). Likewise, we must be critical of our efforts at grassroots level and --in all honesty-- of ourselves.

We have to stop talking about utopian generalities. It behooves us to give a clear sense of what might be the next best steps that organized groups working on Human Rights could and should take. We need to make practical suggestions on how to convert our dreams into reality. In short, no more slogans, but a sense of direction, i.e. an integrated framework needs to tie all the main issues into an action plan.

Ultimately, to counter the Human Rights opponents' arguments, the people's movement fighting for Human Rights needs to be much better informed and what its members say must be well documented. Just in terms of awareness creation alone (which is essential in the struggle for change), we still have a long way to go.

Success will depend on concrete actions and activities our affiliated groups manage to undertake. Ultimately --let's not lose sight-- this is a movement struggling to transform current unfair Human Rights conditions. The question is: What small but significant steps will each of us take to effectively contribute to this?

Since the recommendations for mechanisms and actions to do this have not yet been clearly worked out, the "Human Rights movement" many of us are part of can and has to provide a platform around which people can organize, mobilize and lobby (or protest) for change. Novel approaches to solve old problems must be proposed and --as important in Human Rights work-- solidarity channels must be set up and/or reinforced and then sustained.

Building such an international solidarity primarily means giving people a chance to air their grievances and be exposed to the grievances of others. The usually silenced victims of Human Rights violations should be the first to be given the chance to express themselves. Free speech is the path to liberation.

Only the ongoing sharing of critical Human Rights analyses and successes will lead us to liberation... or at least has a chance of doing so. This, because it is these analyses that we need to use for grassroots organizing and for the careful planning of strategic actions. It is no longer enough to clarify and rally around key Human Rights issues by only carrying out comprehensive analyses of causes and hoping this will awaken dormant combativity: Collective strategic planning of how to get where we want to go is the real important thing.

Responses to questions like: Where is all this leading us? and How do we get there? must be inclusive of practical suggestions for specific Human Rights-promoting actions that individuals and organizations can/should take, i.e. a sense of direction must be given. This is what leadership is all about.

A degree of collective guidance and facilitation is indispensable to give such a sense of direction. People should have a chance to hear the views and learn from the analysis of those who are more fully informed and experienced. Therefore, the 'public forum' we ought to aim for should not simply be a 'chat room', but rather a well moderated educational communications tool which can help guide people to come to realistic conclusions and to the formulation of their own practical plans of action.

The discussion of an integrated Human Rights framework and of collective, coordinated strategic Human Rights plans can indeed be started and advanced through such a 'public forum'.

At the base here is more a tactical than a strategic debate; and for it, I do not necessarily have all the answers. What I do know is that, in today's world and perhaps more than ever, there can be no liberation (i.e. respect for Human Rights) without a strategy... and no strategy without a struggle.

It will thus be a 'facilitated search of direction' based on a unifying analysis (framework) that will lead us to the so much needed host of workable local plans of action. We can give global general guidelines, but only local plans will be realistic. If we fail, people will come away with a blurred sense of what might be the next step their group should take in promoting Human Rights. If the direction is ambiguous, so will the actions!

The Network

The only way to do what is proposed above on a scale commensurate with the current needs is to establish an active Human Rights communications network, a mechanism whereby groups in different parts of the world can be supportive of one another in times of crisis and can be ongoingly exposed to this vital exchange of information on Human Rights. (The People's Health Assembly is in the process of exactly setting up such a network. We could all learn from it). It will be critical then to maintain this channel of information sharing which, among other, could be used to coordinate inputs from NGOs, other organized civil society groups or movements and from activists, as well as from similar coalitions working in other sectors on other reivindications.

The first viable channel that comes to mind is an email list-server. However, only maximum 10% of the world's population has direct or indirect access to computers and less even to the Internet. More traditional means of communication are thus also indispensable (and could be linked to and triggered by the email network): We are talking about newsletters, radio, videos, webs of community workers and union organizers, and other such channels.

While doing all this, we have to keep the process democratic yet on track, i.e. advancing! For that, a balance has to be sought between guided facilitation and open-ended Human Rights discussions. The presentation of successive drafts of a unifying analytical framework and of strategic plans for us to discuss on-line is the first step to focus the discussion and to make steady progress towards agreed upon objectives.

I call on you to contribute to fill the gaps I here depict and to encourage others to contribute, each in their own way. I thought that starting this Human Rights Reader was a contribution in the right direction, but it remains desperately academic, and few of you react. It could evolve into a list-server though as the basis for an ongoing real multi-centric dialogue. Others among you would have to help by contributing the 'substance' for the concerted actions that I am pleading for here.

We will need skilled communicators to help us give simple language, clear and accurate summaries of the key issues starting from an assessment of where we are and then pointing to what needs to be done next. They also need to check what people are understanding of what is being said in this virtual and face-to-face communications network. Explicit plans for follow-up action are crucial and all our correspondents should have the mailing addresses of all in the group (or access to all through the list-server).

So --as we come out of an always sleepy summer in the North-- this is, in short, the challenge I perceive: Would anybody care to comment?

Note:

Adapted from Werner, D. and Sanders, D. Liberation from What?, Newsletter from the Sierra Madre #44, March 2001, pp.1-7. www.healthwrights.org

*A welcome exception is CARE's publication of the Newsletter 'Promoting Rights and Responsibilities'. jones@care.org

33. Human Rights are Very Much on the Agenda of Development Work

"The sovereignty of States must no longer be used as a shield for gross violations of Human Rights."

- Kofi Annan

1. Betting on the invisible hand of the market and ignoring the needs and rights of the socially excluded is just dangerous and morally unacceptable.
2. It is therefore that the macroeconomic policies insisted-on by the IMF do not simply have a negative social impact; their design embodies a profoundly unjust social content giving the financial rights of creditors priority over Human Rights of the people; the IMF chooses to prioritize the interests of the creditors.
3. Rights can be usefully seen as the codification of needs. Reformulating needs as ethical and legal norms implies a duty on the part of those with the power to provide all the means necessary to make sure those needs are met.
4. Without Political and Civil Rights, there is no guarantee that other rights --even when they are inscribed in laws and constitutions-- will be made effective; the lack of citizens' power to make governments accountable and responsible to them is perhaps the greatest obstacle to all rights-based agendas.

5. But democratic elections (allegedly giving citizens off-and-on, periodic power) do neither guarantee state responses to collective needs, nor the participation of civil society in decision-making, nor, for that matter, guarantee greater social and political accountability.

6. On the other hand, claims are sometimes wrongfully made that universal rights are a form of Western hegemony; the caveat in this assertion is that a right is a right only when it is universal; otherwise it is a privilege.

7. There is also the wrong belief that the Human Rights approach is 'political' while the humanitarian approach is not...and is therefore 'safe'; others phrase the same groundless fear saying that applying the Human Rights approach compromises one's 'neutrality'.

8. The reality is that any legal Human Rights system (including humanitarianism) is indeed (and must be) related to political theory and social values.

9. Nevertheless, let us not forget, International Human Rights Law only recognizes the obligations and duties of States (!). To cover the entire web of interrelated Human Rights violations, there is indeed a need to extend the same obligations and duties to other subjects at sub-national level.

10. This, because Human Rights obligations are closely linked to a multi-layered system of accountabilities. For a duty bearer to be accountable, three conditions are needed:

- the person must accept the responsibility and obligation to uphold Human Rights ('should act');
- the person must have the authority to act ('may act'); and
- the person must control the resources needed to act ('can act').

Responsibility/authority/resources are necessary components of a capacity to act. Often, lack of action is due to a lack of capacity rather than negligence or ill-will. It, therefore, behooves us to identify capacity gaps of all duty bearers! Where duty bearers are intentionally violating rights, different types of interventions will be required as lack of capacity is not the problem.

Notes:

- Taken from UNRISD News, CARE's 'Promoting Rights and Responsibilities' Newsletter and SCN News (Jonsson, Levine and Young, The Right to Nutrition in Conflict Situations).
 - Quotation of Kofi Annan is taken from Nobel lecture, Dec 2001.
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34. Rights are Guaranteed Entitlements: Right?

[The title question is a political and not a legal one: the legal obligation already exists!].

1. The strength of a rights-based approach is that it allows one to talk about entitlements and to challenge unwilling governments. ("One person should not have to decide whether s/he can eat or go to the health center to seek care").

2. Forcefully applied, a rights-based approach is a strong tool to change government behavior, as well as to initiate societal processes of accountability.

3. But in international fora, the United States, for example, has most often taken the position to avoid any (in-writing/binding) formulation of entitlements and of economic, social and cultural rights. That has progressively lead to people getting fed up with international conferences that result in ever-weaker statements.
4. Actually, many heads of state of rich countries (and many poor) are not the least interested in the Human Rights (Human Right) question beyond lip service. Human Rights problems are basically problems of marginalized groups and, therefore, not a priority concern for many main stream politicians.
5. This indifference is a crime at a time when the world is moving back to jungle capitalism and when actual access to productive resources for the poor is a key issue in guaranteeing Human Rights.
6. It is in this North-dominated climate of 'soft issues being pushed to the fringes' that we have the not-easy task to build an international alliance or coalition against Human Right violations.
7. Experts and international bureaucrats keep talking about good examples and best Human Rights practices yet discussions about the legal obligations these would entail fail to come to concrete proposals (when, by now, we clearly need to give guidance to states to embark in actions that go beyond mere 'best practices'). Codes of conduct guiding the implementation of rights are needed (for example, one has been proposed for the right to adequate food).
8. Applying the Human Rights-based approach is not creating new obligations and, further, Human Rights obligations do not ask states to do the impossible; applying it rather requires that states be monitored against Human Rights criteria set in existing international covenants they are signatories-of already; they prefer not to be checked on these though, in an effort to avoid being exposed for their lack of commitment...That is why the term obligations is so much more attractive to civil society.
9. Conversely, it is the use of the term obligations which makes some governments reluctant to use a rights-based approach. This, because governments are not only obliged to respect existing rights; they must also protect people living within its borders from having any of their rights violated, and must implement all codified rights using their maximum available resources. Governments also must give victims of violations the means to seek redress and challenge violations by establishing recourse procedures. They are to check that national policies do not have a negative impact on established rights; they are also to check existing legislation and develop a national Human Right implementation strategy including new legislation and the setting of benchmarks for the implementation of concrete steps and the achievement of intermediate objectives over a given period of time. All this requires implementing administrative innovations and setting up monitoring mechanisms....clearly a scary prospect for many non-committed governments.
10. Moreover, states have Human Rights obligations vis-a-vis international organizations and in controlling the private sector. (The activities of the private sector --especially transnational corporations-- do need to be regulated in a Human Rights-based approach; the sector cannot be allowed to benefit or take advantage by interfering with or violating Human Rights in any country).
11. Although states are already obliged to use existing international reporting mechanisms to report on the progress of Human Rights in their countries, it is civil society actors that should actively monitor this, in addition to providing inputs for national Human Rights-linked legislation and for coming up with a roadmap for its implementation. (Plans of action have to help set priorities on what must be implemented immediately and what progressively).

12. Overcoming the most common trap in the discussion of whether changes are necessary nationally or internationally, do bare in mind that states also have international obligations to assist other states to implement Human Rights.

13. Human Rights obligations of non-state actors do exist, but are not codified in international covenants; they are nevertheless crucial. For instance, international organizations and the private sector also have Human Rights responsibilities.

14. We have to think in terms of a veritable Human Rights web where co-responsibilities among different actors exist although not all actors are equally important.

Note:

- Taken from Hungry for what is Right, FIAN-Magazine for the Human Right to Feed Oneself, No. 2002/02.

35. 'Charity is Obscene from a Human Rights Perspective'

1. In many communities, Human Rights values still need to be promoted from above, because they have not yet been internalized by unknowing, potential claim holders. This promotion from above is far removed from traditional charity approaches (*) to development though.

2. Ultimately, Human Rights cannot be imposed; they must be sought/pursued from within, and only be supported from outside.

3. In our work, it is primarily the (majority) deprived/poor people (**) who are the main holders of rights; our Human Rights work with them is to have them empower themselves to claim their rights and to choose their own development path (i.e., circumstances and chance should no longer dominate their lives).

4. Human Rights are thus to be seen as what they really are, namely, the legal expression of our human dignity. Because of that, Human Rights are universal; they are indivisible; and they are interdependent. There is nothing like 'basic rights'.

5. But Human Rights do not yet feature explicitly (***) in the charters or mission statements of many international private voluntary organizations (importantly those NGOs traditionally involved in mostly charity-type work); we all need to become more vocal in demanding this be done.

6. Participation, you may not know, is a Human Right per-se; it should be treated as a necessary outcome of development work and has to become a necessary part of the process. Charity may share this concept, but definitely does not share the Human Rights perspective that it is inescapable to directly address the basic/structural causes of rights violations (see below).

7. So, what is then involved in a truly participatory Human Rights-based planning and programming? And who is to do it?

8. To start with, UN and bilateral agencies and NGOs with active programs in the field should already be applying Human Rights-based programming --with the participation of their respective constituencies! National governments should, ideally, follow suit as a way to concretize their commitment to Human Rights (this can, therefore, at the same time, be a test of commitment).

9. Participatory Human Rights-based planning has several recognized steps:

9A. Participatory Causality Analysis:

Before anything, communities must first recognize they have problems, and then characterize them; they must then collectively identify the causes of the same. (Without a reasonable consensus on the causes of the problems at hand, it is not likely that there will be a consensus later-on about how to solve the same). Any causality analysis is greatly helped by an explicit Conceptual Framework (e.g., the one UNICEF uses since 1990 for the causes of preventable ill-health, malnutrition and deaths). Planning in a Human Rights context requires a full understanding of the causes at all levels (immediate, underlying and basic) with simultaneous attention being given to addressing the causes at different levels. Causes of problems related to the violation of people's rights that are identified with the help of the framework need to be analyzed for each violation at each level of causality; then, a quali and quantitative relationships must be established among them. This is to be followed by reaching consensus regarding the most important determinants affecting the realization of those rights found to be violated.

The Causality Analysis will thus produce a list of rights that are being violated together with the major causes of these violations.

9B. Participatory Pattern Analysis:

This step explores the relationships between claim holders and duty bearers; these relationships form a pattern. The work to identify duty bearers for each particular right benefits from the earlier causality analysis in that one can identify duty bearers at different levels. One has to insist that, at this point, it is necessary to focus on priority problems to reduce the analysis to a limited set of claim-duty relationships that are likely to be the most critical in the given situation; if not limited, one risks ending up with a very large number of such relationships that we will not be able to tackle and a number of actors too large to involve and support (i.e., the situation analysis should cover all rights while programming will address the most relevant violations first).

Pattern Analysis thus arrives at a list of the most crucial claim-duty relationships for each particular set of rights violations selected.

9C. Participatory Capacity Analysis:

This next step is about analyzing why duty bearers do not seem to be able (or capable) to perform their duties as is expected from them. It is about identifying their shortcomings and confronting them with such evidence. As pointed out in Human Rights Reader 33, this analysis looks at the responsibility/authority/resources components of capacity (or about how duty bearers should act, may act, and can act). The importance of two-way communication systems are to be recognized here so as to put resources to really work for the benefit of claim holders.

Capacity Analysis thus ultimately identifies capacity gaps of each duty bearer for each identified rights violation to be redressed (also see Human Rights Reader 33, page no. 63).

9D. Participatory Selection of a Strategy and Best Actions:

Here, actions are selected to help close capacity gaps identified in the previous step.

This step thus results in a list of candidate actions organized into a draft strategy.

