

# Global Future

*...the equal and inalienable right of all members  
of the human family is the foundation of freedom,  
justice and peace in the world.*

*Jesus realized*

*...love your neighbour as yourself.*

*...human dignity is the  
...a dignity.*



Can development work  
without **human  
rights?**

**Linking social programmes to rights in Chile  
- an inclusive, participatory approach**  
Soledad Alvear, Minister of Foreign Relations, Chile

**The World Bank - doing the rights thing?**  
Alan Whaites, World Vision International

**Civil society and a human rights-based  
approach to development**  
Kumi Naidoo, CIVICUS: World Alliance  
for Citizen Participation

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Fourth Quarter, 2003

## Can development work without human rights?

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## Why rights?

This Global Future focuses on the debate around a rights-based approach to development, and why it is considered a profound shift in development thinking and practice. Talk of rights abounds in development circles, but the verdict is still out on the detail.

Rory Mungoven's opening article highlights a growing consensus between rights and development agencies on economic/social/cultural and civil/political rights. Many would endorse the words of Bertrand Ramcharan, Acting UN High Commissioner for Human Rights, that the rights-based approach's ultimate objective is "to address the discrimination, powerlessness and weaknesses in systems of accountability that lie at the root of poverty and other development problems". Yet, as several contributors note, there remain diverse views on why a rights-based approach is needed and what it means practically. Ramcharan and others affirm the international law basis for the approach; Ronald Sider and others consider the dignity of humans created in God's image as primary. Our contributors tackle conceptual dilemmas and also, like Rob Williams and Kumi Naidoo, address oft-raised objections on practicalities.

But what does a rights-based approach look like? The answer comes in glimpses: of state policymakers (Soledad Alvear, Chile's Foreign Minister); aid donors and their NGO partners (Kathy Vandergrift); civil society actors. Alan Whaites argues the World Bank's critical role in helping states implement human rights; Peter Frankental corporations' role as duty bearers. Other contributors spotlight what rights, or a profound lack thereof, look like "on the ground" – for children, disabled people, those under military occupation in Palestine, and indigenous peoples.

For development agencies moving towards a rights approach, Williams offers practical steps, while Thomas Joseph shares an instructive account of one agency's serious quest to mainstream rights – the tough choices involved, and the rewards.

- Heather Elliott

# Common cause – the converging agendas and complementary roles of human rights and development NGOs

Rory Mungoven

**ONE ENCOURAGING TREND** in the NGO movement in recent years has been the growing convergence in the work of organisations dedicated to protecting human rights on the one hand, and those promoting economic and social development on the other.

This reflects a paradigm shift in the way we think about the relationship between human rights and development. It has opened up exciting new approaches to our work and possibilities for strategic collaboration between us.

Against the backdrop of armed conflicts worldwide, we have already found common cause in the campaigns to ban landmines, to stop the recruitment of children as soldiers, to curb the supply of small arms and light weapons and to prevent the plunder of natural resources. Our staff work together closely in some of the world's most difficult and dangerous places – sharing information, supporting local organisations, watching out for each other's security and advocating on each other's behalf.

## **Human rights organisations can help mobilise resources and political will**

In many situations, development and humanitarian organisations are rightly concerned with the security of their staff and partners on the ground, and with maintaining access to people in need of protection and assistance.

At times, this may constrain them from speaking out openly and publicly about atrocities they may witness in the field; often their field staff are simply too hard-pressed delivering basic services to be able to document abuses and launch international campaigns.

But they can work with human rights organisations to get that information out, to shine a spotlight on abuse and to generate popular outrage and pressure for change. Human rights and development organisations can collaborate in getting issues onto donor governments' agendas and mobilising resources or the political will for meaningful programmes on the ground.

World Vision and Human Rights Watch (HRW) have long cooperated, for instance, around issues of child abduction and child soldiering in Northern Uganda. World Vision operates a rehabilitation centre for former child soldiers in Gulu. Its staff, who must focus their attention on the day-to-day needs of the children, were eager to cooperate with HRW investigations in both 1997 and 2003 in order to ensure that the abuses endured by the children were brought to international attention. HRW and World Vision subsequently collaborated in an international advocacy campaign, working together to press key governments and international bodies to take action on the issue.

The challenge is to extend this type of cooperation to other areas of our work. The partnerships we are developing in situations of armed



PHOTO: JOHN SCHENK / WORLD VISION

**Stopping the use of children as soldiers is a concern of both human rights and development NGOs.**

conflict should be equally effective in the fight against poverty, discrimination and injustice. The time for this is ripe – and the prospects are good.

First, there is growing complementarity in our operational styles. Human rights organisations are increasingly basing their staff in the field and working to provide technical assistance to or partnering with local NGOs. Development organisations that once focused primarily on delivering services and capacity-building have begun to use international advocacy and campaigning in their work.

Second, there has been a sea change in our policy approach. Many development organisations are shifting from needs-based, welfare-oriented and humanitarian approaches, to rights-based ones. Human rights organisations once focused largely on civil and political issues such as political imprisonment and torture; increasingly we are addressing the underlying social and



*Widowed by AIDS, and knowing she too may die, Regina does her best to provide for her children's future. (World Vision Uganda supports her children's education and has given Regina coffee plants to generate income.)*

economic causes of these violations or championing economic and social rights issues, such as education, health and housing.

### **Two sides of the same coin**

We have both come to a belated recognition that human rights and development are two sides of the same coin. Human rights cannot be fully guaranteed without sustained economic and social development; development cannot proceed without the rule of law and protection of human rights.

Emerging collaborations between human rights and development NGOs are bearing fruit in the fight against HIV/AIDS. In parts of South Asia and Africa, women's organisations specialising in development-related services are joining the struggle for legal reform to protect the rights of women widowed by AIDS. In Zambia, for example, HRW worked with human rights and women's development organisations to advocate for better application of rape and sexual abuse laws and for training of police and judicial personnel on sensitive and effective handling of rape complaints.

Similarly in Kenya, we are working closely with development NGOs to

combat discrimination against women in terms of property rights. In much of sub-Saharan Africa, women access property only through their relationships with men; when those relationships end through death, divorce or other estrangement, women often lose their land, homes, and other property. Some widows are forced to undergo customary "wife inheritance" and "cleansing" rituals (often involving unprotected sex) to keep their property. Women who fight back are beaten, raped, or ostracised. Government officials disregard this problem, and traditional leaders often reinforce social biases against women. We have a common interest in combating these violations of women's rights which contribute to poverty, violence, and the AIDS epidemic.

### **Beyond ideological debates**

Today we have a more holistic understanding of the importance of good governance, the rule of law and human rights as essential conditions for effective poverty reduction and sustainable economic growth. We have begun to move beyond ideological debates on the right to development or the hierarchy of rights. We are thinking of human rights not as conditionalities imposed on recipient governments, but as legal

obligations they have taken upon themselves with respect to their people.

## **Human rights are not conditionalities but legal obligations that states have taken on**

This nexus between the human rights and development agendas has been powerfully affirmed by the international community in the *Millennium Declaration* and development goals and at the World Summit on Sustainable Development. It is reflected in new development models such as the New Partnership for African Development.

Many international agencies, such as UNDP and UNICEF, are now framing their work in terms of rights - based experimenting in rights - based approaches to development. Efforts are being made to integrate human rights into the UN Development Assistance Framework (UNDAF) and to use rights indicators in Common Country Assessments. Even the World Bank, traditionally shy of human rights issues as a "political" agenda, has begun a lively internal discussion on the application of human rights in its work.

Development and human rights organisations still have a lot to learn from each other, and we need to put those lessons into practice on the ground. But at the end of the day we share a common mission in ensuring that the poor, the vulnerable and socially outcast are able to claim and defend their rights. They will never be able to do so when they are hungry, homeless and illiterate - nor when they are prevented from speaking out, organising politically or accessing justice. ■

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# Rights-based development – how to get there from here

Rob Williams

**THE CHALLENGE OF** becoming a rights-based organisation may seem daunting. Two aspects to this approach make it even more of a hill to climb than other "big ideas" that have emerged over the past four decades.

First of these is the fact that no-one is quite sure what it is. The defining text on rights work is yet to be written, leaving agencies to first ask themselves "What are we talking about?" before deciding how to proceed with making changes.

The second difficulty with the rights-based approach is that it is promoted by some as a radical doctrine which will inevitably transform any erstwhile benign development agency into a political agent intent on social upheaval; anything less being a failure to understand the essential nature of power relationships at the root of poverty.

How can an organisation overcome the double anxiety of such high expectations coupled with a large degree of theoretical uncertainty?

## You may already be doing it

First of all, it is helpful to put aside the notion of the rights-based organisation (for a moment) and to focus instead on rights-based work. An internal audit that asks field managers to identify work they or their partners are doing which is likely to alter power relationships will, in all likelihood, reveal that your organisation is in fact already involved in rights-based work. The starting point of your programmes may have been phrased in terms of capacity building, or access to skills and resources. Most development activities that go beyond provision of inputs on a purely welfare basis will be having some positive effect on relationships at the local level.

Turn up the heat a little by asking managers to identify rights claimed by beneficiary groups which were not enjoyed by them before the programme started. You may be pleasantly surprised to find that women's groups, irrigation committees, slum tenant communities, or health service users have all established at least a pattern of improved treatment from landlords and local authorities as a result of the capacity-building work that you have been sponsoring in their communities. You may even find that agreements made with local, regional and national authorities add up to something amounting to a body of law which can be relied upon by claimants should anybody try to backslide on progress already made.

## You may be surprised to find that your work has helped beneficiaries improve power relations

The internal analysis should have your managers and staff feeling much more confident about the concept of helping local communities assert their rights, since they will see that they are already doing it. It is a short step from there to convincing them that this is in fact the most important and sustainable part of their work, and that they should be evaluating their programmes primarily on the basis of their ability to make progress on rights.

By now you should be receiving requests from all sides for training in analysis of rights and relationships, supporting local advocacy, and monitoring of rights indicators. Once managers understand that the impact of their work can be greatly enhanced by securing changes in the



PHOTO - ALISON PRESTON / WORLD VISION

*Seeking food security for child-headed households led World Vision Burundi to help orphaned siblings Dontien, Glorioso and Marie-Goreth successfully fight for legal title to their late father's land.*

surrounding legal environment, they should be clamouring for support in these new areas.

