

AN EXERCISE IN WORLDMAKING

Institute of Social Studies
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evaluated and published by students
from the class of 2007

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Foreword

In September 2006, 189 development practitioners, civil servants, NGO workers, activists, economists, and private sector workers from over 50 countries converged at The Institute of Social Studies (ISS) in The Hague. Through the Master's in Development Studies program, their common goal was to better understand and start to unpack the assumptions and underlying processes that serve to propel forward or constrain development. This rich diversity of experience and perspectives offer a truly unique platform to critically explore contemporary development practice and theory, and seek out new possibilities for the future.

The concept of development is itself broad and varied, encompassing many disciplines, views, and agendas. Defining and framing development can be highly contentious. Yet it is this process of contestation and redefinition that inspires innovation. At its best, development is a continuing process of worldmaking, addressing core questions that greatly impact our time: How do we create a world that is more humane, more just and sustainable, where all people's needs are met? Whose voices are heard in development processes and initiatives? Any attempt to answer these questions must be framed from the variety of local, regional, and transnational contexts where development 'occurs' and is designed.

This second edition of *An Exercise in Worldmaking* continues the tradition of highlighting the valuable diversity of knowledge that the ISS student body brings to the field of development. By presenting the best 17 essays of the 2006/07 MA program, this book seeks to reflect the study and critique of development theory and practice from different areas of the development arena, and from the multicultural backgrounds of ISS students. It is our belief that this breadth of perspective is crucial to change the way in which we conceive of and actualize development.

An Exercise in Worldmaking provides an insight into the issues that the student body felt were most relevant to current development debates. The themes of trade, neoliberal policy, and gender emerged as recurrent themes across many of the essays. Other themes in this book include education, informal labour markets, resource use and management, social movements, international humanitarian law, migration, participation, public management, urban poverty, and the future of development aid.

Importantly, this book is meant to foster a continuity of academic exploration between our MA graduating class and those to come, so that the next groups of ISS MA students may benefit from the ideas and issues we grappled with.

The Process

The methodology of this book is modelled after last year's 2005/06 Best Student Essay book. This year's book was created in a participatory process that involved the entire student body of the ISS class of 2006/07. The best 17 essays from a group of 86 were chosen based on four areas of student-driven criteria:

- Quality of Research
- Depth of Analysis
- Relevance to Development Practice and Theory
- Presentation and Organization

The 2006/07 Editorial Committee amended some of the selection criteria previously used in the first edition. Instead of requiring that essays considered for the book received a mark of 85 or higher, meaning that they met the Institute's criteria for a 'distinctive' essay, it was decided that the three essays with the highest marks in each class from Term 2 and 3 of the ISS 2006/07 school year would be considered for this book. This amendment was based on the understanding that grading criteria for essays varied across disciplines. To be chosen for the book, the essays had to receive the highest mark in the second process of evaluation, which consisted of 51 student evaluators reading and evaluating each essay using the criteria listed above.

The student evaluators were recruited on a volunteer basis. The 51 student evaluators for this year's book represented diversity in gender, disciplines and world regions. As in last year's process, each evaluator read 3-4 essays, and each essay was read and marked twice by two different evaluators to generate an average mark. This process was completely anonymous. The 86 essays were delivered to the Editorial Committee with only the course number attached. The student evaluators did not know whose work

they were evaluating and the authors of the essays did not know who was evaluating their work.

This final evaluation left us with 17 outstanding student essays. Remarkably, like last year's book, there are three authors that have two essays in this year's publication. It was decided to allow the participatory selection process that we designed to determine who was published in order to maintain consistency. The essays chosen represent the best student essays as chosen by the graduating class of 2006/07.

The first edition of this book sought to create a dialogue between the learning process of last year's MA students and that of ISS students to come, as well as a tool for self-reflection. We wish to carry this vision forward and reaffirm this 'intergenerational' dialogue. It is in this spirit that we present this collection of essays, offering gratitude to the students of our 2006/07 graduating class, and the sincere hope that the 2007/08 MA group may also benefit from and build upon this work.

SCHOLAS Editorial Committee 2006/07

1

TRADE LIBERALIZATION AND DESOLATION: GENDERED EFFECTS OF LIBERALIZATION ON THE ZIMBABWEAN ECONOMY, STATE, POPULATION AND WOMEN

LYNN JULIA ZEBEDA

ABSTRACT

This paper investigates what effect trade liberalization under Structural Adjustment Programmes (SAPs) has had on the state, economy, and population of Zimbabwe. It finds that while trade liberalization was put forward as a solution to economic crisis, it has exacerbated the crisis in every dimension of Zimbabwean society. In the economy, trade liberalization decreased competitiveness, reduced income from trade, lowered growth rates in most economic sectors, and created massive unemployment, resulting in an informalization of employment—especially female labour. Regarding the state, trade liberalization reduced government control over trade policy, negatively affected revenue and contributed to popular disaffection towards the ruling party. Concerning the population, there was an increase in poverty, which disproportionately fell on women and created a trend toward matrilocalisation of production and reproduction. Social pensions are proposed as a strategy of relief for the latter development. In contrast to current pension schemes, which are exclusive and employment-based, universal social pensions would effectively target the elderly and their extended families.

