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Human Rights and Development

Presented at

Human Rights and Global Economy – State and Non State Actors

Lucerne, 19 & 20 April 2005

Closing speech at 4: 30 pm 20th April 2005

In this paper I present three separate but connected arguments:

The first is that tracing women's journey with human rights, development and the United Nations whose Declaration – the UDHR is supposed to have set the international stage for affirmation of the universality of HR – offers many valuable illuminations which need to be taken note of, by efforts such as the Forum.

A review of the 60 year history of this journey reveals how it was Rights that was the main tool women used – in their struggles to achieve equality and justice. They developed strategies, uniting across classical divides such as East/West, North/South, to be included as a political identity. They reveal for example that separation of entities, including questions such as which comes first rights or development are flawed.

The second argument is that economic development and human rights is NOT on the global agenda today – even of the United Nations. The preoccupation is with “armed security” – with militarism as its partner.

I end with a plea for more revolutionary thinking, the construction of new theories of economic progress supported by mass movements. A second generation Das Kapital of Karl Marx or another Wealth of Nations of Adam Smith.

I would like to start by congratulating Thomas and Peter for creating this FORUM – it is an incredible achievement and designed as it is for the actors of the future: students, it makes it even more valuable. As the mayor and the students put it, it is for their political education.

I have learnt a great deal from the conversation here – presentations were cogent compositions revealing complexities, confronting truth, more radical than I expected. What a privilege to have a live role model for the new actors, Sherron Walker amongst us some one who pulled down a massive powerful economic structure.

I had an impression of Swiss Society as conservative and closed. But Lucerne has moved that screen from my eyes. Thomas and Peter have contributed to my Political Education! I thank Peter and Thomas for the persuasion and invitation.

As the person invited to give what is called the closing lecture – one which does not have the opportunity to have conversations, and to connect with the debates/we already have had, I am faced with a dilemma, a challenge as it is not really participatory. It seems not quite culturally rights/to just give a formal compact composition, my views – and leave it like a gun shot on the air and leave the conference. Yet I have to do my duty – do what I was called to do. So I

call by paper “Ideas from other places: feminist discourse”, and am to speak about economic development and human rights in a global economy.

In order to bring some element of “conversation” into my paper. With your consent what I want to do is to do a mix – it may not come out as neatly, as a well argued a clear powerpoint but I hope it will be more useful for the students: even if it is **zigzag**.

So I will break my presentations into two:

First the subject given to me shortened (the written paper, 2 versions are there). This will be depressing then I will try to continue the conversation of the 1 ½ day by giving my reactions if there is time so that I feel more “participatory”. Thus I will be talking to myself!!

Second describe a project an exercise we undertook to build a new item in the curriculum for Human Rights Education – this is the chronicling of peoples movements, struggles in India, seven such struggles. I have brought the text as a CD for the FORUM. This will give hope and ideas for ‘HOW’.

So first my paper:

I deliberately called my paper “Ideas from other places: feminist discourse”, as several of the questions posed in the session headings are dichotomies, separation of entities, of identity. These are in fact challenged by feminist experience, and rebuilt to converge, to blend, to unify – to show that the means are part of the ends.

I have just emerged from 2 personal experiences which gave me new insights not only of the contestation and problems of implementing, of respecting human rights regimes BUT also of the flaws in the conceptualizing of Human Rights itself – and in the language laws, institutional arrangements made for its implementation (CEDAW is a remarkable BILL of rights).

The first is the 60 year intellectual history, a review of the UN, I have just completed, of women’s quest for equality and Justice. This is now a BOOK which will be ready in September 2005. It is called “**Women, Development, and the UN - A Sixty-Year Quest for Equality and Justice**,”¹. I am privileged to have been gifted with a Foreword by Prof Amartya Sen. Unfortunately he cannot be with us, as he recognizes how women’s ideation, theory always drawn from practice, from lived reality, and undermines, recasts knowledge theories, including development paradigms and human rights...