Stand back for a minute and take a look at what has become, in any meaningful sense, a rights-based organisation.

## Rights in anyone's language

These steps have not involved any waving of the *UN Charter*, or the various conventions on other rights which form the starting point for many learned discussions of rights and social change. Unsurprisingly, a focus on what people themselves regard as being progress in their rights and relationships rarely turns over the fine soil of international legislation. What matters on the ground are changes to custom and law at the local level, and people's ability to get services, and do things, that were not possible before.

As for the duty of rights-based organisations to fan the flames of revolution, it is perhaps wiser to allow your partners to decide for themselves how radical they wish to be in their attempts to improve conditions for themselves and their families. Therein lies the real transformation. ■

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*Rob Williams worked with Concern Worldwide (see [www.concern.ie](http://www.concern.ie)) as a manager and senior policy adviser for a number of years until mid-2003, when he became chief executive of the UK charity Bliss.*

# Linking social programmes to rights in Chile – an inclusive, participatory approach

Soledad Alvear

**IMPLEMENTATION OF THE** economic, social, cultural, civil and political rights of every citizen has turned out to be a primary public policy concern and, in many cases, lies at the heart of debate about the fiscal sustainability of entitlement programmes.

International organisations have contributed significantly to this, by promoting the adoption of universally accepted principles and by placing individuals as the focal point of development. The core instruments of this approach include economic, social and cultural (ESC) rights, which are essential to social policies. Implementation of these is a development goal for every country, and their safeguarding, protection and promotion are commitments that have profound consequences on the public policy decisions that governments are expected to take.

## A rights-based vision

These instruments have contributed in a major way to present Chilean social policy in the phased introduction of a new rights-based development vision, where ESC rights are increasingly considered as an ethical framework for defining economic and social policies. An analysis by the Economic Commission for Latin America and the Caribbean (ECLAC) states:

*The value of economic, social and cultural rights lies in the fact that they establish a legal and institutional regime that helps inculcate ethical perspectives which then are mainstreamed into collective objectives and, hence, into economic and political decision-making processes that will make it possible to meet the citizenry's needs and diminish inequalities.*

Considering development from a human rights perspective has mobilised the Administration of President Lagos in efforts to sustain sectoral social reforms as a moral imperative – with rights being the State's commitment to reach and involve more Chileans, more fully, with their entitlements and responsibilities as citizens – in an increasingly inclusive, participatory model.

Of course, ESC rights are still strongly related to civil and political rights. The former are aimed at securing economic well-being, access to work, health, education and culture, while the latter include respect for individual rights and freedoms. The challenge is to reconcile these efforts with a progressive strengthening of a democratic institutionalism, one that is respectful of diversity and focused on a sustainable governance. In this context, identifying the gaps in social provision – between sectoral and territorial groups – is crucial when defining development indicators and goals. This requires taking concrete steps to define the minimum needs of the population as a whole and, particularly, of the impoverished.

Public policy changes implemented by the Lagos Administration have been based on a sound combination of economic growth and social equity. Making strong investments in the expansion of universal entitlement programmes has allowed Chile to substantially regain the standard of living lost in the previous decade.

## Balancing economic and social

Our country is internationally recognised for its institutional reforms undertaken in social security, education and health areas since the 1980s. Currently, Chile's population



PHOTO: PATRICKO CUEVAS / WORLD VISION

**Soledad Alvear, Chile's Minister of Foreign Relations**

welfare is satisfactory, as evidenced by several indicators. In terms of coverage of essential entitlement programmes, Chile ranks among "intermediate development" countries, i.e. having a standard of living markedly higher than that of poor countries, but with important gaps as compared with developed countries.

The Lagos Administration's commitment to the equity agenda has translated concretely into an enhancement of social investment, reflected both in coverage expansion of programmes and services, and in widening and diversification of what they offer.

During the 1990s, Chile showed sustained economic growth, with increasing degrees of insertion into the world economy, which led to a significant rise in *per capita* income – a process that was changed by the international crisis and the economic instability of our region. For the first time in three years, unemployment this winter has remained below 10%. Unemployment was partly mitigated by direct public employment programmes and private employment subsidies, the latter consisting in rehiring and training bonuses.

It is not only economically that Chile's development indicators have improved. In the social area, improvements in poverty eradication are unprecedented, both domestically and as compared with other nations. Throughout the decade, the

impoverished portion of the population decreased from 38.6% in 1990 to 20.6% in 2000. Likewise, extreme poverty diminished from 12.9% to 5.7%. In spite of the complex economic scenario we witnessed between 1998 and 2000, this poverty reduction trend did not suffer any major setback.

Sound social policies eased the negative impact of unemployment on the standard of living of the most impoverished. During the decade, Chile maintained and strengthened a wide set of social programmes aimed at improving the population's living conditions. Our ability to keep a healthy economy while saving money for social policies has yielded an increased allocation of fiscal resources for social initiatives, which reached 18.6% between 1998 and 2000.

A distinguishing feature of public policies implemented in these years is the evolution from an aid to a developmental approach. The latter fosters the development of human capital, which explains the furtherance

of education and health reforms, as well as the implementation of initiatives mainly focused on poverty eradication, such as the social protection programme called *Chile Solidario*.

### **Social development and poverty eradication rely on, but are not an inertial effect of, economic growth**

Given the fact that social development and poverty eradication depend to a great extent on economic growth, but that they cannot be regarded as an inertial effect thereof, public policies have played a strategic role in furthering and supporting ongoing social reforms.

In the longer term, social policies shall be undertaken as a development instrument that, attuned with domestic macroeconomic priorities, is highly sensitive to the particular realities of diverse groups that have

neither access to the fruits of economic growth nor enough empowerment to satisfy their needs in regular markets.

This translates into a sustainable, promising strategy for strengthening existing institutions to administer and implement both economic and social public policies – giving shape to an inclusive, participatory model whose *leitmotiv* must be the individual. ■

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*María Soledad Alvear is the Chilean Minister of Foreign Relations.*



PHOTO - PATRICIO CUEVAS / WORLD VISION

**Isolated for centuries, the Pehuenches people of Chile's Alto Bio-Bio region have lived with extreme poverty, social exclusion and, some say, threat of imminent extinction.**

# When rights collide

Ronald J. Sider

**SINCE THE TIME OF ARISTOTLE**, political thinkers have agreed that justice exists when persons receive what is due them. What is the ultimate foundation of the obligation to give persons and institutions their due? For most of Western history, the nearly universal answer was: God. God is just and commands persons to be just. Therefore human laws are just and to be obeyed because they reflect, however imperfectly, divine law and justice.

In the last two centuries, however, modern thinkers have rejected the notion of an underlying divine standard of justice, arguing instead that human laws are merely designed by the powerful for their own self-interest. The inevitable result of this legal positivism, Emil Brunner has argued persuasively, is modern totalitarianism: "If there is no divine standard of justice, there is no criterion for the legal system set up by the state. If there is no justice transcending the state, then the state can declare anything it likes to be law..."

## ***If we respect the image of God in other persons, we must give them their due***

From the biblical perspective, God is clearly the ultimate foundation for justice and human rights. Numerous biblical texts say that God loves and does justice (Isaiah 61:8: "I the Lord love justice"; see also Psalms 37:28 and 103:6). Persons, who are made in God's image, are called to reflect God's justice in our actions (Deuteronomy 10:18–19: "God executes justice for the fatherless and the widows, and loves the sojourner, giving him food and clothing. Love the sojourner therefore..."). If we respect the image of God in other persons, we must give them what is their due.



PHOTO - KEVIN COOK / WORLD VISION

***A young girl waits for a meal of maize in Salala camp, Liberia, where some 30,000 displaced families have taken refuge from violent conflict but lack adequate food. "God loves the sojourner, giving him food and clothing."***

## **Which rights come first?**

In the twentieth century, there has been a debate about human rights. Are they primarily civil/political or socio-economic, or both? Western democracies, rooted in liberal political theory going back to John Locke, have especially emphasised civil/political rights: freedom of religion, speech and assembly; the right to possess property; a system of laws and courts that are transparent; and unbiased, free elections. All of these rights are grounded in individual liberty – "the most precious of human values in liberal thought". According to Locke, the natural state of humanity was one where all persons possess "perfect freedom to order their actions and dispose of their possessions and persons, as they see fit".

Marxists emphasised socio-economic rights, such as an adequate standard of living (food, clothing, housing); the highest attainable standard of healthcare; education; and social

security for the elderly and others unable to work. Believing that "purely formal" rights, such as freedom of speech, are relatively useless unless people enjoy basic socio-economic rights, Marxists argued that civil liberties could be suspended or ignored in the effort to implement key socio-economic rights.

The biblical material leads to a clear answer to the long dispute about whether human rights are primarily civil/political, primarily socio-economic, or both.

The importance of civil/political human rights is clearly supported by the biblical material. Legal procedures must be transparent and fair. The right to own private property (subject, of course, to the will of God, the absolute owner) is assumed and explicitly affirmed throughout Scripture. No biblical texts talk directly about freedom of speech, a



secret ballot or democratic process. But history has shown that religious and political freedom and democratic processes seem essential if we want to respect the inestimable dignity and worth of every individual. It is not surprising or inappropriate that civil/political human rights have become one of the most esteemed treasures of Western societies that have been shaped for many centuries by biblical values.

### **Totalitarianism has taught us that we dare not trade freedom for bread**

It is clear that biblical norms demand an equal commitment to socio-economic human rights. One must, of course, ask the question of who (family, civil society, government?) has the responsibility to guarantee the right to things like work, food, health care and housing. But the biblical materials that emphasise God's concern for the poor and show that justice includes economic justice (especially the right to access the productive resources to earn one's own way and be a dignified member of society) demonstrate that in a biblical framework human rights include socio-economic rights.

What do we do when various human rights collide? When the implementation of socio-economic rights seems to require less concern for, or even abandonment of, civil/political rights? If the last century's Nazi and Marxist totalitarianism has taught us anything, it has shown that we dare not trade freedom for bread. Human beings are created for both.

