

Realizing Rights: Challenges for the International Forum for Development

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The International Forum for Development has the potential to serve as a think tank and catalyst for fostering viable alternatives to mainstream trade and development strategies which will ensure greater social equity and which will draw more extensively on the experience and knowledge of countries and experts from the global South. IFD's annual meeting is one important vehicle for highlighting this work to key policymakers and advocacy organizations and for building new alliances for change.

I am particularly pleased that our first annual conference included a public session open to interested individuals, groups and organizations concerned with social justice and equitable development as well as a number of smaller panel discussions which will bring together UN delegates and civil society organizations to address themes of particular concern to the NGO and civil society community. It is that connection—between the best academic research and policy alternatives, policymakers in government and civil society actors—that is missing today and which prevents necessary reforms in so many cases.

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I thought that Harold Koh, assistant secretary of state for human rights under President Clinton and currently dean of the Yale Law School, summed up this dilemma brilliantly in an article last year for the *Stanford Law Review*, and I quote:

My time in government confirmed what I had suspected as a professor, that too often, in the world of policymaking, those with ideas have no influence, while those with influence have no ideas. Decision makers react to crises, often without any theory of what they are trying to accomplish, and without time to consult academic literature, which, even when consulted, turns out to be so abstract and impenetrable that it cannot be applied to the problem at hand. On the other hand, activists too often agitate without a clear strategy regarding what pressure points they are trying to push or why they are trying to push them. Scholars have ideas, but often lack practical understanding of how to make them useful to either decision makers or activists . . . Like so many aspects of international relations, this phenomenon has generated a tragic triangle: Decision makers promote policy without theory; activists implement tactics without strategy; and scholars generate ideas without influence.

The IFD hopes to address this “tragic triangle” by involving intellectuals, political leaders, journalists, business leaders, NGOs and organized labor movements from the global South and North in an effort to identify the ways in which the forces of globalization can be harnessed to promote greater social equity and to work to find viable alternatives to current mainstream economic policies, which clearly haven’t worked for many developing countries.

Allow me to offer a few thoughts on what I see as some of the key challenges ahead for the IFD.

First, speaking from the perspective of someone who spent a career mainly in government service but also in academia and closely involved with civil society activists, I believe a key challenge the IFD will face is how to ensure broader dissemination and communication of policy alternatives on a range of issues—from agriculture trade policy to health systems to financing for development—which challenge mainstream thinking.

Civil society activists will point out that to influence policy debates nationally or internationally, policy alternatives must be

“translatable” into clearly articulated, non-technical messages that can easily be grasped by a wide range of audiences, including such political officials as parliamentarians, ministers and officials in key agencies, as well as journalists, organizers and other opinion makers. So there is a clear “communications challenge” that we will need to address.

A second challenge for the IFD is that civil society actors will demand that any proposed policy reforms be consistent with international commitments to human rights, labor and environmental standards. I am aware that many economists and development practitioners are still wary of incorporating such concerns more directly in their analysis and activities. Allow me to reflect on this issue briefly from the perspective of human rights.

Three principal criticisms of the human rights approach are commonly made by those who work in the field of development.

First, development experts often feel that human rights are “political,” by which they mean that they are overly focused on the state and use adversarial and judgmental techniques to monitor state performance that politicize the development process unhelpfully. Connected to this is the complex issue of sovereignty. They argue that, by appealing to international standards, human rights advocates diminish the notion of national sovereignty, irritating national governments and undermining efforts to make them nationally responsible. Without local ownership, critics say, development cannot be achieved.

This claim is worth a more extended discussion than can be had here, but allow me three short remarks. The first is that the human rights framework does focus first and foremost on the responsibilities of states, and it does indeed have an adversarial critical tradition. At the same time, more human rights organizations now also work with states on issues of reform, and in doing so they come closer to the methodologies and programs of development agencies. Human rights organizations are broadening their work to address other actors too, notably business, and this trend can also be observed at every level—international, national, in civil society and so forth.

The second point concerns the issue of sovereignty. The human rights approach does put the state at the center of responsibility. This

means that human rights advocates consider national governments, and national societies, to be the key locus of action. But it is a misunderstanding to conclude that, because the human rights system draws legitimacy from international standards, it is essentially interested only in the international dimension. The importance of international standards is that they establish an agreed objective, a minimum—rarely a maximum—standard, to ensure that all people are protected in key areas of their lives. There is a benchmark, in other words, for states to attain—but this is not the end goal. The end goal is the creation of a government and a society (and in our existing legal order that means national government) that protects rights because both governments and members of society are adequately accountable.