9E. Partnership Analysis:

At this point, discussions are held with key partners/strategic allies with the aim of reaching agreements on who will do what, how, where and when.

9F. Programming:

This final step aggregates all activities in the strategy into (a) program(s) and/or project(s). No general advice is sensible enough here to prescribe how best to do this. Groups involved in the planning will have to learn from practice on how to best cluster activities for maximum results (by sector, by theme, by geographical location, by level of causality, etc).

10. As can be seen, Human Rights are thus not to be treated as a 'separate' concern of development planning; they are an integral part of it. Without explicitly addressing Human Rights, the problems of economic underdevelopment and poverty will never be fully solved. (****)

11. But, beware, the Human Rights approach is not a magic panacea either. It will not see resources and policies and power instantly transferred to the poor and vulnerable... Keep in mind that --unlike the WTO-- the UN or any other international body have no practicable way of imposing punishment or fines on governments that violate or ignore their internationally sanctioned commitments to Human Rights; we all need to contribute our grain of salt to help empower people to stop these violations.

Note:

* Charity is here seen as "love and the right feeling towards one's fellow human being".

** Poverty is here seen as a lack of choice and minimum control of resources.

*** Or may have been added lately without those organizations having operationalized these principles in their field work yet.

**** The principle of 'low cost – high impact' pursued in traditional development planning is merely utilitarian; in Human Right-based planning it must thus sometimes be rejected. Simply put, morality often leads to a different set of priorities than those of an economic analysis.

- Mostly taken from Jonsson U., *An approach to Human Rights-based programming in UNICEF ESARO*, SCN News No.20, pp.6-9, July 2000.

36. Perspectives on Human Rights: Furthering the Debate

On Power and Human Rights

1. To be a fully empowered claim holder is to have the ability to compel the performance of some obligation; before being empowered, people are unable to compel important others to perform their obligations.

2. This, because in our societies, having a right means having the power to command respect, to make claims and to have them heard and acted upon. Put another way, to have a right is to have a power; to have to obtain a right is to be powerless.

3. That in these same societies some are powerful, dialectically suggests that others are powerless. So, any coherent notion of rights must, therefore, recognize this connection between power, respect and inequality in our societies.

4. Seen from such an angle, our performance in the Human Rights arena is still largely inadequate, because so far, it has failed to reverse the powerlessness of the poor. This failure of ours is coupled to our continued choice of rather paternalistic interventions. (How many of us are aware that, in our work, rather than empowering the poor, we may be empowering ourselves to intervene in their lives?).

5. Power and powerlessness are fundamental dialectical opposites in society; they regulate the interactions between individuals, the state, and its citizen. It is inconceivable to imagine a world without power --and utopian to believe that such a world might exist.

(A rights theory which envisions what should be, rather than what is, lacks the force and persuasiveness to effect true change): Rights must be tied to the notion of power and powerlessness.

6. What this means is that a Human Rights-based approach will indeed challenge patterns of authority and power. Placing claims does not grant equality per-se, but merely grants equality of attention; it is a first step in challenging existing hierarchies; placing claims is part of a slow historical process that will eventually lead to a better life for the poor.

7. But a caveat is called for: Rights arguments are also increasingly being used to justify particular sets of policies imposed on the poor. Human Rights arguments may actually be used against them.

8. Human Rights can contribute (positively or negatively) to the power struggles of the poor: they can be used as much in defense of privileges and the powerful in society, as they can be used to advance the interests of the poor and marginalized. Economic rights of the haves (e.g., to property) are often used against the interests of the deprived majorities, as much as legitimate rights of people (e.g., to information, to assembly) are not infrequently contested in litigation or simply trampled using brutal repression.

9. If Human Rights-based interventions prioritize the needs of the poor and marginalized, rights can become powerful tools to advance democracy provided they do not ignore the power imbalances that exist between and within countries. This, because rights are easily co-opted to serve those who already benefit from inequity and imbalances of power.

10. So, how do rights-based interventions put the poor first?

An active pro-poor civil society has a key role to play here. Their social mobilization activities have to aim for the structural changes needed for meaningful and sustainable changes that will discriminate in favor of the poor. In some countries, Human Rights Commissions have been put in place, but are no panacea if they ignore tying rights to the notion of power and powerlessness in the country.

11. While Western preoccupation with good governance makes a misnomer of what good governance should be, it is only active grassroots everyday public participation (and not 'democratic', often rigged, elections in which only a minority votes) that can really influence governments. Using a Human Rights approach to foster such an active participation is paramount --remembering that individual rights and group rights are naturally compatible.

12. The success of the Human Rights approach should thus be judged by its capacity to strengthen the least powerful in society to act in their own interest, individually and collectively (indirectly leading to better governance).

13. We have to better understand Human Rights and the role they can play in the context in which each of us works and in which these Human Rights are to be applied; therein lies the immediate challenge.

Note:

- Mostly taken from L. London, email, Univ. of Cape Town, Oct.5, 2002, and from K.H. Federle, Rights flow downhill, *The Intl J of Children's Rights*, 2: 343-368, 1994.

37. Putting Equity and Human Rights in Health on the Agenda: The Role of NGOs - I

Introduction

1. Equity and Human Rights are by no means new concepts to NGOs.
2. Moreover, Equity and Human Rights are inseparately linked since equity is key to the realization of Human Rights. The question here is what NGOs are doing with/about these two concepts in the realm of their work in health and nutrition.
3. A paradigm shift is clearly in the making in development and in health/nutrition work. New models are more politically driven in a direction that hinders and hampers the resolution of the problems at hand. Therefore, these days, more and more NGOs are discussing and trying to operationalize the 'Equity and Human Rights-based Approach' to apply it to their work.

The Background

4. Underlying the analysis here made are several statements found in a recent publication; they read as follows:

"Most NGOs today have become very specialized and contribute marginally to the relief of poverty/ill-health/ malnutrition, but significantly to undermining the struggle of the people to emancipate themselves from oppression. Programs delivered by these NGOs do not really seek to redress the social circumstances that cause impoverishment/preventable ill-health and malnutrition. The development discourse is framed not in the language of emancipation or justice, but using the vocabulary of charity, technical expertise, neutrality and paternalism. NGO programs have often worked to undermine popular mobilization. NGOs accept or do not comment on the manner in which the State exercises its power. NGOs work is limited to project work, armed with manuals and technical tricks rather than seeking justice and standing up against violations of Human Rights. Many NGOs were co-opted by funders to take up such a role (a typical example is health and nutrition work done to set up 'safety nets' for the poor). NGOs have become an integral part of a system that sacrifices respect for justice and rights, instead taking a missionary position. If NGOs stand in favor of emancipation, then the focus of their work has invariably to be in the equity/Human Rights/political domain, supporting those social movements that seek to challenge a social system that benefits a few and impoverishes the many".
(Manji and O'Coill, 2002)

5. Most NGOs tend to work on the issues that are before them, and forget those that are hidden away; such hidden truths have to be brought to the forefront. For example, issues of voice, power, risk and neglect are essential in a Human Rights discourse --as difficult to surface as they may be.
6. The fallacy that actually needs to be uprooted is that health programs addressing the urgent needs of women and children implicitly address Human Rights. In the Human Rights approach, nothing is left implicit; without an explicit retooling to a Human Rights focus, such claims remain but hot air; they are hollow commitments to Human Rights that allow controlling hierarchies to persist.
7. NGOs have ample accumulated knowledge of what is going on....and have just begun to realize that, if they do not act on that knowledge, they are not really serving the people of the communities that they work with to the fullest.
8. There is a need, then, for a more determined commitment to pro-poor social policies and programs (including health)and an increase in the funding for such an approach. Activities are to concentrate on

institutional capacity building to better promote education and consciousness-raising at the community level. A key question is to give advocacy tasks more prominence so as to hold governments more accountable.

The Concept of Human Rights in Health and Why it is Used

9. In contrast to a 'deficit-filling approach' to poverty and preventable ill-health alleviation, the Equity/Human Rights-based approach (E/Human Rights-based approach) defines poverty as social exclusion. Instead of focusing on creating an inventory of public goods or services that must be provided and then seeking to fill the deficit via foreign aid, the rights-based approach focuses on trying to identify the critical exclusionary mechanisms. This, because work in health and development is about assisting poor communities overcome obstacles, rather than about the endless pursuit of grant aid for social goods.

The E/Human Rights-based approach enables NGOs to see much more clearly the kinds of power relations and systemic forces that drive and perpetuate poverty.

But the transition to mainstreaming a rights-based approach into the organizational structure of NGOs is a complex enterprise; it cannot simply be decreed and implemented.

10. The E/Human Rights-based approach asserts that work in health should be seen as a process that unequivocally leads to people fully realizing all their Human Rights (and not only their right to health); the approach should thus be reflected both in the processes engaged and the outcomes pursued by NGOs.

11. More importantly, the E/Human Rights-based approach sees ill-health, malnutrition and poverty as a denial of human dignity, i.e. as an important part of the denial of people's economic, social, cultural, civil and political rights.

And these rights are more than just moral principles and norms governing human behavior ... they are international legal standards.

Poverty itself is seen as an abuse of Human Rights... The poor and marginalized are not where they are by accident...

12. Because health is not the exclusive business of governments, this broad approach definitely brings an added value to communities and to NGOs when sitting down among themselves and with government representatives to jointly evaluate and plan local or national health strategies. It brings something different and potentially powerful to existing efforts by all actors in their efforts to overcome ill-health, malnutrition and poverty in a more sustainable manner.

13. The principles of equity in health (and prominently those related to gender equality) are not currently codified in any way to allow monitoring their implementation; more often than not, they are lost when implementing health sector reform or macro-economic corrective measures.

Human Rights, on the other hand, are enshrined in legal covenants that protect human dignity and place obligations (or duties) on providers and others, mainly but not exclusively the State. While NGOs do have the responsibility to respect the rights of others, it is now widely accepted that states have very specific obligations to respect, protect and fulfill Human Rights in the realm of health and nutrition.

14. It is thus timely for NGOs to use the equity and Human Rights-based approach --to apply the internationally agreed Human Rights standards to health policy and practice-- emphasizing active grassroots participation and the right of people to choose their own path.

15. When doing so, priority is to be given to the poor, the marginalized and the vulnerable --those currently most denied their rights due to their lack of choice, of control and of resources.

16. The conceptual basis that justifies (and prescribes) the use of an Equity and Human Rights-based Approach in the health and nutrition work of NGOs is the following:

- Human Rights are entitlements all people have, to develop their full potential; they are valid for everyone --they are universal (A right is a right only when it is universal; otherwise it is a privilege).
- There is a difference between just delivering services and making clear to beneficiaries that they are legally entitled to specific services and can go somewhere to complain if they do not receive what is due them.
- Human Rights objectives are not to stabilize the problems at hand, but to make them disappear by tackling them at their roots.
- Human Rights are pre-conditions that must be met for people to have the opportunity to live with full dignity, full health and self-worth.
- Human Rights lack cultural legitimacy in many parts of the world; communities are traditionally more concerned with needs than with rights; that is why NGOs have to start from people's own initial understanding of their rights (and the issues of power) to then support a bottom-up dialogue that deepens the ownership of Human Rights by the beneficiaries they work with. (Without concerned citizen action to uphold Human Rights close to home, we shall look in vain for progress).
- Rights are different from needs; rights are relational: where someone has a right, someone else has a duty or responsibility to honor and satisfy that right. There are two critical distinctions between health rights and health needs: first, health rights always trigger duties and responsibilities, whereas needs do not; second, health rights imply standards that can be measured whereas needs do not. Therefore, NGOs need to start thinking in terms of rights rather than needs, of rights-holders (or claim-holders) rather than beneficiaries and of enabling rather than giving.
- In the E/Human Rights-based approach to health beneficiaries hold claims against those who are responsible (through their actions and omissions) for their health and nutritional wellbeing. People can only realize their rights in health if they are first exposed to the root causes of the marginalization they suffer from, and if they are empowered to claim and fulfill the rights essential to their health/nutrition and livelihood security. Rights, then, have an enormous potential to attract and mobilize people. First and foremost, this means NGO interventions have to transfer ownership to the people served; key actions for this to happen are Human Rights education and capacity building for community members to claim and defend their rights. Empowerment here is to be understood as generating several forms of power: self-respect (power within), community cohesion (power with), and a clear agenda for action (power to).
- The E/Human Rights-based approach addresses abuses and/or neglect of Human Rights in health mostly found in the form of discrimination or exclusion. It brings to the light underlying power relationships between rights-holders and authority structures; it emphasizes dignity, equality, and participation of the former and accountability of the latter.
- Moreover, let it be very clear that advancing gender equity issues is part and parcel of work on girls' and women's rights in relation to health.
- Such an approach means NGOs must stand in solidarity with the poor (women, children and men) whose rights are being denied --holding themselves accountable to them (and in addition

ensuring they do not violate people's rights themselves). NGOs must support people's efforts to take control of their own health and lives. This also includes NGOs holding others accountable for fulfilling their responsibilities, as well as opposing discrimination of any sort, addressing the root causes of poverty/ill-health and malnutrition and the corresponding rights denials in their work with rights-holders. Finally, they must work in concert with others embarked in the same endeavor (forming a supportive coalition of NGOs on these issues).

- In short, the E/Human Rights-based approach calls for a purposeful and transparent de-facto engagement of NGOs in the more structural aspects of the determinants of ill-health while remaining steadfast allies of local communities throughout.
- NGOs will not be alone in this E/Human Rights-based approach since the paradigmatic (and mindset) shift towards it is growing globally with the force of international law behind it.
- Therefore, NGOs definitely need to take steps now to improve the Human Rights impact of their current actions in health. This means identifying previously unforeseen gaps and opportunities. But although focusing on health, NGOs have to take into account the whole range of Human Rights since Human Rights are indivisible.
- Weighing-in on rights can risk harsh reactions from the authorities. Standing up for communities whose rights are not respected, protected or fulfilled is inevitably being political in the sense of challenging those actors responsible for abuses. So NGOs have no choice but to take a stand against authorities, policies or practices when the communities they serve are abused, neglected or excluded. The name of the game is: Remain non-partisan, but at the same time take issue.
- Even if the E/Human Rights-based approach is inherently about confrontation --confronting the injustices of real world situations-- two approaches are possible:
 - a) denouncing violations (which is often confrontational), and
 - b) engaging actors in the pursuit of rights, helping them to more fully live up to their responsibilities (which is more related to promotional work).
- Monitoring Human Rights conditions is also very important for NGOs, and there is a need to share and disseminate information about such violations (making documented grievances public); this information will ultimately strengthen advocacy. Human Rights-sensitive (and gender and socio-economically disaggregated) data and indicators are critical to keeping aware of gender, equity, Human Rights and other issues.
- Despite growing clarity about all the issues above, there is no one blueprint for an equity and Human Rights-based approach to programming in health; each NGO will have to go through its own retreat(s) to revision and remission their mandates to adjust their very own approach and programs to it. (Adapted from CARE, 2002)

38. Putting Equity and Human Rights in Health on the Agenda: The Role of NGOs - II

Experiences from Some NGOs Already Using the Equity/Human Rights Approach

17. As far as international NGOs are concerned, CARE has probably advanced the most in its efforts to operationalize the Equity/Human Rights (E/Human Rights)-based approach. Since January 1999, they have had a (CARE) Human Rights Initiative with a HQs coordinator and program advisor and a field program assistant devoted full-time to the Initiative. They have been raising awareness in most CARE country offices around the world, building the capacity of their staff globally, ensuring that

CARE's principles and policies facilitate the Human Rights-based approach being progressively adopted, and they have been forging strategic alliances with like-minded programs and initiatives. They carry out training, research and pilot activities in Human Rights, and they publish a quarterly newsletter ('Promoting Rights and Responsibilities') featuring cases from the field, staff reflections, conceptual pieces, a section called Window to the Wider World and a section on worldwide new resources. They are about to publish a Rights-based Training Manual and a set of Case Studies on CARE's Implementation of the Rights-based Approach. Very helpful has been the compilation of a Frequently Asked Questions About the Adoption of a Rights-based Approach document which has been revised a few times. (More information to be had from Michael Rewald at rewald@care.org)

18. **Note:** Equity and Human Rights do not feature explicitly in the charters of international financial institutions (IFIs) and those of many donors although most bilateral development agencies now give prominence (and mostly lip service?) to both participation and the promotion of equity and Human Rights. Moreover, the commitments of national governments to respect, protect and fulfill health as a right has yet to be properly reflected in their policies and practice. The E/Human Rights-based approach demands that government policies address ill-health and malnutrition 'to the maximum of available resources' (including resources available through international development assistance). It is this what some NGOs are starting to make governments accountable for. Finally, also note that a new publication of WHO states that poorly designed and implemented current health programs and policies can (and do) already violate Human Rights.

