



Human Rights Grantmaking and International Development

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Opening Exercise

What motivated you to come to the institute?

- In the global south there is frustration with grantmakers not being on the same page. An objective is to learn where each other stand, and share knowledge.
- What are the most vulnerable pressure points?
- Oversees development assistance is \$150 billion.
- Governments are using the 'right to development' to violate the rights of marginalized peoples.
- How can we operationalize RBA? How can we break silos?
- Different approaches to development are competing for dollars. We need to think critically about the potential for RBA.
- Donor collaborative on economic, social and cultural rights (Lesley).
- Bilateral donors and human rights donors.
- Common language development and human rights.
- People in power have the 'right not to know' (Maude).

Introduction to Human Rights Grantmaking and Development:

Ellen Dorsey, Executive Director, Wallace Global Fund

Kavita Ramdas, Senior Advisor and former CEO, Global Fund for Women

The timeliness of a critical discussion of human rights grantmaking and development stems from the 2009 economic crisis, the worst effects of which are starting from 2011 onwards. An additional 50 million people will join those living on less than \$2 per day. Income inequality is accelerating. Sharp increases in food prices along with food shortages contribute to another 4 million people added each week to the ranks of the hungry. 2011 will be the worst year yet in terms of hunger.

This is a critical time due to the magnitude of suffering and exclusion, but also because of the unique opportunity to shape the world's largest development enterprise, the

Millennium Development Goals (MDGs). We have the responsibility to build a powerful critique and advocacy agenda to fully include rights in the global development paradigm.

What is the nexus of human rights and development?

With the end of WWII, the world established two enterprises to advance human dignity: the Universal Declaration of Human Rights (UDHR) and the United Nations system (which focused on civil & political rights), and development as a distinct field (with the establishment of international financial institutions and UN development agencies).

Development was mostly devoid of references to rights. International systems arose with the conditions of the Cold War. Human rights organizations development was strong, but utilized limited methodologies. The different visions of development that included economic, social and cultural rights (ESCR) in the developing world were more closely aligned with the Soviet Union. The prioritization of ESCR challenged the west's way of defining rights as civil and political rights (CPR). The Soviet model stated that 'other' rights would come when there was enough time.

UN agencies popularized their own interpretation of the relation of rights and development, effectively closing the space for alternative views.

1990s trends in development and rights:

- I. The 1990s turned traditional institutions on their heads. Amnesty International and others recognized the need for a changed role in the world. These institutions begin to take on non-state, economic, and corporate actors. Critical thinking about the shortcoming of existing approaches (especially those that undermined the indivisibility of rights) spurred established institutions to start to change their mandates and adopt ESCR advocacy agendas.
- II. The second trend in the 1990s was a change in the development sector with the rise of a rights based approach (RBA) to development. Those who have embraced RBA (Care, Oxfam, and Action Aid) have been significant in scale, though not necessarily in depth. UN agencies begin to see changes during this period. Bilateral agencies (SIDA, DFID) also experience changes with the introduction of RBA.

What is the appeal of RBA to development groups?

- RBA is appealing because development groups have been failing. It is difficult to argue that the methods of the past worked in light of the scale and scope of resources.
- It is not linked to a neo-liberal economic growth model.

- Prior success was based on standards, not goals. Goals can be missed and no one has to be held accountable. RBA says there are standards and accountability to achieve.
- RBA tackles discrimination and inequity.
- It depends on the participation of affected communities. RBA demands development agencies to align with affected populations and progressive social movements.
- It works to address the root causes of poverty and exclusion.
- RBA has ties to international human rights standards and principles, and their expression in national policies and laws.
- It guides choices in partnerships at the local level.

III. The third trend in the 1990s was the global explosion of ESCR campaigns and organizations. The 90s were dubbed the 'Decade of UN conferences.' A lot happened in terms of organizing, with large scale movements like the global women's movement and global justice movement gaining traction. ESCR campaigns and organizations drew attention to the artificiality of silos for organizations and agencies (local activists didn't wear silo'd hats).

Ellen's thoughts on why growing convergence around RBA is significant:

- RBA ensures that development includes poverty efforts. It demands accountability and attention to international standards. RBA facilitates empowerment for rights holders, prioritizes the needs of the most vulnerable, ensures meaningful participation, and embodies the core notion of human rights (the interdependence and indivisibility of right).
- A convergence on RBA demands and necessitates the collaboration and breakdown of silos and power dynamics – this collaboration brings power. We cannot continue to diffuse money across issues and social movements, we must break down the silos or else money is meaningless to confront power.