My third observation is to note that the issue of sovereignty presents itself just as acutely in the work of development agencies. Not surprisingly, in a world of highly unequal nation-states, it is not easy to escape. Development agencies are regularly accused of promoting policies that reflect their cultural traditions or serve their national interests at the expense of smaller and poorer states. They are also often accused of failing to address questions of abuse, because they are politically sensitive, even though they undermine the credibility of their development strategies. The merit of the human rights framework in this respect is that it makes judgments on performance in relation to objective standards that have been agreed upon by the international community as a whole—including, in most cases, the government in question. As a result, the case for arbitrariness and bias or abuse of unequal power is that much more difficult to make.

A second criticism is that human rights advocates overstate the importance of law and presume the state has a capacity that it often does not have. They are accused of failing to take proper account of underlying social and cultural causes of underdevelopment and failing to understand that development is necessarily a long-term process, extending over several generations. They are accused of ignoring the fact that successful reform processes must cope with numerous failures and political backsliding.

To some extent, I think this used to be a fair criticism; however, the situation has been changing rapidly. Many human rights organizations now recognize the need to go beyond “naming and shaming” alone. They are engaging with government reform processes and working out how to cooperate with government while retaining their critical independence. Their thinking is evolving and they are gaining experience.

The movement is not all one way, of course. Development specialists—from the World Bank outwards—are today much more conscious of the importance of governance than they used to be. The link between transparency, accountability and political inclusion—all values central to human rights—is very widely recognized, as is the frequently devastating impact on development of corrupt and oppressive rule.

The third criticism I hear most often is a rather specific one. It is usually made by economists who say that human rights advocates appeal to high principle but cannot apply themselves to practical decision making. A critic of this sort claims that economists and administrators must regularly choose one “good” outcome at the expense of another because there is not enough money to go around; accepting such “real world” constraints, they rationalize their decisions as responsibly as they can. By contrast, it is argued, human rights advocates are not only unable to use their principles to choose between two “goods,” they refuse to do so or to acknowledge the real constraints of scarcity, but say minimum standards must be met immediately, across the board. In this respect, the critic goes on, human rights advocates are irresponsible: they claim too much, they refuse to trade, they will not address the problem of resource limits—in short, they are all norms and no teeth.

This criticism also deserves a more extended answer than I can give here. In fact, I agree that human rights advocates often find it difficult to trade—to negotiate, to do deals—but believe this is not (or is not necessarily) because they are unrealistic or “other worldly” in their thinking. The human rights framework is systemic. Its ambitious aim has been to develop a body of principles that, taken together, provide points of reference for all cases where issues of rights arise. It is

the systemic nature of human rights which explains why advocates of rights often speak of their universality and indivisibility. This is not jargon—it highlights the belief that respect for any right cannot be achieved in the absence of respect for other rights.

As a result, however, rights advocates find it difficult to bargain—to set aside protection of one right in favor of protecting another. Unlike development, human rights work is not a pragmatic tradition. And since human rights advocates are often unfamiliar with other traditions—just as other traditions are unfamiliar with the systemic nature of human rights thinking—difficulties of communication are almost inevitable.

I do not accept that the human rights approach is inherently unrealistic. First of all, the human rights standards do take account of resource constraints and were drafted in a quite practical spirit—governments would not have consented to them otherwise. To illustrate, I would point to the increasingly skillful way those working for child rights are analyzing national budgets to see whether the allocation for education is being progressively implemented, or whether there is new expenditure, for example, on unnecessary military equipment.

Secondly, I believe that a lot of good work is now being done that in time will enable decision makers to draw upon human rights standards in ways that will help to improve the transparency and accountability and *quality* of their decisions. I do not say that all decisions will be assisted by referring to human rights; but many could be. Taking account of human rights obligations will often suggest indicators that can assist decision making; and evaluating decisions against human rights criteria will often assist decision makers in identifying where their policies are likely to produce, or have produced, discriminatory outcomes or outcomes that are otherwise undesirable.