Practical Ways for NGOs to Adopt the Equity/Human Rights Focus in their Health Work

19. The Equity/Human Rights approach does not offer a panacea or magic bullet that will see resources, services and power instantly transferred to the poor and vulnerable. In part, this is due to the fact that the international community has no practicable ways of imposing punishments or fines on governments (or others) that violate or ignore their commitments to Human Rights. On the other hand, NGOs have not used their potential to more proactively seek government compliance in this area. There are proven tactics that can be used --and these need to be shared more widely.

20. The main question at hand here for NGOs is: If current health programming is mostly time-bound, donor-driven, and supposedly apolitical, how can they pursue meaningful, long-term and rights-holders-driven transformations in the sector based on challenging oppressive power relations?

21. Understanding how societies construct the system of inequities that include inequities in health is the first step for NGOs to help people claim their rights.

22. But understanding is not enough. The E/Human Rights-based approach insists on behavioral changes of the NGOs professional staff themselves (to be seen as a 'staff investment') rather than the latter simply starting more 'Human Rights-compatible' new programming; it insists that the E/Human Rights-based approach entails a different concept of development programming that does not only focus on the methods of implementing new activities. Without behavioral changes, staff will simply repackage what they are currently doing in an 'E/Human Rights-based approach language'.

23. When designing projects, a formal analysis of the rights being addressed has to be done with the community; this includes understanding how aid can compound some of the problems to be solved, as well as analyzing the unintended consequences of the work to be undertaken. (Unintended impacts on people's rights happen for three different reasons: a lack of knowledge about the context in which NGOs work; a lack of thought about unintended impacts of their interventions, and a failure to take responsible actions).

24. For all the above reasons, from now on, a growing part of NGO efforts should focus on making governments accountable to meet their Equity/Human Rights obligations; and there are concrete steps that can be followed to do this (see below). More and more, the root causes issue (i.e., taking a new look at issues of power, control, ownership and sustainability) and the rights violations actually found should become the main agenda for discussions with authorities.

25. That is why calling for an NGO (re)organizational meeting (or retreat) on these issues is now necessary. It is high time that people in NGOs find out more about this Equity/Human Rights-based approach to health and particularly about how to operationalize it. This expertise is now badly needed.

26. The real tough challenge NGOs face in these organizational meetings is in translating what some feel are still vague principles into concrete plans and actions --even if they find it difficult to alter power relations in the short-term.

What Does it Take, Then, to Understand and Adopt an E/Human Rights-based Approach?

27. To start from scratch and to familiarize NGO staff with this approach, a one-day general introduction to Human Rights and the E/Human Rights-based approach, defining its characteristics, is suggested; this is to be followed by a series of meetings in which exercises are presented for staff to learn how to carry out causal/ responsibility analyses and to identify the responsible actors (duty bearers) at each level; this is followed by exercises on how to develop advocacy strategies to influence pertinent decisions and actions. A final session should focus on identifying the NGOs strengths and weaknesses to adopt the E/Human Rights-based approach and should conclude with delineating the steps proposed to progressively implement this approach. At the end of the training, each staff member should be asking him/herself: 'Am I really committed to this?' ...and this should be discussed.

28. There is no shortcut or blueprint methodology to achieve a shared understanding of these concepts. NGOs must acknowledge that this is a time consuming and intense process. What is clear though is that NGOs will identify a host of new priorities.

29. What the addition of these priorities will mean for each NG, and what it will lead to in the future, is also to be explored in these meetings. Towards the end, each NGO should have a long-term vision for health --one that adds the Equity/Human Rights perspective. This should be ultimately reflected in increased funding for activities that point to that vision (funding needed for this is considered to be neither very substantial nor very difficult to raise); it should also mean that NGOs will become more vocal advocates for both Health and Human Rights and better watchdogs of Human Rights violations and of existing and emerging inequities in health.

30. Only after going through such a collective learning process will the NGO's internal organizational systems, its processes, policies and organizational culture change as needed. It is more, only when a critical mass of people in the organization changes to think in the new way will the NGO as a whole change. Each staff has relationships with people at many levels of the organization; each should gradually work to influence them so that more and more staff join by understanding and supporting the changes called for.

31. After going through the training, the next challenge for NGOs becomes to use the international Human Rights agreements, they now will be more familiar with, practically:

- in the health policy making process (their own and the government's),
- to guarantee people's participation (beyond mere dialogue),
- to assess and analyze people's health and nutritional needs together with them,

- to set commonly arrived at and agreed objectives,
- to, together with and/or backing claim-holders, place informed and effective demands in front of authorities and demand for accountability, and
- to call for and get involved in networking and solidarity work.

32. Also after the training, NGOs will find themselves moving things traditionally deemed unchangeable (e.g. the assumptions column in their project logframes) into more explicit objectives of what they want to achieve in their different projects. This will also mean that, later, measuring the impact of their projects will also have to be from a Human Rights perspective. (What is here meant is that NGOs have to honestly question what they put in the assumptions and risks column of their project logframes and ask themselves: Are these assumptions really out of their domain of influence or control? Can something be done to proactively address them?).

33. Further, NGOs have to decide whether they start applying the E/Human Rights-based approach in their current projects or rather wait for new projects to come to do so. Alternatively, they can begin implementing the E/Human Rights-based approach in selected projects and experiment using the new Human Rights work tools, at the same time building the capacity of a core team of trainers/implementers and encouraging senior management to take a lead role. They also need to make sure they have the capacity and the resources to implement these principles.

34. Later, NGOs will need to periodically review whether their programs are reflecting the E/Human Rights principles, document how they do deviate from them and articulate steps to progressively get back to and realize them.

35. Ultimately, the aim is to cede power in NGO programming to the people they serve, ensuring they are increasingly represented and heard in program/project decisions.

36. When Northern NGOs become actors in a rights-based framework, they also need to recognize the existing tensions in their relationship with Southern partners; these often relate to economic and other inequalities in their relationship at a time when Northern NGOs are seeking equity. (Beware that, in Human Rights work, Southern NGOs are indispensable allies, because they are better placed to exploit the opportunities and avoid the dangers of Human Rights advocacy in their own countries).

37. An additional point for NGOs to ponder is that, in an era of Globalization, it is not sufficient for them to work exclusively at the community level. The drivers of poverty and inequity are much more global than local. Northern NGOs are in a better position to act at the global level and should do so. Agreement on the agendas for such advocacy work should be sought with Southern partners.

What will refocusing on E/Human Rights mean to NGOs working in the health sector? What is the added value of and the new visibility gained from adopting an E/Human Rights-based approach?

38. Working with an Equity/Human Rights focus will mean finding gaps in Human Rights in the current health work they do; it will mean revising their plans; it will mean increasing their staff's skills to analyze health from a Human Rights perspective; it will mean adopting a 'Human Rights language' in most of their work; it will mean focusing more on activities they are not familiar with yet; it will mean selecting a new set of health priorities (or priorities in health) and determining whether they do conflict with or complement their existing priorities and whether they will mean extra work; it will mean reexamining who their strategic allies are (and which they should take on), as well as look at their allies' respective roles to find synergies/conflicts/gaps; it will mean NGOs will also have to increase their resolve to say no to certain donors; it will mean changing their focus on monitoring and evaluation.

And, last, but not least, it will mean a major repositioning of the NGO's identity with its various publics and stakeholders.

39. NGOs' Human Rights advocacy should, from now on, also be internationalized. A successful example is NOVIB's Social Watch Initiative that watches over the implementation of governments' commitments taken up and signed on in global UN meetings; initiatives like this should now be expanded to cover monitoring E/Human Rights violations in health and other domains.

40. Operationalizing the E/Human Rights-based approach therefore requires NGOs to work at the target group level, work on civil society building, work in monitoring and influencing government policies, as well as work internationally. What this challenging agenda means is that without a political commitment to social equity and Human Rights, PHC strategies will fail. This, because poverty eradication strategies cannot ignore the health status of rights-holders --and that requires addressing unequal power relations (i.e. analyzing who wants and needs changes in health and who wants to maintain the status quo).

41. NGOs are, therefore to remain active in structural poverty/ill-health/ malnutrition eradication. Demanding for rights is a battle that has to be fought in the social and legal arenas, at national, regional and international level. NGOs cannot do this by just implementing government commitments and absolving the state of their responsibilities. The difficult struggle against the impunity of state-related perpetrators of violations of Human Rights has to be undertaken now. NGOs must combine political action (with a small p) with capacity building and service delivery to achieve the needed change. Strategies used should not be confined to the use of legal resources that ignore the political nature of the struggle. (But, at the same time, beware: NGOs cannot risk creating expectations which, in the end, they may not be able to fulfill). Governments have simply to be pushed (using a combination of means) to redefine their responsibilities towards health.

42. In short, NGOs need to shift from working from a welfare perspective to an economic justice perspective. The E/Human Rights-based approach is rather a matter of commitment than of just another way of approaching the problems of ill-health and poverty. (SIM 2000) To undergo the shift, NGOs have to take stock of their social investments so far in social development, as well as in health and nutrition so as to create themselves a new niche in Human Rights work and lobby governments and multilateral agencies alike.

43. To sum up, adopting the Equity/Human Rights-based approach to health is not a matter of choice anymore; NGOs have to decide what?, how? and when? This, since the E/Human Rights-based approach will become the overall 'best practice' of the decade...and this is irreversible.

Note of interest:

- There are one million NGOs in India; 210,000 in Brazil; 35,000 NGOs are operating internationally. All NGOs put together dispense an estimated 12-15 billion USD per year.

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39. Social Exclusion and Human Rights

Who's In and Who's Out

1. The process of social exclusion is closely linked to/with many current day economic and Human Rights problems.

Social groups are excluded, because they have no access to the opportunities afforded to others in society, including public health care services, adequate nutrition, public education, public housing and employment. The many barriers to access prevent people from reaching their full productive potential --in turn constraining equitable economic growth, as well as poor people's revenues and their Human Rights. Lack of access makes the poor more likely to incur in health and social services expenditures they can ill afford. The exclusion process is exacerbated by prices of basic services out of reach for most of the poor.

The Faces of Social Exclusion

2. Social exclusion has many faces; among other, it includes residential segregation, exclusion from health care, barriers in access to legal services, inequalities in education, language barriers and schooling inequities for ethnic minorities...

The Word 'Excluded' has a Double Meaning

3. More often, exclusion refers to the social classes and social groups (indigenous people, black people, women, etc) that are excluded

- from receiving social services,
- from the products and the income they generate, and
- from the political institutions that govern the country.

Less often are the excluded looked at as the victims of an array of Human Rights violations. [As much as they should...].

Who are the Excluded?

4. Many of the excluded play an important or even essential role in the production and distribution processes of the prevailing system: they are unemployed or they work as domestic workers, as agricultural wage laborers, as construction workers, as subsistence farmers, as factory workers with shoddy contracts, or they are the youth that never had a stable job, or the army of the underemployed vendors in the gray market... In a word, overwhelmingly, the excluded are the poor majority, or a greater than 50 % of the working-age population.

5. Not paradoxically, they are thus already integrated in the system of production, but do not receive any of its benefits --mainly because they are excluded from the structures of power.

6. The main battle is, therefore, not for the poor to be 'incorporated' into the system --since they already are a part of it (but are basically subordinated, powerless, landless, 'rightsless', excluded from owning property, from receiving services...).

7. The real problem of the excluded is more the 'transformation' of the system of property, of power and of violation of Human Rights so that they can get greater access to and control over the resources and services they need.

8. Today, the poor are not only excluded from employment; they do dirty work, hold unstable jobs; they are poorly paid; they resort to the informal (gray) sector of the economy to eke out a living; they receive no fringe benefits (retirement, paid vacations, health benefits).

Who Excludes?

9. States, corporations, banks, the globalization process, unfair trade, cheap/ subsidized imports destroying local industries and causing further unemployment, the WB, the IMF (as instruments of, for example, forced privatization that further pauperizes the poor) are all part of the culprits of exclusion.

10. The excluded and the excluders are essentially in dialectical conflict: the condition for domination of some is the exclusion and the violation of the Human Rights of the many.

11. The first cry of the excluded erupts when they refuse to suffer in silence--when their poverty becomes intolerable. This then leads to organized social movements that demand justice, land, jobs, food, decent housing, schools....rights. Then, the cry of the latter is not a cry of desperation anymore, but a struggle cry; it is a cry that now goes beyond immediate concessions; it demands the socialization of the means of production and of state power; it demands the reversal of Human Rights violations. In short, these movements demand a new society --one that no longer has excluded.

12. The cry of the excluded reflects a world: of exploitation, of urban and rural hunger, of social decadence, of school desertion, of economic pilfering, of concentration of wealth in the hands of a few, of un-enforced labor legislation, of an agro-industry oriented towards export markets, of forced displacements, of a fall in real wages, of the progressive pauperization of retirees, of an end of staple food subsidies, of a relentless loss in purchasing power (the cost of living has outstripped minimum wages often severalfold), of a massification of poverty.

In short, most of these are violations of Human Rights.

13. All this has also led to a popular rejection of electoral processes that are considered viciated, rigged and controlled by the media at the service of (or for sale to) the powerful.

14. Only identifying and acting upon the causes of exclusion will enable more people to lead productive lives, have their rights respected and enjoy access to all the benefits of society.

15. To eliminate exclusion, then, the struggle for rights has to go hand in hand with a struggle for power.

Note:

- Mostly taken from J.R.Behrman et al, Social Exclusion in Latin America, IADB, 2003, www.iadb.org/exr/pub/pages/book.asp?id+141 and J.Petras, Grito de los Excluidos, 2003, <http://attac.org/attacinfoes/attacinfo175.pdf>

40. Beyond Capacity Analysis: Additional Elements of a Human Rights-Based Development Strategy - I (1)

In this Human Rights Reader series, we have focused on quite a few elements called for in the implementation of the emerging Human Rights-based approach to development --mostly in health and nutrition. Additional conceptual and operational elements for its implementation are added at this time. As said once earlier, the repetition of some Human Rights concepts is both inevitable and also part of this Reader's intention to have them 'sink-in' into the readers' alter-ego by looking at these concepts from different angles.

1. The 'chronic emergency' situation in the health, nutrition, education and other service sectors in an important number of the developing countries only sporadically . becomes a 'loud emergency'. However, if things stay their present course or worsen, such loud emergencies will increasingly become inevitable.
2. At the base of this is the fact that we are witnessing a failure of governments to sustain the provision of basic services, to pay the full cost of such public services and to respect, protect and fulfill people's Human Rights. Moreover, traditional sectoral approaches to development --aid-backed or not-- are not delivering expected results (or are not delivering them fast enough to reach the Millennium Goals).