The review, the book, which I hope Lucerne and other Swiss Universities present here will use, shows how it was Rights that was the main tool women used for 60 years, how they developed strategies, uniting across divides East and West, North and South, to be included.

We think Eleanor Roosevelt was the pioneer of women’s rights in the UN and world arena but I found that progressive feminist ideas came from the South – the so called traditional old fashioned countries. Hansa Mehta, a Gujarat social worker from India, challenged the language “all men”. Minerva Bernardino of the Dominican Republic, fought for a Commission in Women, all as far back as in the 1940’s and 50’s.s

¹ Devaki Jain, *Women, Development, and the UN- A Sixty-Year Quest for Equality and Justice*, Indiana University Press, to be released in August 2005, New York, (Website: www.unhistory.org or book can be ordered from IUP by email: iupress@indiana.edu)

The second experience is participating in person at the CSW (27 February – 1st May 2003), meetings in New York, otherwise called Beijing plus Ten. 6 to 7000 delegates and 2 women Nobel laureates Rigoberta Menchu and Wangari Mathai, both of whom are famous for their Rights activism, attended the sessions.

The experience confirmed the thesis of my book – women are an important collective identity, they bond across difference, unite to transform especially to fight injustice, discrimination and overwhelming POWER. They however always work on how to engineer transformation to each local to global. I will tell you more about this later when I talk about Wangari.

Now to my paper – Human Rights and Economic Development I composed one with many references to ideas with the overall mission of ushering in a more just and peaceful world order.

However, even as I composed that paper, I felt that it was surrealistic to be talking of economic development and human rights, which comes first, which synergizes the other, the questions posed to me, when the reality at the ground in many of our countries is such that there can be no economic development due to lack of finances, old debts, asymmetrical application of trade regimes and the rights violations that are taking place in the international domain in so many areas. I feel extremely pessimistic about our degrees of freedom as an international society, and as a citizen of my country. We heard some of this yesterday especially in our incapacity to challenge the explicit violations of international rule of law by the Transnational Corporation and in powerful “democracies”.

The notion of development as conceptualized by the concept of human development – as something where we invest in human well being and therefore bring in an effective provisioning of the basic needs of people, food, water, health etc. is now not on the global or UN agenda. What has become the vivid presence on the global agenda is something called security.

This notion of security, even though an attempt was made to tame it, or make it benign, through bringing in the concept of human security, by Ogata and Sen² is really about arming ourselves against international terror. This arming against international terror and signing up various types of protocols for sharing of armaments and knowledge about armaments, for promulgating laws, ordinances which would give power to the state to arrest without trial, those suspected of being part of the terrorist networks; this invasion of nations in complete violation of international law – and coupled with this militarism, and the march of the private sector in search of cheap labour and big markets, wanting to the worker's, the laws which protect labour, laws which protect domestic manufacturing, whether in agriculture or industry, to be pulled down - are all huge attacks on what can be called the landscape of global economy and its governance including its attempt to affirm the right of human beings to BE – who am I? as the Professor asked – pointing to the importance of the concept of identity – the conflicts between individual and collective rights. He showed how affirmative of Religious Identity is a collective right.

Religions could be under often rigid authoritarian, as sometimes the Vatican and the Pope are perceived, regimes. In that sense they would be denying of the individuals right as it get

² Commission on Human Security, *Human Security Now* (New York: Commission on Human Security, 2003). The Commission on Human Security was chaired by Amartya Sen and former UN High Commissioner for Refugees Sadako Ogata (<http://www.humansecurity-chs.org>)

translated into a theocratic state. And the analysis of religion is an excellent illustration of how collective identity can suppress individual identity as many religions would not give women the same rights as they give men in participating in the different levels of religious practice. But collective identities like women do in fact organize themselves to fight for rights. In 1971 Swiss women mobilized themselves and voted for women's rights and got it. Men who were in government did not actually give it to them it was claimed fought for and obtained. Similarly, women in Pakistan are fighting for a change in the law or in the perception of the religions capacity to give them more individual rights. These illustrations of collective and individual rights that the Prof. Adrian Loretan brought out indicate also the importance of distinguishing between various forms of rights affirmations.