#### **Grappling with complexity**

Biblical political voices must be faithful advocates of those who seek to create societies that treasure both and refuse to play one against the other. Among other things, that means recognising that a great deal of governmental activity to promote a high level of economic equality will undermine freedom, and also that some restriction on the economic freedom of the powerful will be



PHOTO - DOUGLAS MANSUR / MOVIMENTO DOS SEM TERRA

**Landless farmers and supporting groups march for agrarian reform in Brazil.**

necessary to move toward equality of opportunity. In every society, at every juncture, prudential wisdom informed by biblical norms and historical experience will face the difficult, imprecise task of discerning which set of human rights is most endangered at a given moment and designing wise ways to correct the imbalance. There is no way to avoid the complexity and ambiguity of that task. But biblical voices will not seek to avoid this difficult problem by arguing that one set of rights is more important or basic than the other.

In his discussion of how the claims of different human rights collide, Roman Catholic scholar David Hollenbach suggests three "strategic moral priorities" that I believe flow from the biblical emphasis on corrective action to restore justice for the weak and needy:

- 1.** The needs of the poor take priority over the wants of the rich.
- 2.** The freedom of the dominated takes priority over the liberty of the powerful.
- 3.** The participation of marginalised groups takes priority over the preservation of an order which excludes them.

Implementing these priorities by no means suggests returning to a Marxist neglect of civil/political rights. They remain basic and must apply to everyone, rich and poor. But does not the loud, persistent biblical claim that economic empowerment of the poor is a central component of justice mean that *some* restriction of the absolute freedom of the rich and powerful (as, for example, in progressive taxation) is legitimate in order to guarantee access to basic necessities for the poor and neglected? Surely that follows from the biblical truth that one of the central ways God measures societies is by how they treat the people on the bottom. ■

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*Dr Ronald J. Sider is President and Founder of Evangelicals for Social Action. See [www.esa-online.org](http://www.esa-online.org)*

# The World Bank – doing the rights thing?

Alan Whaites

**MOST PEOPLE, IF PUT ON THE spot,** are likely to say they agree with the idea of human rights, but as with all worthy causes the number of activists working to bring them about is relatively small. Sadly, on the issue of rights much the same can be said not just of the world's governments, but also of its multilateral institutions. The World Bank, for example, has professed great sympathy for the idea of human rights – most notably in a 1998 report on the subject. Even so, the Bank cannot quite find the courage to give this sympathy a more practical edge – by bringing human rights into its planning when engaged in programmes for good governance, administrative and social reform.

## New World Vision report

World Vision recently completed a study of the World Bank's reticence to help governments fulfil the human rights obligations to which they subscribe.<sup>1</sup> World Vision found that the Bank's own logic of accountability, empowerment and local ownership of reform should signal to the institution the need to address the question of rights. In many ways the issue is a natural extension of some of the Bank's best work of recent years (the voices of the poor; the empowerment sourcebook; and prioritisation of institution building).

## The Bank's professed sympathy for human rights lacks a practical edge

Yet it seems to the outside observer that the World Bank prefers to assume the worst of its member states by operating on the principle that they have no intention to make good on their national rights commitments. Country case studies within World Vision's report –

compiled both from available Bank documentation and, where possible, interviews – suggest an institution unwilling to broach the subject of rights, even in the case of children, the elderly or people with disabilities.

This might be understandable (though no more justifiable) were it only civil and political rights that the Bank sought to leave aside. But World Vision's research found that help is not even offered to governments to achieve specific national obligations under their economic, social and cultural commitments, no matter how closely related these were to those World Bank sectoral programmes reviewed.

Perhaps the most dispiriting conclusion of World Vision's study is that the Bank is seeking to inhabit a neutral space that simply does not exist. By declining to proactively offer to help governments achieve their national rights obligations, the Bank may actually hinder the achievement of these. The Bank too often overlooks the reality that it is a central actor in the reform of those parts of government that would be expected to deliver on the rights instruments. If the Bank is taking the lead in reforming an education sector (where globally it is the biggest investor), including teacher training, curriculum and administration, and yet spurns the *Convention on the Rights of the Child*, the chances of that education system reflecting the provisions of the CRC are reduced.

Does the Bank's approach to rights really matter? World Vision's research suggests that it does – including, ironically, to the Bank's achievement of its own stated objectives. Failure to take rights seriously, such as undertaking education reform without regard to systems for dealing with child abuse, actually serves to

compromise due diligence in considering the best interests of the people impacted by the Bank's programming.

This weakness points to a conceptual gap: the importance of a people-centred approach. For World Vision, as a Christian agency, development is all about people. It is a process of enabling children and families to reach their God-given potential. By ignoring the concept of rights, the Bank is in danger of losing this people-centred dimension – never quite getting beyond the person as a unit of human capital.

The failure also weakens the Bank's own ability to build a constituency and a supportive context for reform. Indeed, as an interesting paper from

## The Bank is seeking to inhabit a neutral space that simply does not exist

the Bank's research department has pointed out, there are significant links between a rights approach and a traditional economic approach to development:

*A rights orientation strengthens the position of individuals to obtain information, avail themselves of service delivery options, organise local institutions and civil organisations, and pursue judicial redress in domestic courts where necessary. Interestingly, the policy consequences of rights overlap considerably with a modern economic approach to the provision of health care and education, which emphasises the importance of mechanisms of accountability and empowerment, such as participation in decision making and access to information, for the achievement of welfare outcomes.<sup>2</sup>*

## Convoluting logic

The Bank's stated reason for downplaying the rights of the people with whom it works is rooted in a very narrow interpretation of its



**A rights approach can ensure access to education for disadvantaged groups, such as the Roma in Europe. These Roma children and their families live in a war-ruined building in Sarajevo, Bosnia.**

original mandate. The Bank believes that its mandate forbids any political activity and apparently believes, through a convoluted logic (some rights are political, all rights are indivisible, and therefore all rights are political), that this is the end of the discussion.

World Vision's review of the Bank's original *Articles of Agreement* found that while they clearly proscribe partisan political activity, they no more bar the Bank from engaging on rights than on any other economically and socially compelling part of policy discourse. In particular, the *Articles* do not restrict attention to rights any more than to rule of law, judicial and legislative reform, or to the use of policy conditionality to restrict the political decisions of states in relation to fiscal deficits, trade or economic reform (all areas of extensive Bank activity).

World Vision's new report makes a series of recommendations to the Bank in relation to its role on rights. While opposing any movements towards human rights conditionality,

World Vision recommends that the Bank should:

*Operate on the assumption that governments wish to fulfil their stated national rights obligations and objectives. Existing commitment to rights conventions, representing both the national and international consensus on rights, should automatically be part of the programme lending dialogue.<sup>3</sup>*

The World Bank has much to contribute if it does decide to help governments more proactively with their national commitments on rights. The Bank's skills in technical assistance, administrative reform and good governance make it a uniquely qualified partner to governments on these issues. World Vision believes that the Bank can make a considerable difference to progress on issues of rights, and can strengthen the quality of its programme lending into the bargain. ■

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<sup>1</sup>Findings of the study appear in the new World Vision Briefing Paper *Doing the Rights Thing? The World Bank and the Human Rights of People Living in Poverty*, 2003, which can be downloaded from: [www.globalempowerment.org](http://www.globalempowerment.org) <sup>2</sup>Varun Gauri, 'Social Rights and Economics: Claims to health care and education in developing countries', *World Bank Policy Research Working Paper 3006*, March 2003, page 16 <sup>3</sup>World Vision, *Doing the Rights Thing?*, page 31

## PROTECTING CHILDREN:

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# A paradigm shift in business and human rights

Peter Frankental

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**A FRAMEWORK FOR** understanding the totality of the human rights responsibilities of companies has been provided by the UN Sub-Commission on the Promotion and Protection of Human Rights. The Sub-Commission passed a resolution in August 2003 in support of a document bringing together the range of codes and guidelines to which business should adhere: the *Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises*. Until now there has been a lack of consensus as to what these responsibilities should be.

The Sub-Commission also called upon the UN to monitor business compliance with international protocols governing human rights, labour and environmental standards, consumer protection and anti-corruption laws. This is a paradigm shift in the sphere of business and human rights insofar as it reflects a global and authoritative view of a company's responsibilities. It is also a first step towards an international compliance framework based on minimum standards. As such, it is liable to generate short-sighted opposition from parts of the business lobby.

## National vs international regulation

One focus of opposition is likely to be the view put forward at the 2002 Earth Summit in Johannesburg by some business groups that there is no need for international regulation of business activities in the social and environmental spheres, given that all companies are subject to domestic regulation wherever they operate.

This approach ignores the nature of corporations in today's global economy that makes it difficult for individual governments to regulate them and hold them to account. It also ignores the increasing

international regulation of business in other spheres, such as corruption and the trafficking of hazardous wastes. Amnesty International's view is that international principles should transcend local law. The best companies have already committed themselves to complying with international principles.

## The Norms rationalise the confusing array of standards and codes for companies

In understanding the value of the UN Norms, it is also important to appreciate their limitations. There are grey areas in interpreting them, particularly with regard to the spheres of influence of companies in relation to states. The Norms don't provide decisive answers to the debates that have raged on these areas in recent times, nor do they make the case for how and why minimum standards should be enforced. It is clearly impossible for a set of human rights norms and their accompanying commentary to achieve all this. What they can achieve is to help stimulate corporate involvement in these issues, and to rationalise the array of existing standards and codes that makes it confusing for companies to put human rights principles into practice.

## Integrating human rights

An initial effect of the Norms will be to help businesses integrate human rights principles into their decision-making processes. Another effect will be to remove the excuse that companies use for adopting self-serving definitions of human rights or marginalising rights within peripheral "Community Affairs" or "Corporate Social Responsibility" functions.

To implement the Norms, companies will need to integrate human rights into their business strategies, their pre-investment risk assessments and their project and product lifecycles. They will also need to develop relevant performance indicators and to have in place monitoring and auditing systems to measure and report on these. Benchmarking of human rights performance is evolving gradually through processes such as the Global Reporting Initiative.

