



International
Land
Coalition



Kenya Land Alliance

Global Learning Programme on

Human Rights In development

Learner's report

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1.0 Introduction:

The Global Learning programme on Human Rights in Development was organized primarily by the Dignity International and carried out between 1st and 10th December 2005 at the Fairview Hotel, Nairobi, Kenya. Participants were drawn from different corners of the world with representation from all continents but Australia.

The course delivery mechanism was predominantly action learning, mainly through team activities, case studies and games depicting real life situations and approaches to deal with different situations.

The course was divided into ten sessions, each guided by specific learning objectives. The programme was also dotted with field-based activities aimed at enhancing the learners' real life experiences of dealing with Human Rights in development context.

The workshop report is attached to this trainee's report. As such, this report will highlight the learning experiences in different sessions and recommendations for furthering the rights of land dependent communities in face of changing developmental paradigms.

2.0 Important lesson

SESSION 2: UNDERSTANDING HUMAN RIGHTS - HUMAN RIGHTS VISION

Learning Objectives:

- ❖ To elicit Participant's thoughts on Human Rights
- ❖ To Encourage simple and accessible explanation for Human rights
- ❖ To reflect on Power and its relation to Human Rights
- ❖ To reflect on Actors involved in delivery (or failure) of Economic, Social and Cultural rights

Lessons

1. This session explored the difficulties that are experienced in achieving and protecting Human Rights in different context. Of particular importance is how the International Human rights instruments are interpreted and enforced to local situations and by development and Human Rights workers. Realization of Human Rights requires that the people themselves are able to understand their rights and demand them other than receive them as if they were work of charity. In many situations however, government fulfilment of ESC rights is interpreted as favours to the recipient and not as an obligation on the part of the government. Monitoring the achievement of government obligation in protecting, fulfilling and respecting human rights for their progressive realization, as is the work of many human right activists, requires that they too are able to interpret the contents and standards of Human rights in relation to the local situation and their interrelations.
2. Challenges of protecting human rights in emergency or disaster situation also came to focus. Under such circumstances, the urgent attention is given to meeting the immediate needs and this often compromises on the long-term realization of rights of victims in the disaster or emergency situation. It brought to focus, the need to particularly be watchful specially for the rights of Vulnerable groups like those affected by HIV/AIDs, people with disability, illegal immigrants, refugees and Internally displaced Persons, women, 'terror' suspects, prisoners as well as poor and political minorities.
3. The role and sources of power (political or economic) are also critical in determining how well the Human rights are protected and realized. The use of such power however is dependent on the intentions of the power holder. For this reason, there is need to understand these when dealing with Human Rights

SESSION 3: UNDERSTANDING DEVELOPMENT – DEVELOPMENT VISION

Learning Objectives

- ❖ To encourage simple accessible explanation to development
- ❖ To understand different approaches to development
- ❖ To articulate the relationship between gender and development
- ❖ To focus on the impact of development on marginalized groups

Lessons

1. Depending on how development initiatives are implemented, they can greatly empower or critically dis-empower communities on realization of their dignity and Human Rights. While agreeing that development is basically progress to better lives, the active participation of communities in their own development is vital in empowering them and safeguarding their dignity. Human Right watchers must therefore get interested in development work if only for the purpose of mitigating risks of Human Rights abuse in the development processes.
2. The rampant gender bias in resource control has largely disempowered women in determining their own destiny. Like many other marginalized groups, development targeted at them does not necessarily mean realization of their dignity and by extension their rights as it reduces their control over their own lives. For women and other marginalized groups to realize their Human rights, more control over resources need to be assured as this would also enhance their self-worth.

SESSION 4: GLOBALISATION, DEVELOPMENT AND HUMAN RIGHTS – WHAT’S THE LINK?

Learning Objectives:

- ❖ To understand how people in different parts of the world perceive other regions and what influences their perception
- ❖ Build a map of the world regions and; using media reports, outline actors and their role in globalization; and issues that represent their perceptions of those regions
- ❖ To understand main regional and global challenges and advances for Human Rights and development in a globalized world
- ❖ To understand the drivers of development
- ❖ Begin to identify linkages between actors/issues and development/globalization in relation to human rights

Lessons

1. Development in the conventional context has been responsible for the denial of Human rights to the marginalized groups. At the same time, global development does not translate in localized development and may in many cases actually cause retrogression. A good example the international trade policies that have disempowered and impoverished farmers and other primary resource producers in the poor countries that cannot afford subsidies. Although ideal development process is guided by principles of participation, solidarity, equity and equality, non-discrimination, and empowerment, these principles are actually the sole pillars of Human Rights work. The convergence between Human Rights and Development cannot therefore be ignored. Human rights actors must empower people with skills and knowledge to watch out for their own rights in development arena.
2. The policies guiding globalization have had negative impact on marginalized communities across the world; in both the north and the south. While good governance and democratic institutions are essential for many areas of the world, in some regions the so-called “democracy” is not a real guarantee for the exercise of

all human rights for all. Economic and political power relations are also crucial in realisation of human rights.

SESSION 5: WHAT ARE HUMAN RIGHTS INSTRUMENTS AND HOW DO THE CONTENTS RELATE TO DEVELOPMENT?