The Need and the Challenges

3. There is thus an urgent need to accelerate the implementation of a Human Rights-based development strategy centered around this emerging development paradigm that incorporates the poor beneficiaries as protagonist actors. This paradigm also merges ethics and science, ideology and politics and theory and practice (i.e., what ought to be done and what can be done) into one consolidated development compact --one that effectively responds to the dire necessity here briefly sketched and one that is taken up as an active engagement or covenant with the people whose rights are being violated day-in, day-out.

4. A much wider participative and empowering Assessment-Analysis and Action (AAA) process (2) - -as an operational framework for the Human Rights-based approach-- has to be set in motion (or strengthened if elements of it are already in place). To bring about change, people have to come from their very own experience (getting at their own realities). AAA processes are thus tools of social mobilization and of mobilization and progressive control of the resources needed. Such proactive AAA processes should be ultimately pursued in all areas and sectors of development. Social mobilization only succeeds if the repetitive/iterative character of the AAA operational framework begins to work. Positive AAA processes will then lead to the needed social mobilization at the community level. This mobilization envisions a key role for mobilizers/animators with three types of skills, namely:

- Moral Advocacy skills,
- Social Activism skills, and
- Political Advocacy skills.

These animators are the indispensable promoters of the needed mobilization process; they become the catalyzers in the interaction between outsiders and the community --bridging the "them and us" schism between development organizations and the community.

All active concomitant development AAA processes have to be identified and assessed at national and sub-national level so as to select our strategic allies and mark and neutralize our strategic opponents in implementing this new Human Rights-based approach.

5. This rights-based approach will give equal importance to process and outcome achievements, carefully targeting the most vulnerable in society --those whose rights are most flagrantly being violated-- so as to make the endeavor truly equitable.

6. Quite a bit can be learned from successful coping mechanisms already used by households. Poor people are already doing; we need to assess what they are doing and build from there. [Note that reinforcing coping mechanisms risks locking the poor into a 'low level of changes' trap; it may keep them away from pursuing a more radical reappraisal of their needs, one more related to the structural determinants of their present condition]. Be it as it may, these spontaneous (or project-related) success factors need to be documented and better understood to consider them for eventual replication. (Keep in mind that going for small gains first is OK provided the ultimate vision remains to fully reverse gross violations of Human Rights).

The Strategy

7. The new Human Rights-based strategy will focus-on/center-around the household and its members, i.e. around legitimate household members' rights and their respective entitlements/claims. This means first providing for the household members' basic entitlements, i.e., reaching a minimum level of family security. It is at the household level that we ultimately need to achieve significant changes, especially in health, nutrition and sanitation behaviors and status.

8. The needed community support mechanisms and structures to help identify and assist vulnerable households will have to be developed and/or strengthened. It is here where mobilizers (activists/advocates) become essential. We will not achieve our Human Rights goals unless we put in place a veritable "army" of such animators. (3)

9. The household entitlements/rights we are talking about here are in the realm of:

- food and nutrition (macro and micronutrients)
- cooking fuel
- health (curative and preventive)
- the care of children and the support of women to do so
- clean water supply and sanitation facilities and services
- education (pre-primary and primary with a focus on girls and female literacy/numeracy)
- shelter and clothing
- income (in kind and in cash including employment opportunities)
- women's own gender-related needs and entitlements
- access to credit (especially by women) and to selected agricultural inputs subsidies
- legal protection (especially of women's and children's rights)
- physical environmental safety
- physical personal safety during armed conflicts, and
- women's personal safety from domestic violence.

10. Key, easily measurable, process and outcome indicators (or proxy indicators) for each of these entitlements will need to be agreed upon and monitored in our work with communities.

11. To make sense of these indicators, the Human Rights-based strategy will have to have its own Conceptual Framework (2) that will allow us to move up and down the causality chain to inquire

about/find out what determines the findings represented by those indicators. Such a conceptual framework is crucial to help us create a consensus on the causes of family insecurity and the violation of its members' rights. When using the conceptual framework, interpretation of the analyses is inevitably value laden; therefore, the values have to be shared. (It is good to be reminded that, as social actors, we inescapably become technicians with an identifiable --even if hidden-- political agenda).

(My own preference is for this conceptual framework to be “upside-down” in relationship with the 1990 UNICEF conceptual framework of the causes of preventable ill-health, malnutrition and early deaths: i.e., the basic causes should be on top. If interested in one such tentative conceptual framework being prepared for wider discussion, you can request a copy from aviva@netnam.vn).

12. The role of an indispensable (and specially designed) Information/ Education /Communication (IEC) component in the Human Rights-based strategy needs to be emphasized here.

Notes:

- (1) Capacity Analysis takes what is being proposed to be done for each determinant of a Human Rights violation at each causal level and looks at what is already being done or not being done (and why) for that problem. It then looks at who should be doing something about it [individual(s) and/or institution(s) who is (are) the corresponding duty bearer(s)] and attaches the name of that (those) person(s) or institution(s) to each proposed solution. This results in a list of the most crucial persons/institutions that have to be approached to push them to get the major proposed solution(s) for each main problem implemented.
 - (2) Situation analyses have to be based on an Assessment and an Analysis of the existing situation that will then lead to decisions being made for Action; this has been called a triple A (AAA) process. But the assessment and the analysis cannot be done in a vacuum --without previously having worked on a Conceptual Framework of the causes of the problems that are to be solved. This means that one has to have an in depth understanding of how those problems come about --what their determinants are before one can, in a participatory way, decide what the best options are to do something about them, i.e., "one finds what one looks for". The essence of a good situation analysis, then, is to carry out a Causal Analysis based on a pre-existing Conceptual Framework and to base all decisions for action to be taken on this analysis. Therefore, appropriate interventions for the main causes at each causal level have to be found. Addressing each cause is necessary, but not sufficient to change the outcome (i.e. preventable ill-health, malnutrition and excess deaths). That is why communities need to act at all levels of determinants at the same time (and this is also why so many “selective PHC interventions” have failed in the past). AAA processes are happening all the time already (consciously or not) in all decision-making. From the perspective of the outcomes we want to achieve, we can identify positive, negative and neutral AAA processes: it behooves us to start and strengthen positive and neutralize the negative AAA processes in the realm of Human Rights.
 - (3) A mobilizer has a complex set of roles. Among them, some of the following can apply:
she listens, observes and consults, she validates scientific information, she validates what is permissible/fair/possible/doable/right for the local context, she shares knowledge, she influences perceptions, she puts things/concepts in a local context, she fosters evidence-based decision-making, she catalyzes/facilitates, she mobilizes/inspires people in the community, she advocates/convincing/persuades, she influences actions, she builds people's capacities, she empowers them, she lobbies, she networks/liases, she negotiates and goes into strategic and tactical partnerships, she carries out social and political mapping of resources, she mobilizes local and outside resources, she educates, she organizes, leads, manages, she sets an example, acts as a role model and is trustworthy, she assesses/re, analyzes/re, she coordinates/starts new actions, she creates space for such actions, she supervises, monitors and evaluates, she fosters and instills a vision and a hope, she raises political consciousness, she delegates, she makes decisions and solves problems, she is interested in learning from outside.
-

41. Beyond Capacity Analysis: Additional Elements of a Human Rights-Based Development Strategy - II

13. A New Human Rights-based Strategy will thus

- be rights-based (emphasis here on purpose),
- be process and outcome oriented,
- be beneficiary centered/driven,
- be participatory in a de-facto empowering way (4),
- be problem identifying/problem solving (using participatory positive AAA processes as an operational framework),
- be guided by a scientific causal analysis (using an explicit conceptual framework),
- be implemented progressively and in a targeted way, and
- be advocacy/activism-focused (using ethical, scientific, technical and political arguments and avenues to achieve the goals set; the “global embarrassment” trump card is also to be used widely).
(5)

14. The Human Rights-based strategy will combine top-down and bottom-up actions (making it bottom-centered) and will explore and take advantage of all potential synergisms and convergences when applying different cross-sectoral interventions. [Traditional sectoral boundaries should become virtual in a true Human Rights-based strategy].

15. Decentralization-cum-democratization (and not only deconcentration) with devolution of decision-making power to the periphery through community-driven actions backed by funds being truly made available locally are all crucial to the Human Rights-based approach.

16. The mobilization of financial resources is to cover both (the higher) initial costs of interventions and their (lower) recurrent maintenance costs --the latter being progressively borne by local communities for a) sustainability purposes, and b) to assure the process is actually more and more controlled by the beneficiaries themselves.

17. In the existing ocean of confusion about the term, ‘community participation’ will be more clearly defined as a truly empowering tool in the context of the Human Rights-based strategy. (4) Guidelines will need to be written on how to apply its principles.

18. The long-term vision and aims of the Human Rights-based strategy will have to be defined as well, especially on how priorities will respond to the most pressing felt needs of the people as set locally (and not set in general by the strategy proponents at central level).

19. Additionally, beyond completing a participatory capacity analysis, the Human Rights based strategy will focus:

- on empowering people (this is crucial),
- on reducing poverty and inequities (especially around gender issues),
- on mobilizing all necessary local and external resources for relevant actions (with the community progressively gaining control over them),

- on using the pressure of facts --acquired through the use of local information systems-- to trigger action by fueling relevant positive AAA processes and genuine micro-regional planning. (This encompasses the participatory assessment and measurement of actionable indicators so as to create awareness and a true dialogue among the people),
- on using this community surveillance data to prompt and keep up local mobilization efforts,
- on demanding accountability and transparency, as well as on exposing corruption at all levels,
- on delivering basic services, and on expanding access to and coverage and utilization of them, as well as improving their quality,
- on assuring an adequately functioning peripheral health care system with both viable and fitting curative and preventive, as well as rehabilitative care strategies (arrived at in true partnership between providers and users),
- on making services more responsive to the needs of the population,
- on building capacity and raising people's political consciousness,
- on developing human resources that are conversant with the principles of the Human Rights-based approach,
- on strengthening existing institutions to do the above, as well as on organizing meaningful exchange visits,
- on achieving sustainability and assuring replicability, as well as on geographically converging different actions to maximize outcomes,
- on communicating and sharing successes,
- on networking, on building coalitions and on doing active national and international solidarity work,
- on identifying and working with strategic allies/helping forces and on neutralizing strategic opponents/hindering forces,
- on applying operations research techniques to decide on the best long-term course of action to follow,
- on setting up ongoing on-the-job cum support supervision activities that will replace workshop-based, mostly theoretical, training,
- on building, equipping and staffing minimum needed PHC infrastructures and, from there, providing ongoing outreach services,
- on working with 'deserving' NGOs that have revised their future and have taken up a new mission around the Human Rights-based approach,
- on giving environmental protection a higher profile, and
- on setting up more equitable cost-sharing approaches.

20. Moreover, the Human Rights-based strategy will not neglect improving management practices at local level allowing communities to de-facto share the responsibility of co-managing resources and services.

21. The strategy will need one or two explicit, quantified and timed 'poverty redressal objectives' monitored at least yearly. (6) Social and political mapping of resources and their control will thus have to be carried out yearly as well. (7)

22. Finally, the Human Rights-based strategy will have to take an unequivocal proactive stand towards reversing the negative effects:

- of structural adjustment programs,
- of the processes of globalization and privatization being pushed by the WB, the IMF and other agencies,
- of the diverse multilateral and bilateral donor, as well as NGO development projects not in line with the Human Rights-based approach,
- of social marketing unidirectionally applied to change people's behavior without letting them decide why such change is needed,
- of existing national development policies that have become obsolete, and
- of existing current government development resources allocation formulae not in line with Human Rights priorities.

In Closing

23. The additional elements here presented emphasize the sizeable dissemination and lobbying challenge ahead of us in the next decade in our efforts to have governments, development agencies and NGOs -as well as beneficiaries-- adopt the new Human Rights-based strategy.

24. We are talking about creating a movement; not only using the Human Rights-based approach as a methodology (as a tool box); if we do the latter, we will fail, as many packaged tool boxes have failed before --even if those tools evolved some as they were used.

Notes:

- (4) Any attempted operational definition of empowerment will carry a certain bias depending on the conceptual glasses one is wearing. What is clear is that, in a mostly zero-sum game, the empowerment of some, most of the time, entails the disempowerment of others --usually the current holders of power. Different local contexts may make the same action(s) sometimes empowering, other times not. (Also, empowering people in community development work may sometimes be dangerous; it can well trigger repressive actions by the authorities). Empowerment is not an outcome of a single event. It is a continuous process that enables people to understand, upgrade and use their capacity to better control and gain power over their own lives. It provides people with choices and the ability to choose, as well as to gain more control over resources they need to improve their condition. It expands the 'political space' within which Assessment-Analysis-Action processes operate in any community.
- (5) Global embarrassment is a term coined a few years ago in the context of lobbying. It refers to publicly blaming national and global leaders about the unacceptable levels of poverty, ill-health and malnutrition found, as well as about the host of Human Rights being violated in almost every country in the world; the idea is that by publicly blaming them for such an embarrassment one can trigger their response and generate greater political pressure to get the problems resolved.
- (6) Poverty redressal objectives are objectives explicitly worded to reflect the specific, quantified reductions in parameters/ indicators of poverty sought.
- (7) Social and political mapping exercises refer to deliberate periodic assessments carried out to determine who controls the different resources the communities need to foster development actions, i.e., which social groups control them and what are their ultimate political motivations and leanings.

42. On Capacity Building Needs: The Macro Issues in Human Rights.

“Capacity development is not merely the acquisition of skills, but also the capability and power to use them.”

Why So Little Progress

1. In general, within existing institutions and structures, capacity building work towards the achievement of the rights to health and to food (or to adequate nutrition) is currently still highly inadequate.
2. The inadequacies relate largely --but not only-- to constraints imposed by the international political and economic order which is the one that is relentlessly deepening inequality, poverty and injustice -- the root causes of the excess malnutrition, ill-health and mortality of poor people. In other words, the rights to health and food are closely related to, and dependent upon, the realization of other Human Rights, frequently beyond the immediate (but eventually achievable) control of beneficiaries.
3. Poverty is the single most important determinant of health. But health is very far from being the single most important determinant of poverty. Poor health exacerbates existing poverty. [From health services one gets health only...].
4. The enormous gap between Human Rights declarations and their realization can only be filled by addressing the international and national dimensions of power, the root causes of poverty, as well as the relative current powerlessness (or procrastination) of governments to meet their Human Rights obligations.

In most developing countries, the willingness to formulate policy is yet to be matched by action.

5. And action has to start with capacity building for claim holders and duty bearers alike for them to unequivocally understand that the determinants of poverty are fundamental violation of Human Rights --evidence for which has been around for over 150 years...

[Under the same optic, the pervasive privatization-of-public-social-services model is, by itself, a violation of Human Rights...].

6. People also have to be made to understand that:

- macroeconomic policies imposed by International Financial Institutions (IFIs),
- the world crisis in democracy,
- the weakening of states,
- the control of information,
- militarization and state terrorism (bringing us to open war), and
- the ‘capture’ of the UN system by these macro issues so that it finds itself with the hands tied to turn the spirit of Human Rights declarations into reality, all are equally major obstacles to the achievement of health and adequate nutrition as Human Rights.

7. But even under these compelling constraints, the strategies and actions of the international and national health and nutrition community are still heavily influenced by neoliberal thinking.

[We all have our preconceptions that limit our resolve to act within a true Human Rights perspective...].