## Level playing field

Business may be concerned that these norms are a precursor to binding regulation; NGOs will welcome them for this very reason. However, a global compliance framework for human rights should not necessarily be viewed as a threat to companies. On the contrary: it would be to the advantage of good companies to have such a framework, as it would provide a level playing field and be entirely consistent in principle with corporate demands for rule of law to protect their assets and international investments.

If companies accept their responsibilities with regard to human rights, which a growing number are doing, then they should not object if these responsibilities are given legal force. Businesses that are committed to safeguarding human rights within their areas of activity have nothing to fear from the UN Norms, but should welcome the development of a common and universal yardstick against which corporate conduct can be measured and, at some point in the future, enforced. ■

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*Peter Frankental is Business Group Manager for Amnesty International UK. See [www.amnesty.org.uk/business/group/index.shtml](http://www.amnesty.org.uk/business/group/index.shtml)*

# Child rights in development – a Philippine experience

Aimyleen Velicaria-Gabriel

**IN 1997, THE PHILIPPINE** Government enacted *Executive Order 421*, creating a separate children sector in the Social Reform Council and encouraging the representation of children in all relevant political, social and cultural structures.

For child-focused NGOs the law was a welcome move, giving flesh to our hopes of advancement for disadvantaged children. Participation is a key principle of the *Convention on the Rights of the Child*, yet at the time EO 421 was passed, Filipino children's participation rights in development were minimal, if not absent.

A baseline study<sup>1</sup> in 1998 revealed that rather than being empowered, children were often treated as mere beneficiaries of government programmes. Only 2.2% of local governments had a child representative in their Local Council for the Protection of Children; the majority of programmes were centred on sports development for youth; and few children were trained for future leadership in their communities. Only 21.7% of child-focused organisations were advocating for the protection of children, and none for children's participation. There were few community ordinances on the welfare of children.

## The child participation challenge

In a country where children are more than 40% of the population, and a culture in which children mingling with adult conversation is a "no-no", making way for children to participate in decision-making is not easy. NGOs like World Vision, Christian Children's Fund, Educational Research and Development Assistance Foundation and Plan International had to critically nurture an environment of child participation. We organised children's associations at the grassroots to facilitate a regular forum for children's

participation, and initiated capacity-building activities for children to prepare them for the responsibilities. With children, we engaged in dialogues and advocacy with stakeholders to raise pressing issues.

Today, Filipino children are highly visible in the governance arena. Currently, 25 children aged 10–17 comprise the Children Sectoral Council of the National Anti-Poverty Commission (NAPC). NAPC oversees and coordinates all national poverty reduction programmes and institutionalises Basic Sector participation in governance at all levels. One of the 14 Basic Sectors<sup>2</sup> represented in NAPC, the Children's Sectoral Council articulates children's issues and makes recommendations for the National Anti-Poverty Agenda. It consults and partners with children at the grassroots, and liaises with the 500-strong National Coalition of Children's Associations in the Philippines.

Building on children's capacities is investing in better leaders for the future, so NGOs support child representatives with logistics and mentoring. Yet some traditional-thinking individuals criticise their work as either perpetrating child labour, or simply a futile attempt to involve children who should really be in the playground.

## Valuing children, benefiting communities

Child participation means a great deal to children. Some 60 children were involved in the preparation and validation of *Child 21*, the Philippine National Strategic Framework Plan for Development for Children. A paper prepared by child delegates during the 2001 National Children and Young People's Forum reads:

*We believe that although we are young, we can do something to improve our status and condition. We deserve the right to participate. We can help in shaping a better future for the nation. We are your partners.*

Promoting child participation enables community development programmes to be more responsive, say Remel Alum, 16, and Sheryll Frago, 15, two leaders of regional children's federations. "Things done in the villages do not always benefit children," says Remel; "Sometimes it helps to hear what children really need." Sheryll asserts: "When given an opportunity, we can help [adult leaders] address what children ask for."

Children have also observed that exercising their right to participate is facilitating better understanding between differing faith, ethnic and language groups. After a regional youth assembly, one Muslim child leader said about Christians: "I understood that we both have wrong ideas about each other." Such consciousness, when pursued, may lead to reconciliation, and eventually, peace – a critical pillar for development. ■

*Aimyleen Velicaria-Gabriel is Child Protection and Development Coordinator for World Vision Development Foundation, Philippines.*

<sup>1</sup>Commissioned by World Vision Development Foundation, Christian Children's Fund, Educational Research and Development Assistance Foundation and Plan International for *Expanding Children's Participation in Social Reform (ECPSR)* Project. <sup>2</sup>Farmers and landless rural workers, artisans, fisherfolk, children, urban poor, indigenous cultural communities/peoples, formal sector and migrant workers, workers in the informal sector; women, youth and students, persons with disabilities, victims of disasters and calamities, NGOs and cooperatives.



PHOTO - CECIL LAGUARDIA / WORLD VISION

**Sponsored children learn of their rights and responsibilities in youth assemblies**

# Civil society and a human rights-based approach to development

Kumi Naidoo

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## CIVIL SOCIETY'S ROLE IN

promoting a global culture of human rights is facing new and exciting possibilities. The last ten years have seen the bridging of a "divide" within civil society between those that focus primarily on civil and political rights and those promoting social and economic rights. Prominent human rights groups such as Amnesty International, which in the past have focused primarily on so-called "first-generation" civil and political rights, are now embracing the importance of social, cultural and economic rights. And many development-oriented NGOs that have traditionally focused on social, cultural and economic development are now advocating a rights-based approach, with particular attention to the importance of civil and political rights.

The synthetic separation between the two sets of rights was a legacy of the Cold War era, which saw liberal –capitalist democracies champion civil and political freedoms, and socialist states focus attention on economic and social development. Rather than the 30 articles of the *Universal Declaration of Human Rights* being turned into legally binding treaty obligations, two separate declarations were formulated – the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. Only now in the post-Cold War era does support for a common human rights-based approach to development appear to be growing. This is both eminently necessary and long overdue.

This approach has the achievement of human rights as an inherent goal of development. A broad concept of rights allows us to understand the dynamic between the individual and

society. In theory, this means providing recourse to law for people who were without justice, understanding poverty in a much broader sense, and taking robust multi-faceted action to help eradicate gender, racial and cultural inequalities. Yet in a practical sense, human rights are not universal: they are context-specific, reflecting various socio-cultural environments, perspectives and world views. Many of the definitions, perspectives and development solutions employed have been Northern-biased, barely reflecting the predicaments of people whose rights are actually being violated.

Despite the changing dynamics wrought by globalisation, nation –states remain the sole guarantors of human rights. For rights to be respected and fulfilled in practice, legal and governance systems must be ethically sound: public affairs must be

## **A common rights-based approach to development is eminently necessary and long overdue**

conducted according to the principles of transparency, responsibility, accountability, participation and responsiveness to people's needs. By connecting these five tenets with sustainable development, governments can guarantee a dignified and poverty-free environment in which people can develop. Both the *Millennium Report* and the *Millennium Declaration* declare that developmentally-sound governance requires good governance at national and global levels, greater citizen participation, and accountability. All of these issues are increasingly being taken up by civil society organisations around the world.

## Criticisms of the rights approach

Critics of a rights-based development framework raise many valid concerns:

- The tension between national sovereignty and international standards for civil and political rights continues to be felt in dozens of spots around the world;
- there is no such thing as a "free right" – economic, social and cultural rights come at a heavy cost that not all societies can bear;
- for rights to be legally justifiable, there needs to be a definitive codifying framework for phenomena such as poverty and social exclusion; and
- both states and non-state "duty-bearers" must be identified and held accountable for the promotion, protection and fulfillment of economic, social, political, civil and cultural rights; yet some key non-state actors (such as NGOs) are not parties to international treaties, while certain state actors (such as highly indebted countries) do not necessarily have the means or capacity to implement them.

Civil society can address these challenges, in part, by making universal human rights locally relevant. Civil society has a key role to play in working with local authorities and decision-makers to negotiate performance standards, and in securing the participation of local populations in addressing local problems. Civil society can also contribute to, inform and encourage a rigorous debate and a deeper understanding of the centrality of human rights within an accelerating global order. This advocacy role is being taken up with increasing energy and focus by NGOs at all levels as they deliver key services in communities, shape policy-making debates, and promote governance and systemic change. ■

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# Promoting human rights in development – a reflection

Roberta Hestenes

**IN 1984 I TOOK A NON-traditional sabbatical** from my academic duties as a faculty member at Fuller Theological Seminary. Rather than spend the time in the hallowed libraries of Oxford, Edinburgh or Basel, I chose to spend it immersed in community development projects in Africa, Asia and Latin America.

There was drought and turmoil in much of Africa, famine in Ethiopia, elections and conflict in Zimbabwe and the oppression of apartheid in South Africa. World Vision was struggling with the needs of children and development challenges worldwide.

Month by month, as I moved from country to country, I made what was for me a profound discovery. In every place there were people who considered themselves superior to other people and thus entitled to rights, privileges and possibilities that they limited or denied to others. Education, skin colour, history, occupations, political systems, economic arrangements, languages and customs changed from place to place. Yet formal and informal systems of hierarchy, with the consequent rationing of access to resources for those at the "bottom", were clearly visible within and across cultures.

## **Everywhere I went were people who felt entitled to rights they denied to others**

This should not have been surprising but it was sobering to experience. Many people seek to secure a sense of identity and worth by stratifying social relationships so as to lift up one's own position or group while diminishing others. This often means denying basic human rights to some while assuming their inherent appropriateness for others. Such practices and assumptions can be deeply resistant to change.

## **Biblical foundation for human rights**

In the very first chapter of the Hebrew and Christian scriptures, a profound truth is expressed through the creation account. Genesis 1:27 says "So God created humankind in his image, in the image of God he created them; male and female he created them." Other religious traditions have creation accounts, but this one has deeply influenced the historical development of the understanding of universal human rights. Equality among humans was not invented in the French Enlightenment, though it was reaffirmed and broadened then.