I would like to bring here yesterdays and today's debates on transnational corporations and human rights affirmation. There was talk of imposing human rights protection conditionalities on these TNCs when they go into invest in a country. One aspect of such conditionalities is called the social clauses and there has been much debate on this idea right through the nineties. For example, one of the social clauses that was being introduced and debated was that countries would not purchase goods which had used child labour.

While this idea of conditionalities appeared a way of landing justice, the developing countries who have a different landscape of poverty, livelihood opportunities and so forth felt this was an imposition and a way of excluding their capacity to export. Thus putting such social clauses was not seen as a solution and it was argued that it hits at livelihoods, it hits at the survival of the poor families, it encroaches on national sovereignty.

So what do we do? . I too agree with Mr. Walser when he says business is business. In other words to ask TNCs whose major drive is to compete and make profit to become philanthropic organizations is absurd. In fact today India and China are following exactly the path that Mr. Walser described as the Swiss models of economic growth. The priorities of India and China are basically to engage in expanding their trade, to export to compete. Asking the TNCs to become philanthropists and think that this can be practiced is, in my view, unrealistic.

What perhaps we need is to look at is other ways in which growth can be generated. Today there is a great critique and rejection of these trade related growth economic models, and a craving to return to development models which strengthen national corporations who in fact can be more accountable to the citizens of a country. It is here that we need to rethink the engines of growth and it is here that there is a failure by civil society and the intellectuals and those who go to the world social forum in making the alternative proposal. One which is both intelligible to those who are in main stream economics, one that shows that growth is valid and possible but which also has in it the protective mechanisms of which can affirm rights.

Another thread that I heard which ran through the conference and especially in relation to "containing" the TNCs was about the global compac and how if the global compac is being implemented, and the TNCs and other corporates are following their guidelines -Viz ABB, the global compac being between the United Nations and corporates. Many speakers mentioned how the corporates would bend themselves to the ethics of the United Nations, which is an upholder of justice and equality, and rights. While the United Nations would also accommodate the fact that transnational corporations are part of the scenario. Many of you may be surprised to know that in Geneva in 2000 at the Social Summit called Copenhagen+5 many of us, non-governmental organizations built a bonfire out of the global compac document. We burnt copies of the compac. We felt it was a surrender of the UN. We

perceived the United Nations as a noble space, a level playing field, a guardian of justice and national sovereignty. We felt that the United Nations signing up with the corporates whose entire motivation, by definition was profit and therefore in some sense not a level playing field, to sign this contract, was in some sense like sleeping with the enemy.

We feel similarly about United Nations submitting to the invasion of Iraq. Many of us feel that the Secretary-General should have resigned at that time to show that the United Nations cannot be bent to serve the interest of just one or two powerful countries.

We know that we need the United Nations but we need it for its original values of equality, of national sovereignty and so on.

This brings me to the human rights education dossiers that I referred to earlier. This experience of documenting rights struggles in India, narratives written by the very leaders of these struggles, provided us with extraordinary insights on how to affirm and claim rights³. This whole conference has been debating how human rights can be actually claimed affirmed and taken to become reality. The dossiers also are an attempt to show that human rights is not an import from the West but a part of the cultures of developing countries.

What we learnt from these dossiers was that if a right is defined by a mass movement, a people's struggle, then that very mass movement becomes the lobby which ensures that the right is guarded. The movement defines what is their right, for example workers who work in homes defined their rights as the right of home based workers to access international labour laws. Similarly those who were struggling with hunger defined their right to food and mounted a huge campaign on right to food and now right to work. These campaigns define the right and then negotiate with the state on how that right needs to be implemented. When the state does not respond there is sufficient critical mass at the bottom which becomes a political movement and pushes the state to give that right.