8. The decision to implement programs and policies within the perspective of Human Rights implies an enormous effort of consciousness raising and capacity building at many levels. It is a continuous process that needs to permeate all our activities in our work and in society as a whole.

[If only this would be universally understood...].

9. But, beware, even adopting a Human Rights framework does not automatically change the way managers relate to beneficiaries. This, since the latter are still not always seen as full citizens with the same rights as more fortunate members of society.

10. Let's face it, in development circles, health is still mostly promoted as a tool for economic growth rather than as a Human Right. Medical/Technical interventions are proposed as solutions to health problems... as 'the way out of poverty'...(!).

Furthermore, this approach disallows discussions about and actions to directly tackle structural inequalities and the root causes of poverty and powerlessness and their consequences in terms of preventable malnutrition, ill-health and mortality. In short, this approach maintains and, if only tacitly, reinforces the current international order.

11. For example, the power of transnational corporations (TNCs), accountable to no-one, is in direct conflict with the principles and aims of the UN to enhance Human Rights and the capacity for self-governance. IFIs and TNCs simply have to be made accountable for their actions in terms of meeting their (so far poorly explicated) Human Rights obligations.

[But do professionals in this area --and some UN agencies flirting with TNCs-- really worry greatly about this...?].

12. Human Rights work, badly needs to produce the evidence on the obstacles faced by state parties to meet Human Rights obligations and, more so, obstacles preventing people / communities from meeting their basic needs --to then use this evidence effectively in capacity building.

[From the above, then, already flows a full mini-agenda for action...].

Four More Areas of Need

13. The 'access-to-treatment-for-HIV/AIDS movement' illustrates numerous aspects relevant to equity and Human Rights work; it provides an evidence-based example of a strong grassroots civil society mobilization that has successfully raised legal and advocacy issues from a strong rights perspective. Their claims are now increasingly taking a regional and international dimension.

These groups now urgently need capacity building in Human Rights.

They need to go beyond directly addressing equal access to care in resource-poor environments and need to start raising more overall health system concerns. A greater Human Rights focus can help them contesting resources in ways that are pro-poor and open doors to access resources outside the health sector.

14. The 'patients-rights movement' has, so far, not been much involved in promoting a veritable right to health approach. Patients' Rights Charters have promoted the right to health care alright; but they have focused more on improving the availability of minimum quality health services and have addressed

health primarily as a socio-economic right; few of these movements have been linked to de-facto strategies mobilizing beneficiaries. In short, the limitations of this movement may be as many as its successes. In the future implementation of such charters, the role of public participation will be as critical as the further capacity building of their promoters in Human Rights.

15. The few existing 'civic coalitions (or people's movements) for health' also have the potential to progressively adopt a rights-based approach to more effectively influence State policies. Few have done so so far. They thus also urgently need capacity building in Human Rights.

Where these coalitions are active, the actual expression of social and economic rights at community level gives them a greater potential to promote more equitable public policies. This, because the Human Rights approach can clearly strengthen the proactive engagement of communities with the State by fostering a participatory empowerment that promotes social justice and equity, in our case in health and nutrition.

A Human Rights approach will also confront these communities with what they need to know about how the negative aspects of Globalization impact them (this will not happen automatically though; the process has to be explicitly steered in that direction).

16. Furthermore, the role of 'organized labor' in pushing for health equity through a rights perspective has also been neglected. Labor unions now need as much capacity building in Human Rights as the above groups.

[Another couple mini-agendas for action here. The challenge is to take a practical approach to these questions so as to make the Human Rights message central and, at the same time, accessible to those being empowered through the needed capacity building...].

State, Society and Human Rights

17. It is the obligation of the State and of society to create easily accessible legal and administrative mechanisms for use by the population as instruments to denounce and seek correction of violations of Human Rights.

18. Examples of such violations most of us fail to identify are actions that:

- bring about or facilitate the expulsion of small producers from their land;
- allow importing food products at below national production costs;
- cause reductions in the support to national food crops production;
- create unemployment;
- discriminate against participants in social programs;
- close down social programs directed at vulnerable groups;
- allow enterprises to violate Human Rights, (e.g. mergers that result in large dismissals of staff);
- are lenient towards those responsible for oil spills that jeopardize the livelihood of small fishermen;
- condone the introduction of dangerous foods in the market;
- allow dishonest advertising of certain undocumented nutritional values of foods...

19. Other examples of violations include:

- the allocation of grossly insufficient budgets for health;
- the non-elaboration of national policies on food security;

- the non-fulfillment of agreed-upon health and nutrition (Millennium) goals;
- allowing vaccination coverages to slip;
- the non-information of citizen about their rights in health, education and other social spheres.

[Do any colleagues you know greatly worry about any of these...? I seriously contend that, as part of a Human Rights approach, it is time they did.].

20. To bring home the concept of rights, we can use the not so simplistic example of our own families: Not all their members can, by themselves, guarantee their own daily sustenance. In a way, the family has to provide for those of its members who cannot provide for themselves. In the same way, society needs to guarantee mechanisms that assure all its members have the economic and physical possibility to access adequate health and food. Each individual household simply has to be treated with equity.

21. Condoning preventable hunger, disease and misery represent the negation of our individual and collective humanity. This dehumanization is not only the one that affects those who do not get their needs fulfilled, but also the dehumanization of society that does not guarantee them the corresponding rights.

22. Paternalistic approaches to secure the fulfillment of needs establish a relationship of power and submission that, in itself, violates the rights of beneficiaries. Our societies have a long history of paternalistic and authoritarian approaches to development.

The process of construction of a truly democratic society passes through the redefinition of the roles of its social actors and the State.

[How and when will each of us redefine our roles --individually and collectively...?].

23. Health staff, for instance, has the obligation of informing beneficiaries of their rights. But there is a lack of information on the side of these public servants about their duties in relation to people's rights. Only one thing is sure: There is no justification for the non-realization of Human Rights. So, again here, these civil servants urgently need capacity building in Human Rights. [We urgently need to design ad-hoc training modules (both their contents and effective teaching methods) and to train a rather massive cadre of alternative trainers; let us hope that the upcoming UNICEF and CARE materials will guide us in this direction].

24. Many small, unpretentious capacity building exercises in the direction of Human Rights in different sectors of society will eventually have a synergistic effect. An increase in the consciousness of the population about their rights --and decisively exercising the same-- will ultimately increase the pressure on public and private services, not allowing them to procrastinate any longer in terms of improving the same.

Joint action of all actors in their different sectors is needed.

[Divided we beg; united we demand...].

Note:

- Mostly taken from Rene Loewenson, EQUINET-news, Feb 11, 2003, Flavio Valente, Human Rights and the promotion of nutrition and healthy life styles, mimeo in Portuguese, 2002, SCN News No.25, Human Rights and food security capacity building, Dec 2002, pp 58+59; and Alison Katz, for the People's Health Movement, submission to the UN Committee on Human Right, Sub-committee on the Promotion and Protection of Human Rights, Feb 2003.

Neutral food for non-neutral thoughts

43. The Ideological Neutrality of Human Rights is its Greatest Strength, but its Proponents should not be Neutral in Engaging to Achieve them

“There is no neutral territory in combating poverty and oppression. Those who believe in such neutrality more often than not become prey to the agendas of dominant social forces.”

- F. Manji

“The principle of neutrality --being indifferent-- is increasingly obsolete; it is immoral and short sighted.”

- J. Foster Dulles

1. An undeniable contemporary fact is that, too often, our political leadership is dissociated from moral and ethical considerations. But essential for their legitimacy is precisely their ability to translate prevailing social and ethical values into politics (or ‘ethical praxis’, if you want): politics is the translation of all our scientific, ethical and historical knowledge into a fair management of society. (*D. Najman, P+QLI Commission*)

2. So, not trying to be facetious, if our leaders do not know how to equitably distribute wealth and justice, shouldn't they at least equitably distribute poverty and injustice...?

3. Consequently, in Human Rights, stepping from the ‘ethics of principles’ to the ‘ethics of responsibilities’ means that our leaders must be made to stand by their signatures and made to keep their promises, basically because they made them...of their own free accord (or convenience at the time...).

4. In today's world, the life of a person who lives by her ethics is not easy: it is rather a crusade. For her, certain principles are non-negotiable.

5. In the Human Rights-based approach, rights are not negotiable. Therefore, we have to pin down the Human Right-expected outcomes --100% of them-- as non-negotiable (in a way, a zero tolerance stance). It is this, then, that has to become our point of reference to judge which Assessment, Analysis and Action (AAA) processes in society are positive and needed in our endeavor, and which of them we have to challenge, because they do not lead to such outcomes (i.e., are negative and/or neutral AAA processes for the achievement of Human Rights).

6. In the same way, by now, we know that Respect, Protect and Fulfill all represent Human Rights obligations of states: they thus have the connotation of a social contract! Carrying it a bit further, some people consider Respect to be a passive obligation, Protect to be an active one, and Fulfill to be a proactive obligation. So, for instance, when governments only respect and protect, but do not fulfill state obligations towards, say, the entitlement to food, to care and/or to Health For All, they should be actively denounced and confronted by us; neutrality is not an ethical option.

7. One can ask: is it not commensurate with cowardice to live an uncommitted life in a world of growing polarization? We need to critically examine our commitments of all sorts. Uninformed innocence in a ravaged world amounts to pain and suffering that can be counted as dead bodies and children handicapped for life. We cannot be fundamentally unengaged on Human Rights issues. Detachment has to be challenged. Detachment can come from our early training, disappointing experiences or mere

indifference. We simply cannot selfishly shun commitment. A world of choice and action opens before us. We have to make choices. We have to take sides to remain human.... (A.A. *de Vitis*).

8. In troubled times, a vocal identification with ethical principles needs to be forged. Silence is a strategy to avoid commitment, in our case in Human Rights work. Silence compromises the future of what we stand for. Silence is speech; it is a willed act in the furtherance of one's objectives. (Is it self-deception?)

9. We cannot attempt to disengage; political involvement in Human Rights matters and, in final instance, is humanizing. Of course, the choice can be made to act as a 'sympathetic outsider'; from such a position, reality-out-there remains but a picture on the canvas. (Z. *Pathak*)

[I recognize that people exist as dismembered bodies; we are constructed as complex, fragmented subjects, in part because there is a dialectical relationship between the personal and the political...].

Can Human Rights Advocacy be Overdone?

10. All people have equal rights, but are indeed very different --and want to be different... (J.*Rau, German Federal President, 13/5/02*)

11. Because Human Rights pertain to all people, everywhere, one danger is that the term "Human Rights" be used for many disparate things, if not for everything under sun. The fear is that, eventually, the term be abused so that it gets diluted to the extent that it loses all its original meaning and becomes empty rhetoric --like so many other 'big words' we have seen abused --from democracy to freedom to equity...

12. Human Rights has actually become a 'convenient' moral term, so useful and effective in advocacy that, to be on the safe side, everyone (friend and foe of Human Rights) throws it in...just in case. And that is where the danger of abuse and dilution lies.

13. While I am aware of the efforts to expand the traditional Human Rights concept and expect that Human Rights will play some role in areas such as the environment, I am wary that if everyone keeps stretching Human Rights into everything under the sun, within ten years, we risk seeing a huge backlash in the Human Rights arena: whoever mentions the term "Human Rights" will be suspected of being a dinosaur or a fanatic. In the next five years we will see expansion, but what in ten...? This, of course, does not mean that linking Human Rights to environment issues should not be pursued... (Tran Dinh Hoang, personal communication).

14. The caveat here is that we ought to advocate for a faithful adherence to the established and already sanctioned international legal Human Rights concept and principles; expansion from there should be cautious, well justified and long-term.

If something is good, use it carefully, consistently and with care...

Food for not so childish thoughts

44. An Introduction to Children's Rights

Review of Some of the General Underlying Principles

1. The motivation to realize all Human Rights should be based on a sense of justice and solidarity; compassion is not the right motivation.
2. In this domain, Governments have Obligations of Result (e.g., achieving the Millenium Goals) and Obligations of Conduct (e.g., implementation of a plan to achieve the latter). Remember that they do not have the option to indefinitely defer efforts to ensure the full realization of these obligations; they have to immediately begin to take steps to fulfill them. In that sense, we can identify Human Rights violations through the direct action of States and through their omissions. The latter, because there are minimum core State obligations to ensure the satisfaction of, at the very least, minimum levels of each of the violated rights. Remember also that resource scarcity does not relieve States from these minimum obligations and that all basic needs are Human Rights (but not vice-versa). Human Rights cannot be prioritized either, but actions to reduce and end their violation can and should e prioritized (in the form of concrete, explicit plans).
3. Moreover, Human Rights have no time limit: up until a specific right is fully realized, this right is violated. This brings into serious question the setting of goals to 'halve poverty or malnutrition'. [So, should we continue to pursue goals such as halving malnutrition by 2015...?].
4. Always keep in mind that a Human Rights approach does not only change what we should do, but it will also change why and how we do our work. The first change is to recognize poor people --and children-- as protagonists in their development; this requires changing the mentality of all sorts of development workers. There simply cannot be a Human Right -based society without individuals who have internalized the Human Rights philosophy (hence this Reader).

Realizing Children's Rights

5. All human beings have Human Rights, whether or not a particular country has ratified a specific universal instrument. For example, children in the USA --which has not yet ratified the Convention of he Rights of the Child-- have every bit the same rights as children living in countries that have ratified the CRC.
6. Rights holders and their representatives (e.g., parents) should have the capacity and the opportunity to take action to insist that those who have the corresponding duties do in fact carry out their duties. Rights are thus to be seen as our exercise of free will and choice. Moreover, rights holders retain their rights even if they are unable to take any action to demand their realization. There is a fundamental difference between protecting children --because they are dependent (and deserve our compassion)-- and respecting children, because they are powerful. [Actually, the CRC prohibits those who already have power from exerting that power in a negative way over children].
7. UN-sanctioned conventional Human Right basically regulate the relationships between individuals and the State. The CRC is different. Towards children, it recognizes duties of parents and other non-state duty bearers at all levels of society, including at the international level.
8. Not infrequently, the violations of children' rights are a direct result of the violation of the rights of their care-givers own Human Rights. To begin with, a large majority of children whose rights are

violated live in poor families and poor communities. Therefore, a child-rights approach must always also be focused on the alleviation of the poverty of the family. So, when we advocate and mobilize for the realization of children's rights, we have to do that in the larger context of Human Rights, including women's, children's and other pertinent economic, social and cultural rights.

9. Always keep in mind that rights are not just claims, but claims against someone! Therefore, in the Children's Rights domain (as much as in other Human Rights domains), capacity building has to be empowering so as to empower children's guardians to confront Government inertia, as well as to empower children themselves (yes, children...) to claim their rights.

Note:

- Mostly taken from U Jonsson, *Realization of Children's Human Rights: Charity or solidarity?*, Mimeo, 1997.

Food for excessively medicalized thoughts

45. Globalization, Health Rights and Health Sector Reform: Implications for Future Health Policy

1. In most of the world, Health Sector Reforms (HSR) are sick.

They are terminally ill --in part due to the negative consequences of Globalization (G) on the right to health. So we better recognize its symptoms. Denial of the symptoms may be a good temporary defense. But only until reality imposes itself on us.

2. This reality is that we have been giving technical solutions to what are political and Human Rights problems. Ergo, we cannot medicalize HSR any longer!

3. I am hereby sending a call for action. Calls for action are not helped by scholarly presentations. When all is said and done, a lot more is said than done...