In the biblical doctrines of creation and salvation, human beings are not biological accidents whose worth can be measured in utilitarian terms; they are created beings who bear the image or likeness of God in their very persons. God loves and values those whom he brought into being, and holds them accountable for how they treat each other. Texts such as John 3:16–17, Acts 10:34, Galatians 3:28 and James 2:1–5 reassert God's universal concern for the worth and equality of all people regardless of their human status. Males are not valued over females nor females over males – both are called to live as responsible image-bearers. All humans have inherent worth and dignity, so should have access to the rights that allow them to experience this.

This belief provides a strong foundation for promoting universal human rights and challenging unjust practices in particular contexts. Development workers seeking to promote human rights can benefit from working closely with grassroots churches and communities of faith where these are present. Belief in the universality of God's love and valuing of all persons is a core part of the



PHOTO - JON WARREN / WORLD VISION

*Males and females alike should have access to the rights that allow them to experience their inherent worth and dignity. Mayerly (right) co-leads a children's peace movement in violence-torn Colombia.*

church's tradition. This understanding can give development workers entry into communities and a basis for discussion and action on difficult development challenges.

## **Relationships, not just individuals**

While one area, such as rights for women, may need special or sustained attention in a particular community, human rights are inescapably bound together. This is why a holistic understanding of human beings as people in relationships, rather than as isolated individuals, is helpful. If human rights are seen as a zero-sum game where some must lose so that others may win, progress will be difficult and create strife. But if they are understood as necessary for a fuller and better life for everybody, the whole community can move in the right direction.

Given the pervasiveness of injustice and denial of rights, a willingness to confront remains necessary. But having faith that our efforts are part of God's intentions for all people, and courage to engage directly in challenge and advocacy, helps us make genuine progress, over time, step by step. ■

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*Dr Roberta Hestenes presently serves as a speaker and consultant for World Vision.*

*She was formerly president and professor of Christian spirituality at Eastern University in Pennsylvania in the United States.*

# Adopting a rights-based approach to development

Thomas Joseph

**BETWEEN 1998 AND 2002**, ActionAid–Kenya, working in partnership with poor people and in coalition with other institutions, was able to secure gains for the rights of the poor at the local, national and international levels. Examples include:

- supporting a small community organisation in its quest to bring frequent floods to public and parliamentary attention and so get national parliament to approve substantial funds (US\$3 million) for the repair of dykes in the area;
- successfully introducing a new Sugar Act in parliament that ensured farmer participation in sugar policy formulation;
- helping to change intellectual property law in Kenya so that cheaper, generic HIV/AIDS drugs could be imported and distributed;
- campaigning for responsible mining by a transnational company, which was finally asked by government to increase compensation to displaced people, from about US\$120 per acre to about US\$1200 per acre of land appropriated; and

- the *Basic Needs are Basic Rights* campaign (see page 16).

## Transforming organisational culture

In 1997, ActionAid was among the first mainstream development NGOs in Kenya to explicitly adopt a rights-based approach. Until 1997, ActionAid–Kenya was almost exclusively a service delivery NGO. It took several, simultaneous and consistent changes to transform internal culture such that it could successfully adopt a rights-based approach. The table below shows some organisational impacts of this.

**Analysis of poverty** The first step, in 1997–98, was a transformed analysis of the causes of poverty. The mainstream view that poor people are poor because they do not have access to land, water, education, health or good natural resources had to be challenged. A new analysis of power relations informed us. Poor people are poor because of imbalances in power. Injustice and inequity are the underlying structural causes of poverty. Lack of access to education, health care, water and so on is merely

a manifestation of the lack of power among the poor and marginalised, especially women. Having enough to eat, going to school and enjoying the satisfaction of other basic needs are not *privileges* that the poor may or may not enjoy. These are basic *rights* which duty bearers, especially (but not only) the State, must guarantee and deliver. Lack of access to food or basic health care or other basic needs is a travesty of justice, nothing less.

## The centrality of poor people in claiming their rights moved ActionAid from service provision to capacity building

This analysis helped to transform understanding of the role of the State, as well as promote recognition of the legitimacy of citizens to advocate for and claim their rights from both the State and the Market. Most importantly, it recognised the centrality of poor people themselves in claiming their rights. In response to this, ActionAid–Kenya’s role had to change – from service providers to capability and capacity builders of the poor. We had to move from being observers of national policy processes to active participants – promoting the direct involvement of poor people themselves. Most importantly, we had to see ourselves as agents of policy change and as defenders of rights in order to redress injustice and inequity.

**Communication** At first, this new analysis of poverty (and its many implications for the way we work) was understood by only a few senior managers. It was critical to broaden it and enable all staff (and other partners) to understand the analysis and its organisational implications. In 1999, we produced a video titled *Fighting Poverty Together* which took viewers through the analytical process and explained ActionAid’s new strategy of empowering the poor and transforming the policy and institutional environment. This video turned out to be an instant success

ACTIONAID – KENYA	1998	2002
Annual budget in US\$	\$5 million	\$9 million
Number of districts with projects (in direct contact with poor people)	10	22
Number of staff <sup>1</sup>	300	125
Number of staff with specific policy/advocacy role	2	20
Number of Coalitions for advocacy with ActionAid membership	–	9
Number of specific national-level policy campaigns for rights	–	6





PHOTO - CHARLES MAINI / WORLD VISION

*Agnes Namuloba Onalo, a sugar farmer in Kenya's Western Province, holds a cane she salvaged from her farm which was inundated by massive floods.*

(not just in Kenya but also internationally and with other NGOs). Discussions between small and large groups of staff followed, to internalise what it meant to move from service delivery to a rights-based approach.

**Staff** The most immediate – and painful – implications concerned staff themselves. ActionAid–Kenya was clearly overstaffed in the field and understaffed in policy research, analysis and advocacy. The majority of field staff had neither the training nor the motivation for power analyses and advocacy. Many were fearful that government (or strong political forces) would not tolerate the rights-based approach. Many staff opted to seek employment with other service delivery NGOs; ActionAid – Kenya also offered voluntary retirement schemes and redundancy packages. Over a period of three years, almost all mid-level staff in the field left ActionAid–Kenya.

From 20–30 staff per field site, ActionAid–Kenya now employs only three staff in each area. These work to build capabilities of poor people and

capacities of community-based organisations. After all, the poor themselves are the principal development agents, linking with government and others and gaining in confidence and ability to claim rights. It is the poor themselves who plan, manage and implement micro projects. So while much of the work being done before continues, the style and principal agency in the field has changed dramatically.

At the same time, new staff members with some knowledge of advocacy and/or a personal passion for justice were recruited to support the growing advocacy campaigns. Significant investments were made in staff training on rights. By 2001, ActionAid–Kenya was universally perceived as having significant capacity to undertake complex policy advocacy work.

**Structure** The structure of ActionAid–Kenya underwent dramatic change. What was a centralised and fairly bureaucratic organisation has become lean and responsive. It now has a flat structure, with just two levels between field

worker and Country Director rather than the previous four. It is also decentralised to its field areas and

### **Staff empowerment has proved critical in the management of fast-evolving campaign events**

regional support centres ensuring significant authority over spending decisions at each level. This degree of staff empowerment, with authority to make financial decisions and to speak to the media and so on, has proved critical in the management of fast-evolving events around advocacy campaigns.

**NGO, government and media relations** A rights-based approach that employs public campaigns is best supported by working in partnership with others. ActionAid–Kenya has altered its style from working independently to working in coalition with other NGOs. This has helped to broaden ownership of the campaigns, while increasing legitimacy and public attention.

In the past, staff members were fearful of negative consequences from government; they felt that the State would clamp down on campaign activities. This has proved to be largely unfounded so far. ActionAid–Kenya considers each issue on its own merit – working with the government positively when government responses are pro-poor; and challenging government policies when they are anti-poor. This objective, non-partisan positioning has sustained ActionAid–Kenya’s growing credibility as a serious NGO. It is helped by the government’s own growing acceptance of rights and the role of NGOs.

The media has been harnessed in a new way to support the campaigns, and has proved absolutely critical in getting issues to public attention and helping these to be debated in parliament.

### Basic Rights campaign

In coalition with ten other NGOs, ActionAid has supported a campaign titled *Basic Needs are Basic Rights*. The campaign is dedicated to introducing a Charter for Social Integration within the new Constitution of Kenya that will provide explicit constitutional recognition of basic rights – particularly the rights to food, shelter, basic education, primary health care, safe water, land, employment and information.

Over the past four years, the campaign has influenced senior members of government and produced debate within the judiciary and between parliamentarians. It has been taken to the districts and villages of Kenya using volunteers and activists. It has harnessed the media to capture public imagination and has helped to make the language of economic, social and cultural rights acceptable in Kenya.

It was successfully submitted to the Constitution of Kenya Review Commission. It has been incorporated – as submitted – within the first draft of the new Constitution of Kenya. The NGO coalition is optimistic that it will be approved without any changes. This

will help create a legal framework in which the legitimacy of basic rights is protected by the highest institution in the land.

### Lessons learnt

Transformation from a service delivery to a rights approach requires first an adequate analysis. This should influence and permeate mission and strategy and introduce new ways of working. Collaboration with others is critical to sustain confidence and campaign energy. The central role of poor people emerges when outside agents, especially NGOs, deliberately hand over control to community organisations.

These combined measures may mean a painful but necessary loss of staff. It may also require recruitment of new staff with more policy-oriented profiles. Transition takes time; a minimum of three years of intensive change efforts provides only a start to continuing change management. ■

*Thomas Joseph is Country Director for ActionAid–Kenya.*

<sup>1</sup>The counter-intuitive trend in staff numbers is worth noting, given the expansion of budgets, field areas, and campaigns. A lean staff and flat structure has proved critical to ActionAid–Kenya’s successful adoption of a rights-based approach.

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# Human rights – are disabled people included?

Jonathan Flower

**"ALL HUMAN BEINGS ARE** born free and equal in dignity and rights" proclaims the *Universal Declaration of Human Rights* (1948). Does this include disabled people? Of course: it says *all* human beings. Yet disturbingly, it cannot be taken for granted that disabled people are accepted as fully human.