Our analysis of these stories shows that local power can be affirmed to go upto the global. On the other hand if you think that global legislation, like the ones that we have been discussing here, can be pushed from the top to the bottom in my view is unworkable. Whether it is Mahatma Gandhi or Martin Luther King, they began the struggle by mass mobilization and then affirmed the right of those masses for whatever particular right they were negotiating.

Therefore what I am saying is

- first to endorse Sherron's view , that the protection of human rights is ultimately an ethical choice requiring guts, the power of numbers, information and personal ethics. I will add to that, group identification of a right and then the mass struggle, affirming political power is the most effective means of implementation.
- Second there is a need for a strong movement to upturn hierarchies, power structures. One cannot tinker with existing economic structures, one must not jump on to the bandwagon. There is no scope for implementing international regulations in the world today. Per contra there is need to rethink basics, basics in terms of theories, principles of multilateral regimes.
- Three, It would be important for organizations and civil society forums like this one to prepare an alternative report on UN reform, that analyses the

³ Self-Employed Women's Association (SEWA) & Home-Based Workers in India Their struggle and emerging role. KWIRC Human Rights Education Dossiers 2002

existing economic architecture and suggests the revival of level playing fields, the indivisibility of rights etc. The existing UN reform document concentrates on militarism and security.

If we do not do this, the world we are living for the new actors who are the constituency called to this forum namely the younger generation, is a fear ridden, armed world with polluted air and water.

There was a time when we could put forward ideas such as that for the poor these rights, whether they have the right to protest, or the right to eat, namely the political rights given by the democracy and the economic rights given by development are inseparable. We could talk about the importance of the indivisibility of rights. We could even talk about the importance of collective rights and the debate between collective rights and individual rights and how for fishing communities and forest based people, collective rights has to have a value when we are talking of the universalisation of human rights as conceptualized in the UDHR.

We could bring in the various aspects of armed conflict and talk about the importance of extending the international legislation to include the special violation of rights that women and children face in armed conflict. So on and so forth and I have given space to this in my paper.

However, as I left the shores of India, to come to this meeting, and as I read the news and the Seoul documents listed below and their arguments listed below, I must confess that I had a sense of defeat, a sense that discussing the niceties of the links between economic development, human rights and addressing the global economy was like fiddling when Rome burns.

Here is some of the Bad News.

There has been an open arm welcoming spirit in our Prime Minister towards Pakistan. The Pakistan cricket team played cricket in Bangalore. There was so much bonhomie between the two countries with Mr. Musharraf's mother visiting Calcutta and then her old college in Delhi and people falling over each other to feel close. In fact the Indo Pak dialogical process of resolving conflict, was becoming a model, perhaps even deserving of the Nobel Peace Prize some day.

And then comes this dagger of arms sales, from the US ostensibly to protect Pakistan from the Al Qaeda, putting anxiety in the Indian defence and foreign ministries and spoiling the official dialogues.

India and Pakistan are being 'dealt with even handedly' by the United States. They are both being given F16s and each is asking what else the other will be given, and whether one would also learn how to make those weapons. The United States has thrown a stone into the peaceful water, or disturbed the glorious opportunities, spaces, negotiations, conversations and initiatives that have been taking place between India and Pakistan, to usher in peace and heal the old wounds.

Another piece of news is the Indian labour ministry wanting to 'reform' India's labour laws to enable India's trading sectors to be more competitive especially to ... with China. This reverses all that we have learnt over the last 20-25 years from Latin America and from East Asia, that the fly by night techniques used by trans national corporations to shift their

production units from country to country, region to region, depending on the cheapness especially of labour; as well as the terrible conditions under which labour is used in these manufacturing units, is a violation of national sovereignty and weakens the state's capacity to protect the worker. Workers, especially women workers, are almost like slaves in the units of production. This has been vividly portrayed in the latest UN WORLD Survey on the Role of Women in development 2004.⁴

India has had a positive experience of strong trade unionism and also the emergence of what we call women's trade unions of self employed as well as home based workers⁵, of street vendors and so on to provide the voice for job security and protection of the worker. But into this strong bastion of worker protection, comes the influence of the private sector especially the trans nationals, who would like to have these laws dismantled so that they can do hiring and firing on flexible contracts.