4. We thus have an enormous task in front of us. And to prepare for that task, we need to sharpen our debating skills. We need to awaken the 'investigative reporter' in us; to constantly go after the Human Rights meaning hidden behind the statistics.

5. Around the world, what the poor people to be served by true HSR want is simply more: more justice for their entitlements, more from health, more from life, more from history, and more from us!

6. Hereunder are about Fifty Seven 'bullets'; they are in no particular order, but are just primers for you to use to start a meaningful debate on this issue.

i- The structural reforms that come with Globalization have negatively affected the most vulnerable segments of society; also, income distribution and economic access to health have become much more unequal.

ii- Civil society needs to become more organized to challenge the power of the states that foster or go along with Globalization and progressively neglect their Human Rights responsibilities in health.

iii- Civil society needs to increasingly be visible as a credible negotiator between the people and public powers. It has to become a watchdog to contain market and Globalization excesses. They also

have to raise the awareness of the people re the challenges Globalization poses. (Best example: the worldwide People's Health Movement (www.phmovement.org) and the Politics of Health website). (www.politicsofhealth.org)

iv- The short-run effects of Globalization on the poor ARE negative and significant... So, compensatory policies are being promoted and designed to help the poor to deal with, for example, falling health standards. But this is reactive/palliative and not proactive/preventive...).

v- What are needed are pro-poor/pro-Human Rights budgets and growth strategies; policies geared towards ensuring that people receive adequate food, education and health care; broad participation in policy design and implementation; environmental and social awareness; and efforts to combat discrimination:

'As individuals, we beg; collectively, we demand'.

vi- With Globalization, the non-poor benefit disproportionately from public spending, their benefits far exceeding the taxes they pay.

vii- Pro-poor structural reforms we so much talk about are yet off-limits for the macro policy establishment. At the macro level, 'the social' continues to be an afterthought. But macroeconomic policies should add on to social policies if they are to achieve poverty reduction. So far, Globalization treats social welfare as an optional extra.

viii- More often than not, 'sound' macroeconomic policies are designed and then social 'band-aids' are applied in order to achieve acceptable outcomes.

ix- The social exclusion inherent in neoliberal growth models should simply be rejected. We should accept nothing less than social inclusion of the poor.

x- With Globalization, the trend is thus toward a drastic reduction of state-based entitlements and their replacement by market-based, individualized entitlements... But the invisible hand of the market has no capacity to create a decent, Human Rights-based society for all. The law of supply and demand can fix the market price of bread, but it does nothing to alleviate hunger, famine and ill-health.

xi- Moreover, with Globalization, priority is granted to efficiency over other values such as social justice or environmental sustainability.

xii- We now have to think globally and act both locally and globally.

xiii- Following the Globalization orthodoxy, recommendations are made these days to privatize social protection (but privatizing basic social services and social insurance is antithetical to redistribution and equity... The idea that any privatization is better than no privatization should be rejected.

xiv- In sum, the negative effects of Globalization are reversing some of the social gains already made; it is lessening the likelihood that developing countries will have the necessary policy autonomy and fiscal capacity to carry out and finance comprehensive health policies.

xv- Although NGOs have enjoyed a high profile in recent years they have mostly remained in the reactive mode. There are signals that their heyday is over. Many stand accused of complacency and self-interest on the one hand, and of being ineffectual and irrelevant on the other.

xvi- Globalization has brought about a shift in power: the nation state has weakened and there is a reduction in social accountability. Moreover, 'in the dealings of Globalization', its intricate connections

are so patently disguised as to become almost invisible. Or worse, the deceptions are so brilliantly woven into its processes that falling for those deceptions is deemed as both fashionable and progressive.

xvii- Due to these negative consequences of Globalization, communities in many Third World countries are no longer able to cope --their previously successful coping strategies diminishing daily.

xviii- Governments in the Third World are simply assumed to be incapable of assuming a minimum level of welfare for their citizen. It is implied that it is necessary to look for alternatives in the private sector or to directly privatize services (...and NGOs are occasionally a convenient form of privatization). Only that, often, such privatization strategies lower the quality of services for the poor and end up widening the gap between the rich and poor.

xix- Under Globalization, the annual losses to developing countries run at an estimated \$500 billion USD --an amount much higher than what they receive in foreign aid.

xx- Whatever the response, promoting the economic benefits of Globalization requires mechanisms to prevent its excesses --including the Human Rights violations it aggravates--, because there is a clear trade-off between market efficiency and the social welfare of workers and peasants.

xxi- In the international scene of (mercenary) technical development assistance, for example, issues of substance are turned into technical matters by paid consultants while underlying more structural issues get obfuscated. Or --what amounts to the same-- aid agencies too often remain unwilling to respond politically to political situations.

xxii- Remedies proposed to specifically increase equity and access to basic services thus include targeting of subsidies (i.e. selective subsidies of goods and services disproportionately consumed by the poor), prepayment plans (e.g. community-based health insurance), exemptions and the selective dropping of some fees (e.g. health and educational), prevention and on improvements of the quality of care (in health), as well as on a fairer urban/rural distribution of resources.

xxiii- Expenditures on health have to increase, they say, but to be equitable, they have to be concentrated on preventive activities in rural areas and should be targeted to the lower income quintile.

xxiv- Globalization may be inevitable, but what it looks like is not --there are forces that can shape it, and Human Rights must be one of those forces.

xxv- Actually, with Globalization, "Might is Right" has come back with a vengeance. And in a defeatist stance, we have so far accepted this fact and have bowed to the forces we think we cannot effectively oppose. Soft approaches will not do. Bolder steps will have to follow.

xxvi- Furthermore, we have to fight the indifference of our youth to the present global situation: our young and upcoming colleagues. We have thus to enroll the youth before they resign themselves... Our youth seems more interested in the information superhighway.

xxvii- In sum, an effective challenge against Globalization and its negative effects on health is possible, but demands the same kind of intellectual commitment and vigor that characterized anti-colonial or independence struggles.

xxviii- Western intellectuals have simply abandoned their commitment to challenge the exploitation and oppression of the poor as they continue being brought about by Globalization. Concerted campaigns and struggles against poverty, tyranny any exploitation will form the only sustainable basis of an intellectual renaissance of our youth and of ourselves.

xxix- Taking a minimalist stand towards Globalization will do no harm, but neither will it do much good. Inertia in history (has) and will always work(ed) against the more visionary and radical changes deemed necessary when the same fall outside the ruling paradigm.

xxx- Development cooperation must thus become more political and more Human Rights oriented, because only structural reforms will deliver sustainable and fair development.

xxxi- The solutions to the consequences of Globalization on the health and nutrition sector, for example, cannot be medicalized any longer. Technical assistance focused on health/nutrition matters only is not enough to uproot the structural inequities underlying pervasive and unrelenting ill-health and malnutrition in the world.

xxxii- But the inertia is so great and our collective virtual view of reality so distorted and entrenched, in part due to Globalization, that the likelihood of us changing that reality remains dim.

xxxiii- In short, we need to give a larger intellectual and political scope to our discussions on Globalization. In doing so, we have to manage to develop a political program of more universal appeal. We need to come up with a focused common agenda.

xxxiv- When economics has ceased to strengthen social bonds and its prescriptions are actually further pauperizing millions, it is time to start thinking in political terms again. This is one of my cherished iron laws.

xxxv- The facts discussed here are more than enough to allow us to go negotiate (or struggle) for new more radical equitable/pro-poor/pro-women/pro-Human Rights based strategies on the highest of moral grounds.

xxxvi- Globalization does not have a human face; power differentials are at its crux. It is a process we cannot wish away.

xxxvii- When government expenditures in health in developing countries are shrinking, the World Bank has them pushing for a greater role of market forces in the production and distribution of health.

xxxviii- Providing health care as a Human Right and on the basis of need is being replaced by a system based on cost recovery where exemptions for the poor have not worked.

xxxix- Safety nets are nothing but a way to manage poverty attenuating social unrest.

xxxx- The politics of health will override all other efforts to bring us Health for All. (Equity is the forgotten key thrust of Alma Ata!...this year in its 25th anniversary!). A renewed commitment and resolve to foster empowering community-based activities will have to guide our actions.

xxxxi- Countering the forces of Globalization is a step towards equity; it is futile to look for an accommodation to fit greater health into an inherently inequitable system. This, because some of the HSRs measures are actually Structural Adjustment measures in disguise.

xxxxii- At the same time, reforms being proposed to strengthen public health policies and public financing of health via taxes are being dismissed as being supposedly non-viable. But the so often proclaimed non-service mindedness of the public sector is not a given; we need to fix a system that, granted, has many flaws. But it also has many strong points!

xxxxiii- Evidence that market-oriented health care systems are more efficient are not really well founded (look at the USA...); they are just more profitable to some and too often provide unnecessary care.

xxxxiv- Conversely, evidence that public health care systems are more equity-oriented and can be made more efficient, does exist.

xxxxv- The cost recovery system is a regressive tax in which the poor pay as much as the non-poor; becoming sick thus penalizes the poor more, and high fees for health care are a major cause of pauperization.

xxxxvi- Direct and indirect progressive taxes (and non-private insurance schemes) must thus constitute the financial basis in an equity-oriented health care system.

xxxxvii- So, if our objective is to provide care according to need, our only choice is to improve public health care systems that cater to those with less ability to pay (the majority).

xxxxviii- Another perennial problem of HSRs is that decision-making has allowed limited involvement of the beneficiaries themselves.

xxxxix- Bottom line, HSRs have been used as crutches to pretend one is changing the system, but basically staying the course or even going backwards. And this is not by accident...

L- HSRs alone cannot simply address the Human Rights and structural constraints to equitable health, not even with good targeting.

Li- Tinkering with the current HSR models will simply not do. This is the sad reality. Precious time is likely to be lost only to see the problems of inequity worsen...and what is inequitable today will be inhuman tomorrow.

Lii- So what would be more effective and sustainable?

a) First, it is not for us in this distinguished virtual gathering to come up with the responses.

b) For once, it would be best to ask the beneficiaries directly to respond to this question rather than coming up with some technical responses.

c) A bottom-centered approach calls for a radical change in our priorities and our modus operandus: The locus of control has to shift to the beneficiaries.

d) The bottom line is that --together with the beneficiaries-- we need to articulate a more sustainable Equity-Oriented Health Sector Reform (EOHSR).

Liii- There is no such a thing as 'lack of political will'. What there is, is a laissez-faire, the manifestation of a choice made, i.e. a choice not to exercise a will!

Liv- Contradictions between ministries of health and the people they say they serve have not changed a bit with the (often foreign-driven) HSR as applied in many countries worldwide.

Lv- Who wins/who loses? What is won or lost? How, through what mechanisms? and Why? -- these are the kind of questions we are not asking.

Lvi- We need to get involved with beneficiaries in consciousness raising, increasing their rights awareness and their political awareness of why they are where they are.

Lvii- In short, what is needed now is a start-over, a global movement, a grassroots revolution around the right to health.

46. Stepping into the New Age of the Right to Adequate Nutrition: Snail Pace Progress? - I

The Situation

1. One of the key question perhaps not yet clearly answered in nutrition circles is: *Why* is the commitment of nutrition professionals to a Human Rights approach, although sorely needed, still not a reality?
2. Such a commitment was and is seen as needed as our reaction with the best chance for success to counter the increasingly perceived (and additive) negative impacts of the relentless process of Globalization. Globalization is creating and is accelerating poverty --most often with malnutrition as an accompanying outcome. This, at the same time that the negative effects of Globalization are creating growing disparities, exclusion, unemployment, marginalization, alienation, environmental degradation, exploitation, corruption, violence and conflict, all --in one way or another-- impinging on nutrition.
3. People who are being marginalized by Globalization today are really being pushed to the limit and they do need to channel their frustrations into positive action. But in real terms, the poor are still being offered top-down social services and thus are not really active claimants when it comes to ensuring their perceived needs are met. So the Human Rights approach comes to introduce or reinforce a crucial missing element in development work, i.e., people forcefully demanding de-facto accountability; and this is its added value in all work being done in the area of nutrition. One wonders why the approach has not generated more enthusiasm.
4. Because the rights-based approach takes the entitlements of those being marginalized as its starting point, to be sustainable, it must be based on equity. Human Rights and equity go hand in hand. The rights-based approach thus focuses on the basic and structural (macroeconomic) causes of poverty, the main determinant of ill-health and malnutrition.
5. Historically, there has been much circularity in the discussion of Human Rights. There is still a segment of the Human Rights community that thinks that one can settle world order issues without settling the power issues still slanted against the welfare of the majority of the marginalized. But this is almost a contradiction. In this day and age, more concrete actions directly empowering the poor need to be identified and indeed carried out.
6. The worldwide halving of malnutrition rates by 2015 will simply not be achieved through the piling up of yet more 'benevolent' changes centered around Free Market solutions carried out by those who, through their power, control it. We are being sold a utopia, one that extols the ultimate benefits of Globalization. This utopia is made of a similar, but dangerous mythical belief that ultimately a global free market will cater to everybody's needs and make everybody happy. How much nutrition professionals are influenced by this myth has never been assessed.

7. Be it as it may, the Human Rights approach is here to set limits to the vicissitudes and sways of the (socially insensitive) market.

The Challenge: What Now has to Change

8. Because of the gross flaws of Globalization, particularly in the social realm, a more humane global governance is now needed --more than ever.

9. It is a fallacy to focus on whether Globalization OR bad governments is the most important cause of Human Rights violations. The Human Rights approach shows us what states should do or should not do. When they fail the test, many governments actually use the Globalization argument --of being victims of a global process-- as an excuse for stalling and not implementing their obligations.

10. But, in fact, in the implementation of rights, one more often finds considerable softness in the commitment of the governments themselves. Often, a rights-based approach is not even on their radar screens. So both the individual duty bearers, as well as the system, are to blame and to indeed be held accountable.

11. For all governments (in rich and in poor countries), how much of their general budgets they devote to nutrition, to health, to food security, to education and to poverty alleviation is indeed of substantive Human Rights concern. Further, one should look at how the various existing expenditures are distributed among the various socio-economic population groups. Governments do violate Human Rights when they fail to offer adequate and participatory health and nutrition services to the poor.

12. To take a very real and current issue as an example, should the provision of such services be privately organized, governments still remain responsible for the egalitarian and adequate provision of the same. But, are they? They most often are not; one just needs to look at the existing evidence to see that. Civil society watchdog groups should be monitoring these developments and denouncing its shortcomings more proactively.

13. A Human Rights-focused analysis of statistical data should examine the extent to which various expenditures in nutrition and other social services are distributed among the diverse socio-economic groups according to need. The same watchdog groups have a role in scrutinizing the actions funded to make sure they 'respect, protect and fulfill' the Human Rights of the poorest --and they should protest if that is not the case. In so doing, they will actually be addressing the whole gamut of government Human Rights violations.

14. But are governments the sole holders of Human Rights duties? Legally, the answer is yes (they are the actual signatories of the respective Covenants). But, in reality, there are indeed other duty bearers.

15. The example of children as rights holders helps us illustrate this point: The duty bearers of children's rights are, first and foremost, the immediate care-giver (the mother or other), followed by the family/household members, the community and neighbors, local, sub-national, national and international institutions --all linked in a web of complementary duty bearers. The case of nutrition and the responsibility of its professionals could not be more illustrative in this regard: Together with empowered community leaders, they need to seek effective duty bearers' responses at all these levels.

16. But this is the theory. The challenge right now is to convert these concepts into working programs, where people's claims are more forcefully exerted as their inalienable right.

