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Human Rights: Can We Still Afford Them?

Monday, July 13, 2009, 10:00 – 12:30pm

Session Organizers:
Brian Kearney- Grieve, Program Executive, The Atlantic Philanthropies

Panelists:
Professor Francesca Klug OBE, Professorial Research Fellow, London School of Economics
Ingrid Srinath, Secretary General, CIVICUS: World Alliance for Citizen Participation
Ruth Wedgwood, Edward B. Burling Professor of International Law and Diplomacy; Director of the International Law and Organizations Program, Johns Hopkins University

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Brian Keary introduced the session by posing the following questions: In light of the current challenges presented by the "War on Terror" and the global economic crisis, can we still afford human rights? Furthermore, how do these challenges effect the provision of basic human rights, such as education and health, and the protection of civil liberties? Does the human rights framework offer solutions to the challenges we face?

Ingrid Srinath noted that the economic crisis has created new challenges to human rights. These challenges include:

- In the face of threats to their own prosperity, the middle class is more willing to endorse or turn a blind eye to human rights violations.
- Governments are resorting to much more heavy-handed mechanisms to quell revolts caused by growing economic inequalities.
- The current financial crisis has impacted the ability of governments to protect and promote human rights.
- Rising unemployment has created a sharp increase in inequality.
- Whole communities are being pushed over the edge to hunger, starvation, disease and death. Basic education, nutrition and health care is at risk. Protections for labor are weakening. There is a rise in violence against women, children and the disabled.
- Geopolitical power is shifting eastward, causing Western powers to have less leverage to quell Eastern authoritarian regimes.
- Precious donors have less money to respond.

- On a global level, governments are so concerned with getting back to business as usual, they are willing to do so any cost.

Srinath points out that at the heart of these challenges is the capture of governance by powerful elites who will do whatever it takes to maintain their position of power. She argues that the only antidote to these challenges is global citizenship. Only by strengthening civil society and fostering an active, mobilized and connected world movement will we be able to reconfigure society so that power and assets can be distributed more equitably. Meeting these challenges involves fostering a vibrant civil society, freedom of speech and the press, confidence in the rule of law, and accountability.

Ruth Wedgwood began by highlighting the vital role the American tradition of philanthropy has played in promoting and expanding civil society and enabling the work of human rights defenders around the globe. She argued that the United Nations and US philanthropy should complement each other, and there should be more opportunities for conversation and collaboration between the two. She highlighted three areas where she felt human rights funders should focus attention and energy.

1. She pointed out the importance of fostering a culture of human rights by making human rights discourse part of the national conversation and part of everyday conversation. It is vital to make human rights something that everyone can articulate, what she called a "rhetoric of claim."
2. She highlighted the threat of "agency capture" within the United Nations, namely the ability of powerful governments to push their own agenda in the UN at the expense of other important agendas, and with the hidden message that all rights/claims are open to negotiation. Human rights funders should pay attention to this phenomenon and support efforts to promote transparency in the UN.
3. She argued that human rights funders also need to spend time really looking deeply at how local institutions are functioning. For example, the Gaccaca courts in Rwanda, which were championed on many human rights grounds, now have the ability to sentence people to jail for up to thirty years without any legal representation.

Francesca Klug argued that in order to understand if we can really afford human rights we need to develop a shared understand of what we mean by human rights. The 1948 Universal Declaration of Human Rights built on the values of liberty and justice- "freedoms to" and "freedoms from." Modern human rights thinking has evolved to demand the respect and fulfillment of rights. When we ask ourselves, can we afford human rights? we are understanding human rights to mean that governments have responsibility to fulfill things they might not be able to afford. For example, the right to health is understood to mean the right to access expensive drug treatments that the government cannot afford. Building on the work of Amartya Sen, when we think about fulfilling human rights, we need to understand the difference between guaranteeing immediate achievement and fostering the conditions to enable the achievement of rights. For example, South Africa has established that the right to health is a right to the "progressive realization" of health. Human rights are about ensuring the systems in which we operate are just and foster the fulfillment of rights. Therefore, Klug argues, how can we not afford human rights?

Follow-on comments

Ingrid Srinath pointed out that the UDHR did not involve or include the concerns of colonial countries in 1948, and this legacy pervades human rights today. Therefore, we need to prevent the sabotage and capture of global institutions, including human rights institutions, by the North in order to help the South. Additionally, we must get civil society in the North to engage with global institutions, as the root causes of conflicts in the South may well lie under the noses of the North. These efforts require a critical mass, which means working much more closely outside the silos of our traditional sectors. Activists need to come together outside their own issue-areas.

Ruth Wedgwood brought attention to the fact that many states are not transparent, even to themselves. Either they lack the administrative capacity to share information, or they lack the will to do so.

Francesca Klug argued that aid needs to be implemented with respect to local institutions. Conditional aid puts strains on developing countries. She advocated for a human rights approach to development and poverty alleviation.

Questions and Answers

Q- In a context of reduced resources, how do we respond to the opportunities to link local grassroots activism/perspectives with macro-economic reforms?
Q- What about the role of the middle class in this economic downturn? It has been suggested in this debate that the economic crisis may turn the middle class against poor people. What's our analysis? What can funders do?

> **IS-** The key to linking local perspectives with macro-economic reforms is to connect people involved in finance and banking institutions with social movements on the ground. Bring local activists and financial actors in to the same room. In response to the middle class, people in the middle class are missing from the debate. There is an information gap, in that they do not understand how their actions impact the poor and more vulnerable. We need to draw out the connections between people so that the middle class will be more apt to act.
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> **RW-** The middle class is facing financial threat. They are already concerned because they fear they are about to become poor. Therefore, this crisis presents a unique opportunity to frame human rights as an issue of concern to *all* people.
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> **FK-** The economic crisis is an opportunity for furthering the human rights agenda because those in the middle class are finding that the motto that everyone can pull themselves up by their bootstraps is a myth. Instead of saying "I'm sorry for them but they haven't worked hard enough," people are realizing that no matter how hard they work, there are larger structural forces at play.

Q- How do human rights advocacy strategies need to change in the context of shifting global power structures? As power shifts to countries like China, Russia and others in the global South, do we need a shift in global advocacy? Must we rethink global institutions such as the ICC?
Q- What are specific strategies and interventions that funders can use to transform existing power structures to implement a human rights framework?
Q- What are the best strategies to expand human rights beyond a narrow legal construction and integrate it more broadly into social systems and institutions?

RW- She agrees on the need for a wider human rights framework than a legal one because most people never get to court. In certain contexts, such as China, funders need to support education to show people that human rights is a win-win situation. In oppressive countries, such a Russia, funders need to support and enable the work of human rights defenders.

FK- The issue of shifting power to states in the global South challenges us to ask what the implications for human rights are. We need to understand that just because power is shifting to the global South doesn't mean that governments there will promote the kind of human rights agenda that their people want. This demands walking a careful line between not promoting a neo-colonial agenda and also not reifying corrupt governments.

IS- In countries in the global South, there is often a huge gap between communities, NGOs and international funding institutions. Funders need to connect better to communities on the ground. Funders should not predetermine what the grassroots needs, rather we should invite them to tell us. Africa has too deep of memories of being told what to do by white people. Breakthroughs and successes in achieving human rights need to come from local civil society.