Another piece of news was the paper presented by a Chinese economist at the Ford Foundation in New York, where she pointed out that the most important characteristic of the fast growing Chinese economy today was 'informalisation'. She provided evidence to show that since the state had passed on to the village council the legal power to contract with the MNCs for the local production units of the MNCs, and the local village council and the unit, and there was no legal framework to which they could appeal, workers now were not even paid the wages in this fast growing economy and there was no recourse available. The State had abrogated its right to protect the worker.⁶

One more bad news, the latest UN report on eco systems .It reveals the ecosystem assault on basic natural resources.

There is enough for the experts to warn that the ongoing degradation of 15 of the 24 ecosystem services examined is increasing the likelihood of potentially abrupt changes that will seriously affect human well-being. This includes the emergence of new diseases, sudden changes in water quality, creation of "dead zones" along the coasts, the collapse of fisheries, and shifts in regional climate.⁷

So much of various types of terrorism being launched on the planet and its people, it seemed too sophisticated and intellectual and academic to discuss the niceties of these connections. My spirit and my body felt that we should be 'screaming' from forums like this and providing platforms to literally deconstruct the various types of power structures under which we are operating- including economic models.

But there is good news and that is the words of the Nobel Peace Laureate of 2004, Ms Wangari Mathai.

A calming influence I heard in New York was the voice of Wangari Maathai who smilingly and peacefully gave us many anecdotes and ideas for beginning what could be called a non violent campaign, which would deconstruct the huge fires that are burning us all out.

⁴ Minister harps on labour while industry talks of reform, The Financial Express, New Delhi, March 30, 2005

⁵ "SEWA and Home-Based Workers in India: Their Struggle and Emerging Role." Paper presented at the Workshop on Indigenising Human Rights Education in Indian Universities, Bangalore, December 2001

⁶ Ching Kwan Lee, University of Michigan, USA, "Livelihood struggles and market reform: (Un)making Chinese labour after market reform", paper prepared for UNRISD Conference, Gender Equality: Striving for Justice in an Unequal World, 7 March 2005, Ford Foundation, New York

⁷ 'Eco degradation roadblock to human development', The Financial Express, 31 March 2005

She called attention to the links between her grass root movement, the planting of trees, as calling attention to the need to be more involved in the conservation of natural resources. She went further to point out that it is unequal access to natural resources along with the depletion of natural resources that was basically the cause of the little and the big wars. In other words, again, the link between inequality **peace** and **natural resources**.

She made a link between the availability of natural resources and women's basic needs, i.e. the items that were crucial in women's domain, however stereotyped that domain might be. Thus the shortage of water directly added to women's burden and it was shortage of water that was coming up due to both the removal of trees, the careless exploitation of natural resources to which injuries is added the injury of *privatization of scarce resources like water*, an idea that is part of the current economic paradigm ruling the world... the market driven economic impulses

In drawing attention to conflict, she went quite deep and broad in saying that even the Iraq war amongst others like the local wars in Congo and Angola, were all for the sake of access and domination over natural resources. Therefore by attending to natural resources from local to global, we were actually fulfilling the vision of women, namely for a peaceful world.

Finally in a subtle way, Wangari related the parable of the humming bird, - which she said she had learnt from a Japanese environmentalist – Once there was a large forest or bush fire and all the animals and birds fled, but for one humming bird which picked up with its beak drops of water from a river and dropped them on the fire. When ridiculed by the rest of the animals who had fled, she said, "I am doing what I can do" Wangari Maathai then smiled and said "and may be if we do what we can do, we can even put out the *Bush fire!*"

Forums like this one, need to go beyond looking at how to let global compacts be implemented. They need to raise their voice against the larger issues that have been flagged in my paper. They need to pull together the alternative UN reform report and support the grassroots, the local voice to rise to the global level.