The Right to Adequate Nutrition

Preamble: Human Rights concepts applied to nutrition have evolved in the last 20 years. Early thinkers in this area began talking of an inalienable 'right to food' of all human beings. But after the worldwide adoption of the UNICEF-proposed conceptual framework of the causes of malnutrition, it became clear that food security was only one element of nutritional wellbeing. This led to the coining of the concept of the 'right to nutrition' (here emphasized as the right to adequate nutrition) which addresses all determinants of said conceptual framework. Not surprisingly, this led others to pursue yet a more ambitious 'right to development' goal. But the latter has encountered powerful detractors in the ranks of the developed countries, particularly the US. In the same vein, it has to be said that the overall US views on Human Rights differ substantially from much of the rest of the world: To successive US administrations, civil and political rights somehow carry more weight than economic, social and cultural rights. The US particularly objects to the responsibilities the developed countries bear in relation to the rich countries having, for long, infringed the economic and social rights of developing countries.

17. Although the recognition of the fundamental right to adequate nutrition of all humanity is the ethical and political basis of the overall approach nutrition professionals should embrace, really understanding this right has largely, so far, been confined to Human Rights institutions, especially the UN agencies. How much should/can one rely on these agencies then to be instrumental in shifting the focus of current and upcoming nutrition programs to a Human Rights focus? For the time being, perhaps quite a bit. This serious gap simply needs to be bridged as soon as possible --and this is the purpose of this Reader.

18. The first challenge will be to help create a common language to be shared by agencies, governments, NGOs and beneficiaries --a language primarily based on social commitments to Human Rights and on raising the level of responsibility of the different actors (both as more active claim holders and as more responsive duty bearers).

19. The second challenge is to make the Human Rights approach concrete and give it substance (the *how*)...and the field of nutrition is, for sure, an inescapable candidate.

20. Unfortunately, as of now, most governments fear that the recognition of this right to adequate nutrition would interfere with their current policy choices. They need to be appeased about this fear and made to understand that certain aspects of the rights approach may be subject to progressive (gradual) realization. But they also need to be made to understand that there is a minimum core of rights that all states simply have to uphold! In the case under discussion here, states have already signed Covenants that guarantee the respect of the right to adequate nutrition under any circumstance, irrespective of the magnitude of the resources available to them.

21. In concrete terms, what this means to nutrition professionals is that, as soon as possible, Human Rights objectives in nutrition need to be better singled out, defined and refined to more explicitly establish specific local action priorities. The right to adequate nutrition has yet to acquire a more operational meaning for people as well, and that is a major political responsibility all nutrition professionals have to deal with now.

22. Put another way, in operational terms, effectively mainstreaming Human Rights in all nutrition activities remains a challenge of enormous dimensions --and the challenge is a political one. Certainly, operationalizing the right to adequate nutrition is a priority called for to quicken the current snail's pace; the main challenge here though is to, first, achieve consensus among nutrition actors on such an operationalization.

47. Stepping into the New Age of the Right to Adequate Nutrition: Snail Pace Progress? - II

The Key Issues to Fight For

23. What will become central in this urgently needed debate to be followed by action is to understand that mainstreaming Human Rights in nutrition work means the right to demand a whole series of things. Among them:

- that economic and physical access to basic community-based nutrition services is equally guaranteed for girls, women, the elderly, minorities and the marginalized,
- that steps be taken to progressively achieve all Human Rights (the right to adequate nutrition being only the point of departure for nutrition professionals),
- that the private sector (national and transnational) also be made to comply with Human Rights dispositions,
- that expeditious and verifiable actions be undertaken towards realizing this right -starting now,
- that accountability, compliance and institutional responsibility be required from relevant duty bearers in all processes under implementation aimed at improving nutrition,
- that administrative decisions in nutrition programs are in compliance with Human Rights obligations,
- that governments' resilience to embark in meaningful nutrition interventions be differentiated from their inability to comply,
- that -if unable to comply- the burden of proof be put on governments to convincingly show that there are reasons beyond their control to fulfill their right to adequate nutrition obligations,
- that national strategies on the right to adequate nutrition be adopted defining clear, verifiable benchmarks,
- that the implementation of national nutritional strategies or plans of action be transparent and decentralized, and include people's active participation,
- that the same plans progressively also move towards eliminating poverty -the main determinant of malnutrition,
- that new legislation on the right to adequate nutrition be developed involving civil society representation in its preparation, enforcement and monitoring (!).

24. If the above demands are met, the added value of the rights-based approach to nutrition will be such that:

- beneficiaries will become de-facto active claimants of their nutrition rights,
- the respective imperatives will be made more forcefully (making governments effectively liable),
- the process will underline the international and later national legal obligations of states,
- the right to adequate nutrition will become the principal framework used to make relevant program decisions,
- the process will move the debate from charity/compassion (where there already is fatigue) to the language of rights and duties (accountable to the international community) with its corresponding compliance indicators that can be monitored.

25. It is in this light that the Human Rights approach enhances the scope and effectiveness of nutritional, social and economic corrective measures by directly referencing them to (close to) universally accepted obligations found in related UN Covenants.

26. These obligations, let the reader be reminded, are in competition with obligations stemming from other rights, especially when resources are scarce. Nevertheless, one always has to keep in mind that the duty to fulfill the right to adequate nutrition does not depend on an economic justification and does not disappear because it can be shown that tackling some other problems is more cost-effective.

27. To put things in a historical perspective, in the Basic Human Needs-based approach, beneficiaries had no active claim to their needs being met. The 'value-added' flowing from the Human Rights-based approach is the legitimization of such claims giving them a politico-legal thrust.

28. Going back to the example of the child, in the Basic Needs approach, the malnourished child was seen as an object with needs (and needs do not necessarily imply duties or obligations, but promises). In the Rights-Based approach, the malnourished child is seen as a subject with legitimate entitlements and claims (and rights always imply and are associated with duties and obligations).

29. This, in a nutshell, is WHY nutritional professionals have to step into the new age of the Right to Adequate Nutrition, picking up more of a hare's rather than a snail's pace.

Food for thought in the language of logic

48. A Case of Logic - The Human Rights Advocacy Syllogism

1. Advocacy actually is a form of political activism.
2. If 1. is true, advocacy is part of a struggle.
3. What struggle? Ultimately, I contend, a part of the struggle for power.
4. If 3. is true, advocacy is a dialectical exercise of the fight of opposing forces and boils down to power brokering to change the balance of power in favor of people whose rights are being violated.*
5. Therefore, advocacy is about gaining the upper hand, gaining positions of strength.
6. Therefore, advocacy is about empowerment of progressively growing numbers of individuals and organizations.
7. If 1. through 6. are true, what concretely does this compel us to do in Human Rights work? This, I will leave for you to answer...

(But remember, whatever cakes you bake are the ones you will have to eat).

After this, I need to further ask you: should you be advocating for, on-behalf- of, or with the people whose rights are being violated?

...Advocacy involves taking a political stand on particular issues and principles --and this often antagonizes governments. Ultimately, people need to take their own fates into their own hands, and it is that which most Third World Countries' governments do not like.

*: "Keep in mind that the side without power is always the side accused of being irrational." X. Zhang

49. The Difference Between Project and Process is Ownership. Human Rights Cannot be Implemented as a Project

"Projects create islands in the ocean of poverty."

"The origin of Human Rights lies in the rather subversive idea of protecting the collective interests of the poor and weak in a society against the rich and powerful."

- Adilisha, FAHAMU

1. One violated right is a violated right. Suffering is not increased by numbers. One body can contain all the suffering the world can take.
2. In Human Rights, we do not judge in terms of quantity (alone). By doing so, one surely betrays Human Rights's principles.
3. We must, therefore, no longer allow the sovereignty of states to be used as a shield for gross violations of Human Rights, simply because there are times when sovereignty just protects grave suffering. (*J. K. Galbraith*).
4. The Human Rights struggle is about turning human suffering into history rather than destiny --and we can't face heavy artillery with water guns. (*D. A. Moi*) That is the naked truth.
5. But we live in a world still in need of believing in old truths that nobody has wanted to believe in...and Human Rights are not exactly a new truth.
6. Because to achieve change one has to attain a critical mass of process ownership, human social struggles are, by necessity, intergenerational. (*C. Sepulveda*) But this does not allow for complacency or procrastination. Bluntly put: the struggle for Human Rights is overdue.
7. Health rights are to be taken-up-by rather than bestowed-on or given-to the people as charity. So, to move the process ahead, we need to move into new territory. For example, we need more parliamentary, civil society and student involvement in the struggle for Human Rights: more constituent groups have to take ownership of the human-rights-restoring process.
8. In the struggle to achieve that, it has been easy to meet, but not so easy to act together. (The rich are more united precisely in that sense; they close ranks very rapidly when threatened; the rich are also 'very charitable': they understand that they have to pay ransom for their riches). (*G. B. Shaw*)

9. Our challenge, then, is to interpret our individual experience from a Human Rights perspective to better serve the people so they take de-facto ownership of the specific struggle for Human Rights. But beware: experience is not what happens (or has happened) to you, but what you do (or have done) with what happens (or has happened) to you! (A. *Huxley*)

10. Idealism, when uninformed by experience, is abstract and dangerous in a world coerced by the cult of power. (A. A. *de Vitis*) Moreover, idealism and ethics are a mockery where the question of action is never even raised. (*Robert Scholes*) ...and our inaction and ineffectiveness in the field of Human Rights is bliss for politicians and bureaucrats. (Or, we sometimes wrongly assume that decision-makers are rational, righteous and pious, and will accept hard evidence or will react to outrageous injustice...).

11. Too often, the aim is clear, but what precisely we want to achieve, and how we can act together, is less clear; the 'how', on 'how-to-get-to-our-aim' stays in the dark. Too often too, genuine protest movements have big words, but even a bigger cluelessness. We do not want to be like that. Slogans alone no longer do in Human Rights work. The discrepancy between slogans and reality is simply too painfully apparent. The challenge thus is to go from getting-all-relevant-information -- to mounting-an-argument -- to organizing-action. But beware, too often have we tended to mistake (sometimes endless) negotiations for action. (*J. G. Speth*)

12. Standing up for a common cause often means to resist, to oppose, to redirect, to counter, to denounce. Getting the right information to claim holders is thus an armor and a weapon for people to take the ownership of Human Rights work. From the right to know and the duty to inquire flows the obligation to act. (*S. Steingraber*)

13. In the Human Rights arena, courageous individuals act; they listen to people's complaints, learn from them and teach them; they treat them like someone of value.

14. The challenge is thus to adopt a course of action which, for all its drawbacks, positively affects social change in the direction of the achievement of all Human Rights. And when acting, just REacting limits our choices. We have to take the initiative and denounce, yes, but also announce a new order.

15. While denouncing, presenting alternatives, showing the way and suggesting alternatives, Human Rights activists have to be 'comfort-busters' and 'disquieters', as well as 'callers-to-reflection-and-action'. This eventually makes them into true alter-egos of the civil society community. Their mission is to center-the-debate and articulate-the-reasons for Human Rights. It is indeed a heroic battle of 'universal ideas against special interests'.

16. For all the above reasons, I see our task as critics being one of actively politicizing the Human Rights discourse and leading it into new action-oriented positions.

17. In doing so, we also often have to unveil the workings of many a colonized consciousness: Great spirits have always encountered violent opposition from mediocre minds. (A. *Einstein*)

18. So, if you think we are too small to be effective in upholding Human Rights, ...you have never been in bed with a flea.

50. NGOs should not be Human Rights Blind and should be Judged by their Politics

1. Too many NGOs are fragmented and trapped in project work; they are often human-rights-blind and mainly service oriented; many are caught up in sustaining themselves financially.
2. Service-oriented NGOs will find it more difficult to alter or change power relations --a must for a Human Rights-based approach.
3. Too many NGOs are not looking (or have ceased to look) holistically despite the fact that they have much knowledge of what is going on; but they are not acting on that knowledge to really serve the people they work with. (*L. Haddad*) They need to speak up on how they interpret what they see.
4. So, here are some 'take-home-messages' for NGOs who are ready to assume their due role in the struggle for Human Rights:
 - In a participatory process, NGOs need to refocus their respective visions and restructure their plans in the light of Globalization and the specific historical context of each country.
 - This entails retraining their staff in the new vision and sharing the vision with their respective constituencies for feedback.
 - They need to network with other like-minded NGOs to join forces to courageously advocate and denounce donor agencies and governments not upholding Human Rights.
 - They also need to change their organizational structure and internal systems as needed to adopt a Human Rights-based approach, as well as to set up an ad-hoc internal task force that focuses on macro and Human Rights issues.
 - On the other hand, communities need greater control over NGO staff's activities; this is what has been called 'localized accountability'.
 - So, to get out of a state of lethargy in this domain, NGOs need to amass a fair dose of creative anger.
5. Involving their respective constituencies (global, regional, national and local), each NGO should ask itself:
 - What problems are we dealing with now? To what extent are they related to Human Rights?
 - What information about rights violations do we already have? What information do we still need to research more on? How are we using this knowledge?
 - What actions are we now involved in? Are we addressing/minimizing/preventing Human Rights problems? Are we altogether "off-track" as relates to the Human Rights problems?
 - If we are currently not addressing the Human Rights problems, what structures would we need to address them?
 - What organizational restructuring will we need? within our own NGO? and in our work to expand the Human Rights actors' network nationally?
 - Who is responsible to make these changes: we, as an individual NGO, or a national network of NGOs?
6. There is 'big-league' and 'small-league' advocacy NGOs have to get involved in. In advocacy work, in order to avoid spreading themselves too thin, NGOs ought to concentrate on a few major (core) issues and on issues specifically pertaining to each of them. (Do not lose focus by covering all macro issues...and do share your success stories...).

7. Given the challenges ahead, the Human Rights agenda of NGOs cannot be apolitical; the name of the game is actually being politically smart in furthering Human Rights goals.

8. Knowing about injustice does not move many; becoming-conscious about it generates a creative anger that calls for involvement in corrective measures. That is why being socially-responsible is but a euphemism for what should really be called political-responsibility. Political commitment is important, precisely because governments function as political entities. Political forces are thus fought with political actions, not with morals or technical fixes. It is precisely a misunderstanding of reality (or a partial understanding of it) that often reinforces an apolitical position of some NGOs.

9. One national NGO should act as an umbrella Human Rights organization, i.e., to be a broker of information to its members, helping them interpret it and challenging them to use the information to their advantage; this by itself fosters activism --giving other NGOs some novel ideas on how to do new things in their Human Rights work. The umbrella organization thus becomes a catalyst and an alter-ego (the consciousness) of its members and brings all members to a common ground by setting up either loose or militant networks (even if heterogeneous otherwise, but united on Human Rights goals) in which the relationship is based on a shared vision and political outlook on Human Rights issues.

10. Bottom line: NGOs ought to put their right hand over their hearts and face the sometimes painful truth: You DO know where you stand and DO know on whose side you are acting.

51. The Need to Struggle is Actually a Built-In Principle of Human Rights Work

“The check has come back from the Bank of Justice marked ‘insufficient funds.’”

- M. L. King

1. If the title is right, it behooves us to closely examine the processes that lead to widespread Human Rights violations. We need to identify the myths behind those processes and to show how the contradictions on which they rest are generated by political needs of the more powerful at a given moment in history. (*Z. Pathak*)

2. Myths are seductive, but they crowd out facts; and when the facts make a compelling case for action, myths must be buried. Myths make us complacent and stifle our imperative for action. (*L. Haddad*)

3. This examination calls for creating a space based on facts from which we can speak out as critics, to counter the proponents of status quo who seek to homogenize the differences of religion, class, ethnic group, and gender, that we know lead to widespread violations of the respective groups' rights.