Take Article Six of the Declaration: "Everyone has the right to recognition everywhere as a person before the law". Practices such as excluding disabled children from statistics on school enrolment, preventing disabled people from giving evidence in court (using alternative modes of communication), and eugenics, reveal failure to recognise them as persons before the law – treating them as less than human.

## Human rights have progressed more slowly for disabled people than for other groups

Gradually some governments, multilateral institutions and NGOs are starting to consider disability a human rights issue, having embraced the principle that every person has an equal right to participate fully in society. As Prof. Colin Barnes (University of Leeds) comments: "The various economic, political, cultural and social barriers that disabled individuals face cannot be resolved by individual 'medical' solutions." Attention to their special needs, while crucial, can reinforce a view of disabled people as "different", and fail to recognise the totality of their rights – not only to appropriate care and protection, but to *participation*.

Progress in accessing human rights has moved more slowly for disabled people than for other marginalised groups. Disabled people and their

allies still have to fight for basic rights that others take for granted. Entitlements like decent health care and education, or the rights to express an opinion, make decisions on issues affecting their lives, to marry, have children, or work to support a family, can be enormously difficult to attain. They are still waiting for an international convention focusing on their rights and needs.

### Changing perceptions

Historically, disabled people have been treated as objects of pity or charity. Framing disability in terms of human rights brings the hope of justice and equality to the lives of the estimated 600 million<sup>1</sup> people in the world who live with disabilities.

Turning common perceptions on their heads can help society begin to see its disabled people as a resource rather than a burden.

- In Mauritania, when a disabled people's organisation decided to help meet the educational needs of its neighbourhood, local people were initially shocked. But they soon came to appreciate, and use, the library, homework room and literacy classes that were provided.
- People in Baidoa, Somalia, have in times of drought depended on 20 disabled men and women who received seeds and training from World Vision to run an irrigated farm just out of town. "It was an unusual turn-around to have the town people depend on us for survival," said Mohamed, the farm manager. "Because we had a well and a pump we were able to keep harvesting in times of drought."

- In Mandalay, Myanmar/Burma, a World Vision-funded disability project evolved into a wider community

programme, which means that each local development committee now has disabled members, central to the development process.<sup>2</sup>

Sadly, such examples are not the norm. Too often disabled children and adults are denied the opportunities that would begin to level the playing field – such as mobility, social interaction and education.

### Universal primary education?

The *Millennium Development Goals* (MDGs)<sup>3</sup> call for an increased focus on poverty reduction. The World Bank estimates that as many as 20% of the world's poorest people are disabled and it is widely agreed that there are disproportionate rates of disability among people living in chronic poverty.

The first of the MDGs on education aims for universal primary education by 2015. A rights-based approach to development that demands inclusive education could, for disabled children, mean the difference between an education and a future, or exclusion. Recognition of their right to be seen as children – as human – will mean inclusion in official statistics and more proactive State efforts to include them in universal primary education.

Are disabled people included in human rights? They are – but we must also *ensure* that they are, from local neighbourhood to international level. Acting on the growing call for a convention<sup>4</sup> on the rights of disabled persons, would be a step towards this. ■

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*Jonathan Flower works with World Vision UK and convenes the World Vision Partnership's Disability Awareness Network.*

<sup>1</sup>UN estimate. <sup>2</sup>See [www.worldvision.org.uk/world\\_issues/disability/all\\_things\\_being\\_equal.html](http://www.worldvision.org.uk/world_issues/disability/all_things_being_equal.html)

<sup>3</sup>For details on all MDGs, see [www.un.org/millenniumgoals/index.shtml](http://www.un.org/millenniumgoals/index.shtml). <sup>4</sup>For more information on the call for a UN convention, see [www.international-service.org.uk/camp\\_education/pages/camp\\_ed\\_advoc.htm](http://www.international-service.org.uk/camp_education/pages/camp_ed_advoc.htm)

# The Gaza Strip – devastation, not rights or development

Raji Sourani

**THE INTERDEPENDENT AND** inextricable link between human rights and development is no more evident than in the Occupied Palestinian Territories (OPT),<sup>1</sup> where the inalienable rights of the Palestinian people are routinely and systematically violated. In the protracted and bitter conflict that continues to embroil this region, it is difficult to dissociate one from the other as the population lives under a *de facto* apartheid system, created and enforced by Israel through the occupation of Palestinian land.<sup>2</sup>

## Economic and social suffocation

Since the beginning of the occupation in 1967, Israel has used administrative, legal and military<sup>3</sup> orders to destroy the Palestinian infrastructure, rendering Palestinian society totally dependent upon Israel. Under the Oslo Accords, Palestinian economic dependence was formalised by the Paris Protocols (1993), which gave Israel total control over Palestinian imports and exports. Since Oslo, Israel has continued to use various means to prevent economic independence, including imposed closures and the destruction of Gaza's international airport and 13% of its agricultural land.

Since the beginning of *Al Aqsa Intifada* in September 2000, the humanitarian situation in the Gaza Strip has deteriorated rapidly. Closure, curfews, bombardment and house demolitions have all become part of life for many of the 1.3 million Palestinians within the confines of the Gaza Strip. For the majority of the population, there is no free passage into Israel, no access to the West Bank and severely restricted access to the outside world. This not only affects civil, political, cultural and social interactions, but greatly infringes on economic rights. Due to the severe restrictions on movement, trade and economic contact between

the two areas that make up the OPT is limited, impeding and even preventing development in the region.

Moves towards the development of Palestinian society have been largely backed by local and international non-governmental organisations, foreign government development projects and of course, the United Nations. Yet the total monetary support that the OPT receives from international donors does not even come close to the losses incurred by the policy of closure. Meanwhile, debate rages over whether or not development projects in the OPT should be funded, if the millions of dollars being poured into the struggling society are effectively supplanting Israel's responsibility and masking its culpability for the economic and social suffocation. The continuation of Israel's policy of dispossessing the Palestinian people of their political and cultural heritage through the control and destruction of their economic resources is resulting in long-term human suffering in the Gaza Strip.

## Land, water, civil rights

The Israeli settlements in the OPT have had a dire impact on development. Settlement policy entails numerous violations of international humanitarian law, such as transferring the occupying power's citizens into occupied territory and annexing land to settlements in order to facilitate expansion. Not only is land stolen from Palestinians but other necessities such as water are expropriated in an attempt to force the Palestinian populations to leave the area, which in turn leads to further expansion of the settlement boundaries. Israeli settlement supporters say that they need to allow for the natural growth of their populations, apparently ignoring the fact that the needs of 7000 illegal Israeli settlers in the Gaza Strip are



PHOTO - PCHR GAZA

Raji Sourani

dwarfed by the needs of the 1.3 million Palestinians.

Development in the Gaza Strip is also greatly affected by violations of human rights in the form of killings, arbitrary arrests and detention, destruction to private property and agricultural land. The most insufferable aspect of the human rights situation in the Gaza Strip is the effect it has had and continues to have on human development, in particular that of women and children. The collective punishment of the Palestinian people, the *de facto* apartheid system and the economic suffocation have all created a situation where development, in the true sense of the word, is impracticable.

*The Vienna Declaration and Programme of Action* stated: "Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing."<sup>4</sup> The right to development is incontrovertible. Numerous international instruments to which Israel is a state party, including the *Fourth Geneva Convention* and the *International Covenant on Civil and Political Rights*, enshrine the notion of an individual and population's right to development. As long as the occupation persists and Palestinians are faced with daily violations of their human rights, the deterioration of their economic, social, cultural and political development will continue. ■

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<sup>1</sup>The Gaza Strip, West Bank and East Jerusalem  
<sup>2</sup>Israel has never recognised the *de jure* application of the Fourth Geneva Convention in the OPT. <sup>3</sup>Israel has issued more than 1200 military orders in the Gaza Strip and over 1350 in the West Bank. <sup>4</sup>World Conference on Human Rights (Vienna, 14–25 June 1993), UN doc. A/Conf.157/23, 12 July 1993

# Rights and development – finishing the work of creation

Arik Ascherman

**HUMANITARIAN AID**, development work and human rights advocacy are all forms of *tikkun olam*, acting as God's partners to repair and sanctify the still-unfinished work of creation. Each is an attempt to give meaning to the teaching at the very outset of the book of Genesis that all human beings are created in God's image.

Development work seeks to help people help themselves – the highest level of *tzedaka* (justice) according to medieval Jewish philosopher and legal authority Maimonides.<sup>1</sup> Yet human rights advocacy may be required for successful development to occur. In underdeveloped regions where human rights are being violated, development and rights depend on one another.

## South Hebron cave dwellers

A case in point is that of the cave dwellers of the South Hebron Hills in the occupied West Bank. In 1999, Rabbis For Human Rights (RHR), World Vision and other organisations rallied to their aid after Israeli security forces expelled 700 men, women and children from the simple caves that they called home. In a major victory for Israeli democracy, the High Court returned the cave dwellers home in March 2000. To this day, however, the government has been trying to undo the decision. A second group of cave dwellers had their caves demolished after an Israeli was murdered nearby; the High Court again sent them home pending a resolution of their case. Yet in both cases, the court ordered that the "status quo" be maintained, preventing vital development work.

RHR saw the expulsion as a clear human rights violation. However, the very existence of underdeveloped cave settlements, partially as a result of unequal resource allocation, demonstrates the link between development and human rights.

In such situations even the delivery of aid can be an act of protest and resistance. In 2001, RHR made the news when the army attempted to prevent us from delivering basic supplies to the cave dwellers, arguing that such aid would encourage them to return to their homes. World Vision helped with some immediate needs and funds for constructing new water cisterns. Without sufficient water, some cave dwellers would leave their homes for part of the year, allowing the government to claim that they were not actually residing in the caves. Development aid was both necessary as a result of human rights violations, and part of the struggle to prevent further violations. The eventual destruction of the cisterns demonstrated that human rights must be ensured in order to create the conditions for successful development work.

## Rights amid conflict

This case highlights the difficulties of engaging in development or human rights advocacy in conflict situations. The murder of an Israeli, itself a human rights violation, created a security pretext for further human rights violations; moreover, this particular Israeli had a long record of alleged harassment of local Palestinians.