Kavita:

The underlying assumptions of development work originate from left over WWII dynamics of power, which are completely irrelevant now. The silent assumption is that a liberal capitalist democracy is the desired system for all countries and places. Until the fall of the Soviet Union, the world had a big alternative model. The west has assumed that 'our model won,' and now equates economic growth with development. The model for development remains that of the western world for the rest of the 1st, 2nd, and 3rd world countries.

RBA presents new opportunities because it is de-linked from the neo-liberal model. What the political system should be is now taken for granted. Other models of development did prioritize ESCR, but also gender equality. There is little understanding in the west of how communist regimes created some level of gender equality.

Post 9/11 events reflect challenges to the current model of development.

Valentine:

We are not free either; we are subject to the power of stereotypes in this room.

Can Rights Really Bring People out of Poverty?

Maude Barlow, National Chairperson, Council of Canadians; co-Founder, The Blue Planet Project

The successful adoption of the right to water is a major task ahead. The third thread is the rights of nature. By 2030 the demand for water will outstrip supply by 30%. The right to water is not included in the UDHR, and for at least two decades we have been aware that the lack of clean water and sanitation is one of the biggest human rights violations.

The World Water Council is now talking about the right to water. However, northern English-speaking countries do not want an expanded vision of rights. Water corporations have a large influence at the UN (a report on this is forthcoming). In Africa one-third of the population do not have access to water, and in 10-15 years it will rise to half of the population.

People feel that the UN is the only international institution left standing to work through. The existence of water depends on the conservation of ecosystems and the right to land. Ambassador to Bolivia, Paulo, said that proposing a resolution on water at the UN (human rights to clean drinking water and sanitation) and 'access to' – can mean private corp, doesn't mean can't pay. Paulo stated that he would rather have the right language than pass a watered down version.

Northern countries came to consensus with a watered down version. It was clear that the resolution was an embarrassment.

On July 28th, 2010, there was a vote with 122 in favor, 0 against, and 41 abstentions. 2nd resolution on right to water from Human Rights Council. Don't like: recognizes right to alternative methods to delivery. Passed on 2 treaties, renders 1st GA res binding. The U.S. did support the process in the Human Rights Council. Canada and Tonga are the only two countries left who don't support it. Maude Barlow will write a paper on what this means for the movement.

The resolution means that states have the obligation to respect, protect, and fulfill the requirements of the resolution with a plan for action, as well as amend their domestic laws that do not comply.

Uruguay voted for a constitutional amendment to declare water a human right to be delivered by the government (not private corporations) even before the UN resolution. South Africa also declared water a human right in their constitution, and they have water meters. However, Botswana ceded water rights to a diamond company. Canada's First Nations communities have poor water conditions, and they will launch a constitutional challenge with the Canadian government.

In the U.S. 95,000 people in Detroit have had their water cut off because they cannot afford the service. Mining companies continue toxic dumping, with some of the worst offenders being Canadian firms. The European parliament is now debating the right to water.

There is a new book coming forth on the rights of nature. Copenhagen failed, and ironically it was a climate summit brought to you by Coca-cola (she called it "Copenhagan"). Morales brought 37,000 people to the climate justice movement, with the aim to change the system, not the climate. Universal Declaration of the Rights of Mother Earth. People's movement manifesto. The Commons (one for great lakes), equitable access to water and protection of environment. In 2 years hands around the great lakes environment.

Question and Answer:

How can we change the playing field? Right now we are playing by the rules of corporations. Are there specific examples of development before and after the adoption of RBA?

Maude: We need to say that the privatization of water is not working. It is preferable to work outside of the system.

A key takeaway is the importance of not viewing human rights as already set, and to instead involve communities in defining what rights means to them. How can we strike a balance between existing rights, communities' definitions of rights, and compelling explanations of this to people in power?

Funders need to think about new rights emerging, and we need to think about how we can support the normative development of these rights.

An example is the Wallace Global Fund and their work on human rights and the environment. We need to support evolution free prior and informed consent, especially with extractive industries. We need to figure out how to support already existent campaigns so nascent rights can be an incredible tool. (This right is at the center of the rights of development nexus).

Bangladesh has limited resources but has made great strides. The NGO sector has been significant in impacting the government.

What can funders do? They can strengthen and support strong CS movements. Some social movements don't accept funds but look for key partners.