4. If we accept the above, we simply cannot allow the Human Rights discourse to remain an artificial exercise confined to seminar rooms; this defeats the pedagogical objective of connecting our Human Rights concerns to the real world...the real world is to be our seminar room. Our function is to act as listeners, as well as teachers: so we need patience and passion to turn the passivity of many into committed involvement. The same applies to our youth; our youth is schooled, but not educated.

5. Ergo, it is not enough to have all the right ideas and attitudes and not to have real passion and a rock-hard moral center. As activists working in different cultures, we have to press for the best practices to have Human Rights prevail universally --in all those cultures.
6. In Human Rights, we cannot look at people as empty buckets --without an education, without a history, without cultural markers of the class they belong to. We cannot pretend all these are not there. People's identity is clearly inside a social, cultural, moral and political formation, e.g., people cannot be de-coupled from the economic to re-couple them with the social.
7. Active-intelligence rather than simple-good-intentions is necessary. Too often, we see high emphasis being placed on the development of technical skills with low emphasis on the development of 'moral-intelligence'. (*M. Allott*)
8. Ultimately, it is all about being committed: the modern world has no place for innocence. Innocence can and does cause harm; so, everyone of us needs a sense of mission --beyond our seeking freedom from guilt. Some call this 'optimistic-humanism', i.e., behaving as-if-the-world-were-as-kind-as-we-wish-it-to-be. (*J. Cassidy*)
9. So, we have to be alert. The 'innocent' and the 'uninvolved' remain among us, and they are not always quiet and harmless.
10. Writing (e.g., about urgent Human Rights needs) is certainly a kind of action! But not of much help if one remains uninvolved, unburdened by emotional ties....tinged with the paternalism-of-empire. Paternalism is still very much in our midst and creates havoc through misinformation. (*G. Greene*)
11. Our own societies have lost the sense of what we are fighting for. We are not trying to patch up the same kind of world that has produced the chaos we are in right now. Many come to this understanding grudgingly. To pity is easy, but it is difficult to really care. In the class that most of us come from, overriding emphasis is placed on complacency --and that is no good.
12. So, to reiterate, the need to struggle is both a principle of Human Rights and of development work overall; in this work, to be is to do. We-are-what- we-do, but (in this day and age) particularly what-we-do-to-change-what-we- are.
13. The focus must, therefore, be on results, not on dogma. Bottom line: It is not the nice guys who bring about social change; nice guys look nice, because they are conforming. (Denial ain't just a river in Egypt; it is a powerful animal and some stay there most of their lives). Rights cannot be theorized in the sense of claims pursued in a vacuum, but as a means of a struggle in a concrete social and political reality. Rights are not standards granted from above, but a standard bearer around which people have to bring about a struggle from below. (*I. Shivji*)
14. The underlying problem to all this is that people are not organized; there is no substantial enough struggle from below (yet). The poor and marginalized are neglected by modern, so called, democracies --because democracies are held captive not just to the power that money buys, but also to the ideas that money buys. (*W. Greider*) Conversely, Human Rights are beyond money-metrics...
15. We, therefore, need to foster indigenous Human Rights movements of the people themselves --and movements to win the support of the people to change direction towards the Human-Rights-cause need indigenous leaders; we need to find them and work with them. After a while, it will be up to these leaders to merge into national and trans-national networks of poor people's organizations, i.e., a "Globalization from Below" (Voices of the Poor, World Bank)

16. Because all states that ratify Human Rights documents are obliged to bring their laws and procedures in line with treaty (covenant) obligations, it is important for each of us to know which treaties our respective countries have signed and ratified --and use this knowledge to put pressure on our respective government to implement the rights found in the treaties it has ratified (You can find information on this for your country at www.unhcr.ch). Thereafter, with others, we have to build a response capability to all these Human Rights-related documents, global and national. And, if national legislation has not followed the ratification of these Covenants, pushing such legislation should become a high priority for all of us.

17. Our inability to resolve Human Rights problems at home also represents economic costs of great magnitude; ignoring the benefits forfeited through our inaction is irresponsible and criminal. (*J. von Braun*) If you think this statement is a bit radical, just ask yourself: Where are we going to end up if nothing is done?

18. For the needed changes to occur, we have to step out of the biomedical and neoliberal paradigms and become unashamed Human Rights activists.

This, because the prevailing paradigm allows to manipulate, dominate, exploit, expropriate the have-nots whose rights are being violated. (*I. Illich*)

The prevailing paradigm is prescriptive, targeting-actions-upon rather than involving-people-in decision-making.

19. This is why, as Human Rights activists, we do not condone procrastination. In Human Rights, we need action now; we need reciprocal commitments by the local, national and international community. We need an international anti-poverty alliance based on Human Rights principles, on debt relief, on increases of ODA to 0.7% of GNP, on the principles of 20/20, on taxing international financial transactions (*Tobin*), on fair trade...

Given increasing marginalization of the now powerless, this might appear to be a quixotic enterprise.

20. We also absolutely need to concentrate on women's rights, because men and women experience poverty and violation of Human Rights differently. This means we cannot allow gender hierarchies to persist in a hollow- commitment-to-Human-Rights.

21. Neither can we be caught off guard in the battle for 'a-market-share-of- the-public-mind'. We must bypass the biased editorial control of learned journals, the audiovisual media, the press, the internet space; they are as unreliable and biased as a smart advertising. (*K. O'Neill*) (*J. Adamson*)

22. In the work we are asking all of you to take-up, we cannot underestimate: We are taking on formidable enemies, and we will not have succeeded until we ultimately force (and/or replace) policy makers and other duty bearers to begin adopting Human Rights-based approaches to development.

23. In all honesty, we too often are more concerned about being scientifically correct than programmatically effective; even Human Rights have been over-studied and under-acted upon. (*K. Gautam*)

24. I see discussions on Human Rights usually going through three stages: Confusion - Anxiety - Expectations ("what do these Human Rights advocates want from me again now?"). Because of this, and to relieve these anxieties, our promises will have to live up to the expectations we create, i.e., our analysis must lead to a praxis.

25. As opposed to the soft and non-binding declarations so many of the so-called Global Summits (often also called Summits of the Lowest Common Denominator), our Human Rights plans of action must depict what is achievable in real political terms and should go for broke to implement those actions.

26. When reinforcing the sense of urgency to act, we cannot create a dooms scenario, or make people feel guilty. Be optimistic: We shall overcome! But warn everybody that things are going to get worse before they get better...

27. Perhaps with our help, each community could draw up 'entitlement-cards' that list which entitlements they do have access to and to which they do not; that can be a powerful basis to get organized to fight for those they are denied. (*M. S. Swaminathan*)

28. In the real world, the rules of free trade override the Human Rights discourse: Trade agreements are binding and are enforced; Human Rights treaties are often ignored and rely on voluntary compliance.

29. Moreover, as part of the rules permitted by free trade, access to the state has become a source and means for the accumulation of private wealth --as an end in itself among the ruling class.

Epilogue

30. This --and all other Human Rights Readers-- are not trying to load all these new responsibilities on your shoulders and make you feel guilty. We are merely trying to get a process going --with you as an active agent. We need an increasing number of people who understand the many worrisome trends depicted in this series and elsewhere and who do-give-a-damn and decide-to-be-counted and do something about these trends.

31. You will not --and are not called to-- do the needed changes. We are asking you to take the responsibility to be a catalyst and a validator of the changes needed to avert further deterioration of the Human Rights situation. Become active in your own environment in empowering popular movements. That's what it is all about.

32. We have been deeply intimidated by the magnitude of the problem in front of us . We have imprisoned ourselves within our own skepticism, resignation and cynicism about the inevitability of Human Rights violations being a fact of life. (*C. Lovelace*)

33. There is no reason goodness cannot triumph over evil, so long as the angels are as organized as the mafia. (*K. Vonnegut*)

Note:

- Some of the quotations come from G. Greene, *The Quiet American*, Text and Criticism section, Viking Critical Library, Penguin Books, NY, 1996.
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52. The Law is the Law...and Human Rights are not yet the Law

1. A neglected avenue is becoming increasingly important for Human Rights activists to pursue in order to more effectively meet the various Human Rights covenants' goals. The avenue: to more actively propose/promote-new and/or amend-existing legislation --rather than continue implementing traditional development projects which do not necessarily address areas where the compliance with the respective Human Rights conventions (e.g., the Convention on the Rights of the Child -CRC- and the Convention to End All Forms of Discrimination Against Women - CEDAW) is the weakest.
2. As a matter of priority, the traditional project approach has, therefore, to be complemented (or replaced?) by a holistic, more legal approach to struggle for Human Rights. This, since current, embryonic rights-based programs are only a minor part of current development agendas of UN, government and non-governmental organizations. Moreover, they mostly promote 'rights- orientations' rather than more explicitly seeking 'rights-improvements-as-an-outcome'.
3. So far, most UN agencies' and NGOs' new rights-based programs mostly inform-about, train and disseminate, but do not seem to test-rights-in-the-legal-arena (e.g., through legal challenges and/or leading claim holders to get involved in pressing-on with their legitimate demands using national and/or international legal channels). [Note that many domestic legislatures give treaties precedence over domestic legislation].
4. Unfortunately, many of these current rights-based programs also often convey a message of powerlessness of the pertinent Human Rights conventions, i.e., that they cannot really change the deeply entrenched attitudes of duty bearers that are causing harm, for instance, to poor women and children.
5. There is thus a risk of using the concept of rights in ways that have little to do with actual progress in the implementation of the actual Human Rights conventions --or of promoting just ideas, and not linking them to action.
6. [Because of this, someone even proposed that it would perhaps be better to define 'the-inverse-of-rights', i.e., what duty bearers do not do and what the penalties are].
7. That is why we, as rights activists, have to be part of the solution beyond pronouncements, by working with claim holders and getting them actively involved in actions that will make their appeals heard and acted upon.
8. But equally important is to give claim holders pointers of where and who to turn to when their rights are being violated. Emphasis is thus not only to be placed on poor women or children receiving particular benefits, but rather on achieving changes in processes-and-attitudes-of-relevant-institutions.
9. We, therefore, need to come up with new capacity building projects --understood as platforms-to-change-behaviors-on-rights-issues rather than to foster career advancement of participants. These projects are to include a whole new set of partners, e.g., parliamentary committees, political parties, labor and student unions.
10. Additionally, coming up with a framework for analyzing existing laws and to understand their shortcomings (i.e., inconsistencies with the Human Rights conventions or the fact that promoting equality is not a feature in them) is also needed. Missing laws, failed implementation of existing laws, and ambiguities in current laws will all become apparent from this analysis as well.

11. There is an easy test that can make the global Human Rights mission clear and that can be used to 'diagnose' any program's compliance with the spirit of, let us say, the CRC and CEDAW. The test consists in taking those programs in a country and replacing the word 'children' or 'women' with the word 'farm animals' raised for productive value and the word 'school' with 'training pen'. The proof of the extent to which each of these programs (and the country's laws, for that matter) reflect the goals of the CRC and CEDAW is in the number of cases where these programs promote the essential rights and qualities that are part of being human and that go beyond (farm animals) basic needs. If the score is low on this test, there is a problem and, as activists, we need to engage in reorienting strategies in our work with the Government.

12. The rights of claim holders (poor women and children in our example) will ultimately have to be guaranteed by laws; this means that the state (and not families or donors) has to assume the major role of fostering equity and equality --and this has to be guaranteed by law-- at a time when market forces are bringing about more and more inequity and inequality.

13. The paradox is that while in some countries some development indicators are looking better, the state's role in guaranteeing the rights of all its citizens is getting weaker, at a time when the risks to and needs of those individuals being left by the wayside by economic growth are becoming greater.

14. For all of the above reasons, the reward system for project implementers has to be changed as well. They have to be assured they will not be penalized for vigorously pursuing claim holders' legally recognized rights. We have to engage them in showing the claim-holders-they-serve the bases of the conflict they have with whomever is limiting or curtailing their rights: for sure, someone concrete is holding back the actions that are needed, after claims have been rightfully placed. If duty bearers do not act, approach them repeatedly; if they still do not act, expose them! This is pointed out here, because information alone does not give project implementers sufficient incentives; it often only adds to the frustration they feel with their own powerlessness... and that is precisely what we want to avoid.

15. Laws are not something abstract, 'probably useless' and un-enforceable, just because few people are using them or are benefiting from them. Widely disseminating information about pertinent laws creates awareness, but nothing else. There is this mythical belief that awareness is the first step to achieve 'something', and that other steps will automatically follow in due course; the reality is that they do not. Without behavioral change, information can actually have no effect (or completely opposite effects than those intended)...that is why TV promotions offer discounts and free samples...

16. The big challenge ahead is for us to succeed in telling legitimate claim holders what rights are and how they work; how, as claim holders, they can exercise their given rights and how other countries' claim holders are successfully struggling for their rights. Most important of all, we cannot convey a message of powerlessness.

17. An annual reporting on progress of each of the Human Rights conventions to show progress article-by-article would thus seem to be highly desirable. Civil society is best placed to do this. (We simply have to make sure that certain groups are receiving particular benefits due them --and that is so much easier with the law on our side...).

Note:

- Mostly taken from D. Lempert, Assessment of Vietnamese national laws and policies related to children and women, UNICEF mimeo, Hanoi, 2003.

About the Author

Claudio Schuftan, M.D. (pediatrics and international health) was born in Chile and is currently based in Ho Chi Minh City, Vietnam where he works as a freelance consultant in public health and nutrition. He is an adjunct faculty member in the Department of International Health, Tulane School of Public Health, New Orleans, LA. He received his medical degree from the Universidad de Chile, Santiago, in 1970 and completed his residency in Pediatrics and Nutrition in the Faculty of Medicine at the same university in 1973. He left his native land after the coup. Dr. Schuftan is the author of several book chapters and over fifty scholarly papers plus over two hundred other assorted publications such as numerous training materials and manuals developed for PHC, food/nutrition activities in different countries. Over the last 3 years, he has become involved in human rights activism and has given an outlet to his concerns by publishing an occasional human rights reader of which this is a compilation. Since 1976, Dr. Schuftan has been active in consulting work in over 40 countries in Africa, Asia, Latin America and the Caribbean. His positions have included serving as Long Term Adviser to the PHC Unit of the Ministry of Health (MOH) in Hanoi, Senior Adviser to the Dept. of Planning, MOH, Nairobi, and Resident Consultant in Food and Nutrition to the Ministry of Economic Affairs and Planning, Yaounde, Cameroon. He is fluent in five major languages.

About CEHAT

CEHAT, in Hindi means 'Health'. CEHAT is the research centre of Anusandhan Trust. It is involved in research, action, service and advocacy on health and related themes. Socially relevant and rigorous academic health research and health action at CEHAT is for the well being of the disadvantaged masses, for strengthening people's health movements and for realising right to health care. Its institutional structure acts as an interface between progressive people's movements and academia.

CEHAT's objectives are to undertake socially relevant research and advocacy projects on various socio-political aspects of health; establish direct services and programmes to demonstrate how health services can be made accessible equitably and ethically; disseminate information through databases and relevant publications, supported by a well-stocked and specialised public library and a documentation centre.

We are a multi disciplinary team with training and experience in Medicine, Life Sciences, Economics, Social Sciences, Social Work, Journalism and Law. CEHAT's projects are based on its ideological commitment and priorities, and are focused on four broad themes, (1) Health Services and Financing, (2) Health Legislation, Ethics & Patients' Rights, (3) Women's Health, (4) Investigation and Treatment of Psycho-Social Trauma. An increasing part of this work is being done collaboratively and in partnership with other organisations and institutions.



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