Finally, concerning the claim that human rights are “too normative,” it is true that the human rights system is based on norms, on values. In my view, so it should be. My comment is really that other systems are as well. Let me again be a little provocative and suggest that classical economics is open to a very similar charge. Its notion of economic man (economic woman?) postulates a norm of human

behavior that is highly unrealistic, though useful. I do not believe for one moment (and nor do most economists) that most human beings act in practice in ways that maximize their economic advantage. Altruistic behavior is commonplace, as indeed are financial incompetence and simple lack of interest in economic matters. In this respect, the human rights framework is not a uniquely normative approach and its strengths and weaknesses should not be judged as if it was.

So to sum up this reflection: Let us be clear in assuring all the economists and non-lawyers here that I don't believe human rights provide all the answers to addressing today's development challenges. But what this framework does provide is a set of moral claims and internationally agreed-upon legal obligations and mechanisms which can and should be looked to more proactively by economists and development practitioners in efforts to steer the path of globalization in a way that is more accountable, more participatory and more beneficial for all people. Why? Because it will help shift the focus of analysis to the most deprived and excluded, especially to deprivations caused by discrimination. It will permit policymakers and observers to identify those who do not benefit from development. This is extremely important because so many development programs have caused misery and impoverishment inadvertently or out of sight, because planners only looked for macro-scale outcomes and did not consider the consequences for particular communities or groups of people. The ability of human rights to force attention towards those who lose out is a specific contribution this framework can make to policy making and development planning.

It won't be an easy task to build bridges of understanding between economists and lawyers, but I would encourage the IFD to involve human rights experts and advocates even more in your work as it develops. At the end of the day, human rights principles are meant to represent the highest values in the international system. They could be seen as the ultimate end goals of all policy making nationally and internationally.

One final challenge for the IFD that I would encourage us all to reflect on is how we can most effectively influence current initiatives and policy debates from the outside and the inside. There are two ini-

tatives we at the Ethical Globalization Initiative are involved with which I would like to mention in this context.

The first is the Helsinki Process on Globalization and Democracy, an initiative led by the foreign ministers of Finland and Tanzania. This partnership is now expanding to include a diverse group of like-minded countries from North and South. The Helsinki Process seeks new approaches to solving global problems. We seek to build an alliance for change in global decision making which is fair, safe, viable and democratic. Those of us participating on the Helsinki Group see as our mission to make the international community more democratically accountable in setting global policies and, secondly, more coherent and more compliant in implementing globally agreed-upon policies, such as human rights and the UN Millennium Goals on poverty and human security.

The greatest challenge is to move from “what needs to be done” to “how to do it,” from efforts to results. These proposals for “how to do it” are currently being developed and will be introduced in the Helsinki Process report to be released in the summer of 2005. The challenge is to mobilize people and the actors of the international community behind concrete plans of action. The Helsinki Conference, in September 2005, will serve as a tool for mobilizing people and creating coalitions for implementing the reforms.

The second initiative I would like to mention is the Global Commission on International Migration. The public debate in most countries around migration has thus far been marked by negativity, hostility and fear of migrants. The international community has never developed effective rights protections for migrants. No international migration institution or mechanism frames or manages the rights of people who move between countries. At the national level, policies tend to focus overwhelmingly on the legal exclusion of unauthorized migrants. As population and poverty trends continue to further divide the world into stark divisions of overpopulated, young and poor states, on the one hand, and wealthy, aging and declining-population states, on the other, migratory pressures will only intensify, making the need for a policy framework to guide this phenomenon ever more urgent.

I am pleased to be a member of this commission which seeks to reframe in a more positive way the migration debate, to understand that the rights of people who have left their countries in search of greater human security must be protected and that governments—both sending and receiving—must be accountable.

The commission is currently developing policy recommendations which it will deliver to UN Secretary-General Kofi Annan before the end of 2005. We are focusing on what we are calling the “3Ds” of migration—democracy, development and demography.

I believe we are now at a crucial moment for both of these global initiatives. Both seek new approaches in addressing the failures of governance which we have seen over the past 10 years. Our collective challenge is to devise effective policies and advocacy campaigns which can influence the outcomes of these and other initiatives at every level. There is a real opportunity here for the IFD that should not be missed.

The future can be different. We can make globalization a more values-led and ethical process which benefits all people. Central to that challenge is finding new ways of making progress in realizing the fundamental rights of people in every part of the world.

I am convinced that the work of the International Forum for Development is a crucial part of making this change come about.