RHR has become more forthright in speaking about the Occupation as a human rights issue, even if it is beyond our mandate to support particular maps, borders or peace plans. This need hit home particularly clearly after working through one night to get a baby, born at home, through checkpoints and to a hospital in order to save her life. The checkpoints endangering lives were there at least partially because of a real threat to Israeli lives. It would be naïve to think that the violence will end the day that the Occupation ends. However, no

matter how much we would want Israel to respect human rights in pursuing her real security needs and hope that Palestinians would resist the Occupation non-violently, the reality is that within the context of the Occupation Israeli checkpoints will always be endangering Palestinian babies in order to keep Palestinian suicide bombers out of Israeli cities.

## Human rights violations were a major factor in the breakdown of the Oslo peace process

This is not to suggest that development or human rights work should be postponed until the Occupation ends. Rights violations were a major factor in the breakdown of the Oslo peace process: while Israelis became increasingly disillusioned with the Palestinian Authority's unwillingness or inability to stop terror, Palestinians saw the ongoing land expropriations, home demolitions, unfair water allocation and other abuses, and said "This is not peace". Many of us working on the ground predicted the current *intifada*.

Peace, human rights, development and humanitarian work all matter – practically and spiritually. Only a comprehensive approach offers the possibility of achieving our mutual goal as people of faith: honouring the Image of God in every human being. ■

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PHOTO - MARIANNE ALBINA / WORLD VISION

**Delays at military checkpoints, designed to prevent terrorism, cause the deaths of newborn children and the sick. This 10-day old Palestinian baby would have died were it not for a World Vision-funded maternity hospital near her home.**

# A human rights-based approach to development – how far have we come?

Bertrand G. Ramcharan

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## THE VISION OF THE CHARTER

of the United Nations, and of the Universal Declaration of Human Rights, is that everything we do in the governance of human affairs must have in view the promotion and protection of basic human rights. Development without human rights would be meaningless.

In the contemporary world it is important to ask what the rationales are for implementing a human rights-based approach (HRBA) to development, and what practical difference it makes. The answers to this question vary, indeed. Perhaps one of the key reasons for this is the fact that the term HRBA itself has seemed so malleable in the past.

Much of the impetus for the UN's work in this important area springs from the Secretary-General's reform programme of 1997,<sup>1</sup> calling for the "mainstreaming" of human rights within the substantive areas of our work. This was renewed through Action 2 of the Secretary-General's 2002 programme for further reform,<sup>2</sup> urging increased assistance to national systems for the promotion and protection of human rights.

## Towards agreement on definitions

The Office of the High Commissioner for Human Rights (OHCHR) has proposed to its partners some elements which may be helpful in defining such an approach. In a general sense one can say that it is "a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights".

The objectives of an HRBA are to address the discrimination, powerlessness and weaknesses in systems of accountability that lie at the root of poverty and other development problems by applying the standards and related principles and values of human rights throughout development policies, activities and programming cycles.

An HRBA requires that both the processes and goals of development be assessed in human rights terms. It is intended to improve, build upon and supplement, rather than replace, existing human development approaches, providing development actors with a common approach to dealing with development challenges, policy frameworks and imperatives as and when they arise.

We can identify a twin set of rationales for an HRBA: *intrinsic* (or normative, reflecting the inherent dignity and worth of all human beings) and *instrumental* (generating superior and sustainable human development results). The intrinsic value of human rights, and their increasingly widespread expression in international and national legal systems, means that they must be given special and explicit consideration in development work. Human rights cannot be bartered away along with policy options lacking such normative status.

An HRBA draws by definition from the human rights laws in force for a particular country. In a very real sense, therefore, it should be *nationally owned*, grounding development cooperation within the national legal and institutional foundations rather than externally-driven agendas.<sup>3</sup>

Conceptual clarity on the HRBA was advanced considerably at an important inter-agency workshop in May 2003 in Stamford, Connecticut, USA, sponsored by the Human Rights Strengthening (HURIST) joint programme between OHCHR and the United Nations Development Programme.<sup>4</sup> The UN agency representatives at the Stamford workshop reached agreement for the first time on a statement embodying key elements of an HRBA to development for the UN system. The statement reflects the state-of-the-art in thinking and practice among UN agencies in this area, and seeks to add value by identifying distinctive ways in which an HRBA differs from (non rights-based) "good practices in development programming". It calls for:

1. all programmes of development cooperation, policies and technical assistance to further the realisation of human rights as laid down in the *Universal Declaration of Human Rights* and other international human rights instruments;
2. human rights standards contained in, and principles derived from, the UDHR and other international human rights instruments to guide all development cooperation and programming in all sectors and in all phases of the programming process; and
3. development cooperation to contribute to the development of the capacities of "duty-bearers" to meet their obligations and/or of "rights-holders" to claim their rights.<sup>5</sup>

## An inclusive, dynamic process

However important these conceptual advances might be, specific policy and programmatic implications need to be worked out in practice. The meaningfulness and sustainability of this process of discovery demand that it be both *inclusive* and *dynamic*.

Of equal importance, we need to be as clear on identifying the scope of human rights in development, as we are on their positive programmatic potential. The integrity and credibility of the international human rights

framework demands no less. In a world that is "inescapably pluralistic in terms of causal influences and interactive impacts",<sup>6</sup> human development perspectives provide valuable context for human rights analysis so far as the setting of national and local-level policy priorities is concerned.

### **Closing the gap between power and responsibility is our persistent challenge**

Moreover, direct accountability under international law remains relatively limited with regard to the human rights responsibilities of non-state actors – such as transnational corporations, international financial institutions, local businesses and associations, and regulation of activities in the private and family spheres (such as in connection with the prevention of violence against women). In today's globalised world, private actors play an increasingly vital role in realising human rights at the national level. Closing the gap between power and responsibility remains our most persistent challenge.

But to conclude on an optimistic note, some important steps have been taken to redress some of these shortcomings. On the systemic problem of violence against women, for example, the Committee on the Elimination of Discrimination Against Women,<sup>7</sup> through its General Recommendation No. 19<sup>8</sup> and its examination of states parties' reports under the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*,<sup>9</sup> has made important contributions towards filling that Convention's gap on domestic violence. And on the human rights responsibilities of transnational corporations, in August 2003 the Sub-Commission on the Promotion and Protection of Human Rights concluded and adopted a set of *Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights*.<sup>10</sup>



PHOTO: ANTO ASCENSION / WORLD VISION

**Metropolitan Police in Bangladesh receive training (with World Vision funding) on the Children Act and child rights issues, such as judicial processes for "delinquent" children.**

There is every reason to hope for a strengthened normative basis for human rights-based development cooperation. Within and beyond the UN system, we must be firm in our collective resolve to narrow the remaining gaps and to welcome mutually reinforcing cross-disciplinary contributions from our development partners.

As we strive for development, we must continue to be inspired by the *Universal Declaration of Human Rights*, and in particular, by Article 21 which states that "The will of the people shall be the basis of the authority of government". ■

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<sup>1</sup>UN Doc. A/51/950 (1997) <sup>2</sup>UN Doc. A/57/387 (2002), paras 45–51 <sup>3</sup>An HRBA also draws strength from human rights norms with a claim to universality, as embodied in the *Universal Declaration of Human Rights (1948) (UDHR)*. <sup>4</sup>The final report of the Stamford inter-agency workshop is available on the website of the UN Resident Coordinator System Network (RC Net): [www.dgo.org/index.htm](http://www.dgo.org/index.htm). For details of the HURIST programme see [www.undp.org/governance/hurist.htm](http://www.undp.org/governance/hurist.htm). <sup>5</sup>See attachment I of the Stamford inter-agency workshop report, above, page 17, note 4 <sup>6</sup>UNDP, *Human Development Report* (2000), page 23 <sup>7</sup>This Committee is the expert body charged with overseeing the implementation of the *Convention on the Elimination of All Forms of Discrimination*. <sup>8</sup>UN Doc. A/47/38, General Recommendation No. 19, 'Violence Against Women' (Eleventh session, 1992) <sup>9</sup>GA Res. 34/180, 18 December 1979 <sup>10</sup>UN Doc. E/CN.4/Sub.2/2003/12/Rev.1. These Norms (to be transmitted to the Commission on Human Rights for consideration in 2004) include the right to equal opportunity and non-discriminatory treatment, right to security of person, rights of workers, respect for national sovereignty and human rights, obligations with regard to consumer protection and obligations with regard to environmental protection.

# Development – too costly for Philippines indigenous peoples

Gerardo Gobrin

## THE GOAL OF THE

International Decade for Indigenous Peoples (1995–2004) is to foster international cooperation to help solve problems faced by the indigenous peoples in such areas as human rights, culture, the environment, development, education and health. From this goal, the United Nations adopted a five-pronged programme:

- organised activities by UN, other international and national bodies;
- public education on indigenous cultures, languages, aspirations, etc.;
- promotion and protection of indigenous people's rights;
- implementation of high-level international recommendations, including that of a permanent forum for the indigenous peoples at the UN; and
- adoption of the draft UN *Declaration on the Rights of Indigenous Peoples* and development of international standards and national legislation to protect and promote indigenous people's human rights.

The UN's recognition of the rights of the indigenous peoples is welcome, if overdue. Beneath these fine words, however, lies the sorry state of affairs in indigenous communities – given that national governments claim for themselves rights that should have been accorded to the original inhabitants of their lands.

### What is development?

"Development" is a much-abused word. Governments liberally define it based on macroeconomic statistics like GNP, trade surplus or dollar reserve, but this play of figures does not necessarily reflect the situation of

most people on the ground. Others define development in terms of technological or scientific advancement, but fail to realise that these do not benefit a large segment of humanity, nor that many people get enslaved, oppressed or impoverished as productivity picks up.

The current philosophy of globalisation compels almost all nation-states to enter into multilateral agreements to gain access to world trade. Since the establishment of the World Trade Organisation (WTO), the trend is for countries to reduce their trade barriers to allow the influx of foreign goods and services. After more than 50 years, this liberalised trade has benefited highly technologically developed countries while stunting the productive capability of so-called developing nations that have neither the technology nor the capital to compete with the giants. All they can offer on the altar of global trade are their rich natural resources and their cheap labour. This "development" spells grave repercussions for the most impoverished section of their societies – the indigenous peoples.