Who else needs to be involved in this discussion?

Mid-day Check-in: Review and Reflection

Report back from small group sessions:

- 1) Economic, Social, and Cultural Rights as a Means to Development:
 - a. The legal obligations of states are to respect, protect, and fulfill positive, negative, and progressive obligations. However, there are challenges around certain terms. Particularly, defining ESCR as the right to enjoy an adequate standard of living, and as the right to a life with dignity. There exists a divide between civil and political rights and ESCR, and getting governments to fulfill those rights. It is a fallacy that the progressive realization of rights is equal to economic growth; and this argument allows governments to put off fulfillment of rights until they reach a certain economic level.
 - b. Grantmakers should support work that allows for participation in analyzing the resources governments are using; including the merging of effective practices that allow for reinforcement of ESCR.
 - c. Consider the allocation of resources, and question who is benefitting.
 - d. There is a need to open silos beyond human rights to progressive economists and other fields.
 - e. The case study of Guatemala where grantmakers worked with local organizations to analyze government responsibility showed that placing the responsibility of material health on the government, and making it a right to not die, focused attention on government decisions that were causing preventable deaths. This ultimately shifted the public debate in Guatemala.
- 2) Water and Sanitation:
 - a. A water justice plan is in formation.
 - b. It is critical to bring groups together to work in this space.
 - c. Work needs to be done to build the capacity of groups in water justice.
 - d. We must support key countries that need to focus on water with an eye to highlighting examples of where models are being created.
 - e. There are path-breaking local initiatives marrying the right to water with environmental protection.
 - f. White papers on Commons (?)

- g. Water campaigns (environment)
- h. This field necessitates a robust understanding of what is happening.

3) Gender Equality:

- a. How you define gender and the way we put issues out sometimes works against us. For example, people who are disabled are often considered as not having a “gender.”
- b. It is important to not impose our ideals of gender rights, but to involve the perspectives of local groups.
- c. It is not enough to train women; it is necessary to train everyone involved in the process.
- d. In the case study, the woman won her case, but the judges overturned the appeal because she did not tell her mother or pastor → bring judges and victims together so
- e. Technology is not a cure-all but is a useful mobilizing tool, especially in countries where women have restricted mobility.

4) International Financial Institutions and Trade:

- a. Grantmaking strategies can focus on what NGOs are already engaged in; including holding abusers accountable, ensuring that communities are engaged in negotiating the terms, and making sure that IFIs are transparent.
- b. Grassroots social movements are critical to success.
- c. It is important that even though we recognize dollar amounts, the World Bank is a leader in setting policy, and others follow their lead. As a strategy then, the World Bank is a target for advocacy.
- d. Free speech and association: community voices may be crushed as trigger

5) Displacement:

- a. Development is a main cause of displacement.
- b. In the case study of Cambodia, displacement was due to railroad re-routing.
 - i. A response was to train local communities.
- c. Lessons:
 - i. One insight was how the human rights approach necessitates a human rights process, which is inherently a participatory process.
 - ii. Long term funding strategies are needed, as change takes a while.
 - iii. Local and international organizations play different roles: international organizations can provide a spotlight, safety protection, and links with litigation strategies.
 - iv. There are real issues with safety and security.
 - v. Target interventions throughout the chain, not just at the level of who is funding the project.
 - vi. Funding is coming from various sources, so activism needs to focus on the grassroots communities on the ground to enable them to lobby their own governments. International and western

organizations leading advocacy efforts can actually undermine the campaign.

The Intersection of Human Rights and Development: Current Grantmaking Trends

Kate Kroeger, Director of Grants, American Jewish World Service

Ignacio Saiz, Executive Director, Center for Economic and Social Rights

Kate Kroeger:

- 1) The evolution of grantmaking strategy is a 15-year evolution.
 - a. The human rights definition at AJWS has evolved, and the concept of civil and political rights has changed to necessitate a questioning of who is included, excluded, and marginalized.
 - b. An example is the organization they have been funding for 7 years, Mudha Sonia Pierre in the Dominican Republic, which is providing services to Dominican Haitians to foster citizenship and participation.
 - c. Monitoring and evaluation pushes AJWS to define “change” as funders, and to articulate their specific theory of change.
 - i. This theory of change recognizes the central role of social movements in advancing a rights agenda, including an ESCR agenda. Further work explores what it means to fund organizations, taking that agenda forward.
- 2) Examples of this new definition:
 - a. An example of the application of this new definition can be seen in LGBTI grantmaking. With HIV prevention in East Africa there is a new focus on decriminalization. The repeal of anti-sodomy laws in India represents a victory, but Uganda is next in the criminalization of LGBTI people (the death penalty is the sentence for aggravated homosexuality). AJWS saw small grassroots groups working to kill the bill and linked grassroots groups to legal institutions. They created some intermediate success because the bill is now stalled, but not crushed.
 - b. A further example is in sustainable livelihoods grantmaking. Peasant farmers and seed grants were given to increase income and autonomy of peasant farmers. With the new rights framework we had to go beyond that by partnering with grantees and framing the intervention as “resources rights and land rights,” creating a change at the policy level.