Learning objectives

- ❖ To understanding human rights language/ jargon
- ❖ To internalise human Rights instrument, standards and contents
- ❖ To explore sources of Human Rights
- ❖ To explore the world institutional arrangement for the human rights

Lessons

1. Although the Universal Declaration on Human Rights marks the beginning of formal codification of human Rights, the exercise and recognition of Human rights is far older and was embedded in traditional norms and practices of many societies. When seeking application of human rights norms, it is important to explore numerous sources that include Instrument Contents, Court work/case law/jurisprudence, or established Human Rights Standards.
2. Although many state governments have ratified the Human Rights instruments, their citizens do not take them to task for their realizations due to numerous challenges including lack of awareness on such commitments, failure to domesticate the provisions of such international instruments and lack of legal capacity to challenge the governments to protect, fulfil and respect such rights. Human rights organizations must take, as part of their responsibility, the duty to fill these gaps to empower marginalized communities to demand their rights.
3. Although there are many international and national institutions charged with ensuring protection and realization of human rights by National Governments and other duty bearers, their accessibility is often hampered by the bureaucracy around them and lack of knowledge on their existence and mode of operation. Local to global linkages are necessary to overcome these barriers. Organizations working at community level must forge coalitions and alliances with global level human rights organizations especially those with access to global bodies working on human rights issues, and vice versa.
4. Monitoring Human Rights requires attention to details as their realization or lack of it may in some cases be implied and not direct. For example settlement of landless people may seem on the face value to be a realization of right to housing, but may be infringing on cultural rights of a community if the housing scheme is not in line with the cultural norms of such a society.

Session 6: Obligations of different actors

Learning objective:

- ❖ To understand the multiple duty holders in relation to Human Rights
- ❖ To introduce the concept of obligations for Human Rights
- ❖ To familiarize with International instruments and General Comments and how they relate to development issues
- ❖ To identify contents of rights in relation to specific obligations.

Lessons

1. In order to effectively monitor the realization of Human Rights, it is important to understand the key obligations of the state as Non-Discrimination at all levels and that in relation to all rights the State also has a duty to Respect, Protect, and fulfil rights of its national citizens and other persons within its borders.

In particular focus to ESCR, the state is required to ensure realization of rights;

- a) *To the maximum of its available resources* — which means that governments are required to use every available resource in their countries to ensure the realisation of rights;
- b) *Through their progressive realisation* — A critical concept which means that a state party should go forward in the realisation of all rights for all and hence that a regressive measure (a policy, programme, law or measure which goes backwards) is a violation of this obligation.
- c) *Take appropriate measures* — governments should take all appropriate measures including legislative measures to ensure the full realisation of rights. The measures should be real and meaningful and an example was given of some Latin American countries, which have passed legislation on the realisation of ESC Rights without setting aside budgets for the realisation of the same.

2. Non-state actors also have Obligations especially development companies and Trans National Companies. Many of these companies carry out development and service delivery that has an implication of the realization of rights of the target communities, be it in houses construction, food sale/provision, education services, e.t.c. Again, monitoring Human rights situations call for attention to details to assess and determine if the activities of Non State actors further or threaten the enjoyment of Human Rights. Unfortunately, some of the Trans National Companies are stronger than the governments they negotiate with and as such they always do have an upper hand in whatever they wish to do. This may threaten the capacity or political will of the state government to protect, or respect human rights of their nationals.

SESSION 7: STRATEGIES

Learning objective:

- ❖ To discuss skills for strategising through litigation, advocacy, lobbying, campaigns, to enforce duty holders accountability

- ❖ To explore strategies for multi lateral institutions, United Nations Human Rights mechanisms and interagency collaboration for Human Rights and Development.

The strategies to use differ at the grass roots level from those at the global level. This is necessitated by the difference in actors involved and the targets at the two levels.

Lessons

1. Grassroots Strategies for Human Rights and Development Advocacy necessitates an approach that utilizes strategies generated locally and those that equip and empower the grassroots communities to learn and demand for their rights. This is mainly for learning on human rights other than provision of human rights goods.

Global strategies on the other hand require understanding the operations and actors at the global level, and building and utilizing necessary alliances.

Session 8&9: Human Rights based Approaches

Freedom from fear and want are fundamental in achieving human dignity. The Covenant on Civil and political rights, as well as Covenant on Economic Social and Cultural rights are designed to provide or ensure these freedoms respectively. Development approaches that are driven by needs alone diminish the dignity of the receiver other than enhancing it, which requires subjective participation of the target groups in achieving transformation or development. This is the basic reason why human rights based approach need to be incorporated in development work.

Emphasis, once more is on empowering communities on Human Rights knowledge that they may actively demand for them other than being passive recipients. A holistic Human Rights learning experience must encompass the knowledge, skills, attitude change, perspective and self-awareness. A complete and empowering learning experience will not only equip communities with knowledge of their rights but skill to effectively establish monitoring, review and evaluative strategies for their progressive realization no matter the situation they find themselves in.

3.0 Recommendations for Global ILC Network

- 1) The lessons capture in this report are interpreted as they relate to real life situation of enhancing realization particularly of ESC rights. Organizations working on ESC rights directly or through advocacy should have adequate capacity to facilitate realization of Human Rights in a sustainable manner through an enhanced a learning process with their target communities
- 2) Real dignity to communities will come from people demanding their Human Rights. Programme initiated and implemented by ILC and its partners must incorporate a learning component for the target communities, which will empower them not only to demand, receive and protect their rights but to also monitor their progressive realization.
- 3) Many grassroots and National organizations working on Human Rights issues do not have access to the International Treaty Bodies and other institutions dealing with development policies that have a bearing on realization of Human Rights at the local level. Direct Partnership with ILC particularly to bridge this gap would be useful especially for National Level Organizations not currently accredited to these bodies. At the same time, such partnership would enrich ILC participation and engagement with such bodies and institutions with issues from the grassroots.