The Philippines *Indigenous People's Rights Act* calls for the recognition and safeguarding of their rights. But this is negated by the way its provisions are interpreted and implemented – to the point that the indigenous peoples are "legally oppressed and exploited" via the Act's numerous loopholes. The Act also implies uniformity among the nation's indigenous peoples, who in fact differ in almost all spheres of life – culture and customs, economic and political practices, and current situation.

### Control of indigenous lands

In the Philippines, the government has entrenched its authority and control over lands considered ancestral

territories of the indigenous peoples, declaring them part of the Public Domain. Various schemes and projects have been implemented over these areas to entice potential foreign investors especially in the agroforestry, energy and mineral sectors. The 1991 *National Integrated Protected Areas System* law criminalises any human activity that infringes on places considered ecologically volatile, which seems noble enough. But distressingly, it renders illegal basic economic activities of indigenous peoples such as swidden farming and forest product gathering, while mineral and energy exploration and research can be allowed. This is tantamount to denying the basic rights of impoverished people while giving all the necessary support to a prospective investor.

## National laws deny impoverished people's rights yet fully support investors

Similarly, the *Industrial Forest Management Agreement*, ostensibly a reforestation scheme, is actually transforming vast tracts of forest lands into monoculture timber plantation to ensure the sustainability of timber processing and export given the shrinking natural forest. The government acts as a third-party broker, seeking a multilateral agency to finance IFMA projects. To encourage logging businesses to convert to timber plantations, the government stakes up to 20,000 hectares per project, almost doubling the area granted to logging concessions. Indigenous communities living adjacent to logging areas have suddenly found themselves, their farm lots and even hunting grounds under the mercy and authority of IFMA holders. In southern Mindanao, this has led to some violent confrontations between concession workers and indigenous peoples.

Most deplorably, the *Republic Act 7942* ("the Mining Act") of 1995 totally liberalises a strategic industry, allowing 100% foreign equity on capitalisation;





PHOTO - CECIL LAGUARDIA / WORLD VISION

**Rich forest reserves and traditional indigenous lands in the Philippines, such as this area of Palawan province, have been under threat from logging and mining.**

gives a foreign corporation full right to pull in and out its profit and capital; grants timber and water rights to prospective mining companies; and gives easement right to its infrastructures. A company can gain exploration rights on up to 81,000 hectares of land with a 10-year tax exemption period. Immediately after enactment, indigenous communities became unwilling hosts to hordes of mining corporations who are staking mining claims from 25 up to 50 years.

### **Ethnocide**

Currently a total of 4.2 million hectares of indigenous land is up for grabs by various agroforestry-related concessionaires. Some 5,232 hectares have already been given to big ranchers as pasture lease agreements, while loggers took 255,438 hectares. The so-called biodiversity conservation programmes, meanwhile, have fenced off 1.4 million hectares of land. Timber plantations (cooperative and concession) have secured 434,388 hectares. Pending mining applications account for 1.6 million hectares. Meanwhile, seven mega dams will

submerge indigenous communities in various parts of the country.

This appalling situation can be described in one term: ethnocide. Destruction of indigenous people's communities, disintegration of indigenous socio-political and cultural systems, loss of economic bases and the resultant death of the people.

### **Reorientation needed**

KAMP believes that the development framework adopted by the Philippines government should be reoriented, through such measures as:

- reconsidering its membership of the WTO and other multilateral trade bodies until the prerequisite of genuine national development and industrialisation has been thoroughly accomplished;
- in place of the current approach to industry liberalisation, implementing a policy that safeguards the economic rights of its citizens before the rights of investors; and

- replacing the "homogenous" *Indigenous Peoples Rights Act* with legislation that institutionalises indigenous people's rights to land and self-determination based on the actual situation, customs, economic practices and politics of each community.

Without such changes, the indigenous people of the Philippines will be forced to pay too costly a price for the nation's development. ■

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*All opinions expressed in **Global Future** are those of the authors and do not represent the opinion of the World Vision organisation.*

# Donor agencies in an era of implementation

Kathy Vandergrift

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**SIGNING HUMAN RIGHTS** treaties is easy; implementing them is a major challenge. After World War II many national governments promoted the adoption of international human rights treaties as expressions of their ideals, as political tools to prevent atrocities and influence repressive regimes, or, in some cases, as substitutes for tackling tough international issues. The legacy is a set of admirable international norms, but the gap between reality and the norms remains wide.

Current calls for "an era of implementation" of existing norms demand more attention by all sectors of society, including donor governments and development agencies. Effective implementation is more challenging than campaigning for new norms; it requires integration of human rights principles into development programmes, economic policies and bilateral diplomacy. It also requires making the accountability mechanisms within the human rights system as strong as the legal systems that govern trade and international finance.

## **Human rights must escape narrow confines and permeate other policy agendas**

Clearly, human rights could provide a crucial balance in current global relations. New trade agreements are enforced with rigorous penalties; the power of international financial institutions shapes developing countries' national policies; and military might rests in the hands of a few dominant powers. A stronger focus on human rights would give the human dimension more weight in decision-making. To be effectively implemented, however, human rights must escape the narrow confines of

Human Rights Commissions and permeate other policy agendas.

### **Rights support development**

Donor agencies are just beginning to realise the potential of rights-based development models. The Canadian International Development Agency (CIDA), for example, has taken steps to mainstream gender equality into all areas of its work. Women receive specific attention in a new agriculture policy, and in the agency's strategy for trade-related capacity building. Details still need to be worked out, but this is a positive step.

What is happening for gender equality needs to apply to other human rights as well. Children's rights lag far behind. When CIDA adopted a child protection strategy, it used a child rights framework so that child protection programmes must be rights-based, but unless child rights is integrated into its main programmes, child protection cannot be effective. The *Convention on the Rights of the Child*, with its comprehensive framework and provisions for progressive realisation, is well-suited for rights-based development programming.

The Children and Armed Conflict Working Group, an NGO coalition, has proposed that child rights be integrated into country development strategies as the best tool for conflict prevention – since youth are a significant percentage of the population in many conflict-prone developing countries. For the same reason, World Vision Canada recently proposed that CIDA use a child rights "lens" in the formation of its new country development strategy for an African country. Even if agriculture is the sectoral focus, it is essential that agricultural livelihoods for young people be given attention – something

unlikely to happen unless the strategy took child rights seriously. Protecting the rights of children is also relevant for the justice sector, the second focus of CIDA's strategy for that country.

Development agencies could also use their influence to advocate for the right to food during agricultural trade negotiations, for example. A commitment to the right to food would allow developing countries the policy space to protect their food security, and not be forced into trade-offs that jeopardise their most vulnerable populations' access to food.

## **Progressive realisation should allay donors' fears of unreasonable demands**

Donor agencies often fear that integrating human rights will result in unreasonable demands that cannot be met with constrained resources. However, the concept of progressive realisation of rights allows for setting realistic priorities and targets towards full realisation, while also providing checks against slipping backwards or ignoring the impacts of decisions on vulnerable people.

What do human rights add to the agenda of development agencies? They add a stronger focus on empowerment, participation and accountability – all key components for effective poverty reduction. They put the so-called "soft" issues of human development on an equal footing with more easily quantifiable, "hard" issues of trade and finance. They provide a framework for resolving conflicting interests without violence. As the *Human Development Report 2000* recognises, respect for human rights is an essential component of effective poverty reduction, the main goal of development agencies. ■

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# Good news for the poor

Tony Campolo

PHOTO - KATE SCANNELL / WORLD VISION



**JESUS MADE HIS MISSION** statement when He delivered His inaugural sermon in His hometown of Nazareth. He claimed that He had come to bring good news to the poor and deliverance to the captives (Luke 4:18). With that sermon Jesus called for a new social order. He taught his disciples to pray for the Kingdom of God to be created here on earth.

As followers of Christ we must never evade that part of Jesus' message that calls us to participate with Him as He endeavours to create this new social order. Jesus wants to create a society in which the hungry are fed, the naked are clothed, the homeless are cared

for and the elderly are treated with dignity. His salvation is not only a deliverance from sin with promises of a better life in some heavenly kingdom, as some have mistakenly thought; it is also a salvation that includes changing this world into what it should be.

Those of us who share Christ's commitment know that the weapons we are to use for this task are not those that this world's false messiahs have used. Their violent revolutions have not created the just socio-economic societies that they promised, but have usually created more suffering for the people they

claimed to be helping. The "Jesus Revolution", on the other hand, does not start with changes at the top of the political order, but rather comes in small initiatives on the micro level. Some have called it "the Mustard Seed Conspiracy", because Jesus once told us that, like the mustard seed, this revolution will grow into something great (Matthew 13:31).

Christian NGOs are contributing to this "conspiracy" by helping the poor in urban slums and impoverished villages of the Third World to establish small businesses and cottage industries. In a partnership with Eastern University, one such NGO is training a new breed of Christian development worker to go to the poor and empower them for these entrepreneurial enterprises which, to date, have created hundreds of thousands of jobs. Helping the poor in this way preserves their dignity. This is what God wills.

Jesus offers a (w)holistic salvation that is both personal and social – He wants to create whole, transformed people to live in a transformed world. Let us pray that His will is done on earth, as it is in heaven. ■

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## WORLD VISION

is a Christian relief and development partnership that serves more than 85 million people in nearly 100 countries. World Vision seeks to follow Christ's example by working with the poor and oppressed in the pursuit of justice and human transformation. Children are often most vulnerable to the effects of poverty. World Vision

works with each partner community to ensure that children are able to enjoy improved nutrition, health and education. Where children live in especially difficult circumstances, surviving on the streets, suffering in exploitative labour, or exposed to the abuse and trauma of conflict, World Vision works to restore hope and to bring justice. World Vision recognises

that poverty is not inevitable. Our Mission Statement calls us to challenge those unjust structures that constrain the poor in a world of false priorities, gross inequalities and distorted values. World Vision desires that all people be able to reach their God-given potential, and thus works for a world that no longer tolerates poverty. ■



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