Ignacio Saiz:

- 1) The background of the human rights field within the ESR context:
 - a. Since the early 2000s, many mainstream NGOs have been extending their mandates to include ESR rights as a response to the harmful effects of

globalization. Organizations have sprung up on trade from human rights perspectives. There has also been the inclusion of human rights accountabilities into international financial institutions.

- b. The women's rights movement is a key actor making inroads, and has been pioneering in the human rights movement in terms of economic justice.

2) The background of the development field:

- a. Oxfam and ActionAid are examples of organizations that mention ESR rights.
- b. There are development NGOs at the international level who do not use a human rights framework, but touch on issues essential to the human rights agenda in social justice movements. An example is Christian AID, which works on tax justice, etc., but without human rights framing.
- c. There are also transnational advocacy networks working on social movements or as representatives of social advocacy. Some examples include CIVICUS and the Inter-American Platform for Development and Human Rights.

3) There are two other actors who get overlooked:

- a. UN agencies led thinking on the links between human rights and development, a key resource is the UNDP's human development report which exemplifies how human rights and development fit together.
- b. Academics are also important actors. They are thinking outside of the disciplinary box, and there is room to work with progressive economists within academia.

4) National levels of economic, social, and cultural rights:

- a. The INTL Network on ESC Rights includes 119 orgs who self-define.

5) Types of work within human rights and development:

- a. The first area is judicial enforcement of ESC rights and strategic litigation.
 - i. The field is now looking at the impacts of progressive legal decisions, whereas previously the emphasis was just on trying to get legal victories.
 - ii. There is a disconnect between legal decisions and implementation, and attention to what constitutes that gap is needed.
 - iii. The key opportunity in the judicial and legal arena is the sharing of experiences. Many cases are not known simply because the mechanisms for sharing do not exist.
- b. Policy accountability is the next field. Work is being done to develop new tools for monitoring public, social, and economic policies from a human rights lens. There is also work being done on budget analysis, indicators, and finding ways to ensure that quantitative methods are being used more effectively.
- c. Macroeconomics and human rights is another type of work being done in human rights and development. There is the question of if there are

certain economic systems that are more favorable to human rights than others. Human rights advocates should engage in debates around economic systems.

- d. Engaging with international and regional mechanisms is another area of work, for example NGOs that present shadow reports. Funders can see how the presenting of a shadow report is the beginning of a process of empowerment and accountability.
- e. Engaging in the international development processes is an absolute priority.
- f. Breaking down silos amongst grantmakers, so that other silos can be broken down, is necessary work.
- g. Grantmakers segregate human rights from development.

Q&A

MJH: *Can we cite examples of successes and failures in human rights approaches to development?*

Kate Kroeger: The framework does not affect grantees work, but rather the organizations they decide to support. An example is India's portfolio. Previously gender work included women's self-help groups and income generation. AJWS let go of those groups in favor of women's organizations challenging power structures, for example the Muslim Women's Rights groups in India who are challenging local leaders in their own communities (ghazis) because of the way laws are structured. (The All India Personal Law governs family law and imposes restrictions that do not exist for the majority of communities).

Kavita Ramdas: What matters is the approach, not the specific programs. Progressive social movements are challenging because of their preconceived ideas about the differences between developed countries (the US) and developing countries. Funders can fund economic programs with human rights lenses, including self-help groups. To make sure women farmers' organizations have a voice, we must fund them. The US is not signing up for the ICC, so other governments do not want to sign up either.

Diana Samarasan: *Can we speak about the intersection of the rights discussion (CRPD) mechanisms that will have implications on the entire community?*

Andrew Park: The intersection between development and human rights funders is uncomfortable. For example the Gates focus on development is on outcomes and indicators. We can do workshops to empower people to do lots of things, but they will not do it because they are terrified of producing the indicators for outcomes of the projects. Human rights funders resist the indicators that development funders undertake. In identifying weaknesses in our field, it is clear that human rights people need new tools to grow capacity in this area.

Joanna Leavitt: Human rights impact assessment.

Mona Khan: You need to examine your theory of change. Evaluation of human rights work is not that hard. Think of your human rights strategy: how do you want to foster change? You have to look at 10 years in the future; timelines are currently too short for assessing impact. Evaluation affects what you do in the future, and we need to be using evaluation to restore gaps in strategic thinking.

Human Rights Grantmaking and Development: Identifying the Gaps and Exploring New Horizons

Identifying gaps:

- 1) The MDGs are the biggest development enterprise in the world's history. They were adopted in 2000 by the UN for certain achievable outcomes by 2015, and all governments signed on. Jeffrey Sachs shouldn't continue with the existing model.
- 2) Listening to M&E and orgs you work with
- 3) The HIV field has significant gaps: large funders focus on experts and scientists but not on local groups.
- 4) There is a lack of criteria on how groups decide whether or not to take on a particular battle.
- 5) The inter-relationship of many issues and topics, breaking down silos, and facilitating connections are underexplored.
- 6) There is a gap in approaching environmental issues from human rights perspectives.
- 7) Peer learning amongst advocates should be enhanced.
- 8) AJWS can be a partner in capacity building.
- 9) More collaboration amongst funders is needed.
- 10) There should be one application that can be sent to all funders to cut down on the time NGOs spend trying to obtain funding.
- 11) There are gaps in attention to marginalized population, who constitute the majority of prisoners. There is a disproportionate amount of poor people and people of color in prisons.
- 12) There is a need to foster more productive relationships between grassroots, regional, and international NGOs. Funders can facilitate movement alignment and knowledge-building, and grassroots organizations bringing authenticity and veracity to the work.
- 13) Capacity-building around media and communication work amongst grantees is an area that that needs attention.
- 14) Indicators = HR framework
- 15) A collaborative fund on ESCR rights should be explored.
- 16) Backlash
- 17) There is a gap in participatory grantmaking for persons with disabilities who are poor, farmers, women, etc., and we need to get communities involved in the decision making process.

- 18) People who fund security are not thinking about development or human rights, and more attention should be given to issues of security, militarization, weapons, and money in development and human rights. For example, Pakistan spends 40% of their budget on defense. The UK, US, and France are the biggest sellers of arms, and the Congo received more arms and weapons than any development aid.
- 19) There is a gap in access, and a large English-language bias. Most grantmakers do not accept applications in other languages, although GFW does.
- 20) There is a gap in knowledge of how to talk to our trustees.

Identifying Gaps and Exploring New Horizons:

Take 2-3 examples in your own work: what would it take to move your work closer to integrating a human rights lens in a development lens?

Small groups: self-reflect and share

- Who is not in the room? The next step is a development meets human rights funders piece.
- What are we talking about when we say 'development'? Do we have a shared understanding of this? Do we have a shared understanding of human rights?
- Where have ESCR been achieved? What did communism put in place? Can we use the examples of free compulsory education for all and free healthcare?
- In some former socialist African countries, some infrastructure is in place that makes work easier, especially for women in agriculture, through social and collective action.
- We didn't hear any critique of the human rights framework.
- Human rights language reinforces silos. There is a need for common language, or at least awareness of language. We need to redefine these terms. These are outdated concepts from post WWII. It comes down to white and non-white with developed and developing countries. For more information see www.gapminder.org and work done by Hans Rosling, a Swedish public health expert.
- If we want to move institutions to use both lenses, what are the pragmatic steps to achieve this? What are the incentives? Can IHRFG be a place to provide resources on this?
- We can learn from our development colleagues. We should want to strengthen RBA, and become mutually more effective. We need to maximize interaction and learning, and if not, we will lose tremendous opportunity for power and influence.
- We've treated all funders the same. This group cannot muster the same amount of money as bilateral donors.
- Both human rights and development come out of northern privileged structures, institutions, and decisions.

People missing in the discussion:

- Big conservation NGOs.
- Institute for policy studies (energy and IFIs).
- Funders for peace and security (security definition should include human security – development and human rights are inherently implied).
- Health and Environmental Funders Network.
- Bilateral aid agencies and UN agencies.
- Domestic and international organizations. When we say global, is the U.S. included? Are there examples of domestic funders sharing how they struggle with the same issues here?