INTRODUCTION

The 1980s debt crisis was the most severe crisis in the Third World in decades. As the documentary *A Fate Worse than Debt* shows (George, 1989), large balance of payments (BOP) deficits and sharp increases in

oil prices caused capital flight and bankrupted governments in the developing world. Structural Adjustment Programmes (SAPs) were presented by the IMF and World Bank as the ultimate solution to this crisis, offering a standard package of measures that were supposed to cure economic malaise. In most countries, however, SAPs only exacerbated the crises.

This paper will examine one of the key SAP measures: trade liberalization. My objective is to analyze how Zimbabwe was affected by trade liberalization in the years after the policy's implementation and to offer one feasible policy option to address adverse consequences. These issues will be explored by asking what effect trade liberalization has had on the three main dimensions of Zimbabwean society—the economy, the state, and the population—and what policy measure could successfully address pressing issues arising from trade liberalization. My focus will be on the frequently underexposed, gender-differentiated effects of trade liberalization on Zimbabwean women.

I chose Zimbabwe as a case study because it fully implemented trade liberalization under structural adjustment, hoping for the results promised by the IMF. However, as I will argue, the consequences of trade liberalization have left Zimbabwe worse off than before adjustment. The population has not suffered equally: women have borne a disproportionate part of the burden of adjustment.

In this paper, I will begin by providing insights into key theoretical concepts, which I will then apply to analyze the Zimbabwean case and illustrate the claim above. These concepts are the gender division of labour; the household; informalisation; and the flawed neoclassical theory of trade liberalization. After giving a brief overview of the trade liberalization measures implemented in Zimbabwe, I will separately highlight the effects on economy, state, and population. Finally, I put forth universal social pensions as a solution for the matrilocalisation of reproduction and production, which has put an increased strain on elderly, female Zimbabweans.

1 THEORETICAL OVERVIEW

1.1 Trade liberalization

Neoclassical theorists have put forth trade liberalization as a measure to improve a country's economy and to generate wellbeing. Their main ar-

guments are that liberalization efficiently allocates resources, supports industrialization, encourages domestic firms to export and diversify, and increases competition, thereby removing inefficient producers from the market. Consumer wellbeing is said to be augmented through an increased choice of high quality, cheaper consumer goods (Roever, 2007:1). Over the long run, trade liberalization is supposed to lead to export-led economic growth. Yet, according to Kanji and Jazdowska (1993), this model of growth ‘only serves the interests of international and national elites and has little to do with concepts of development which involve meeting the basic needs of the majority’ (1993:11-12).

The main instrument for liberalizing trade is the rationalization of a country’s import regime, usually through the reduction or elimination of trade restrictions, such as import tariffs, import quotas and export subsidies. An additional instrument of trade liberalization is the flexibilisation of the national exchange rate, since downward adjustments of the exchange rate theoretically help to restrain imports and maintain a country’s competitive advantage in exports (SAPRIN, 2002; Krugman and Obstfeld, 2003). Lastly, trade liberalization promotes improved access for foreign and multinational companies (Kanji and Jazdowska, 1993:11).

In what follows, I will critique this theoretical depiction on the grounds that the effects of trade liberalization are significantly less rosy than neoclassical theorists assert. Without policies and institutions that support industrialization and fair distribution of the benefits of trade, liberalization will in fact exacerbate poverty and economic crisis (SAPRIN, 2002:27).

1.2 Gender Division of Labour and the Bargaining Model of the Household

The gender division of labour assigns women and men different responsibilities. While men in many societies are seen as the ‘breadwinners,’ women are assigned to generally undervalued and unpaid reproductive tasks. These include the provisioning of basic household needs, caring for children and the elderly, and performing community work, activities which take up large amounts of women’s time. These activities are strongly connected to the productive economy, as they reproduce the present and future labour force (Roever et al, 2007:9). Moreover, in times of economic crisis, women bear the burden of adjustment as they

use their unpaid labour and community work to develop strategies for the survival of their families (Elson, 1992:26).

Within the household as within the broader society, there exists a gender division of labour. However, these gendered responsibilities, choices, and household decisions are not entirely fixed by the gender hierarchy. Rather, they are constantly bargained over by individual members of the (extended) family. The bargaining power of individual household members is determined by many factors, including members' (perceived) interests and contributions to the household, their access to communal resources, and the social norms that affect their bargaining power outside the household (Agarwal, 1997).

Applying these concepts to the Zimbabwean case will show that trade liberalization under structural adjustment has had a more negative impact on women than on men, because their already heavy burdens in the household and community dramatically increased.

1.3 Informalisation and women

Informalisation of the workforce refers to the increased reliance on informal employment in the global economy—both within and outside informal enterprises. The informal sector is distinct from the criminal economy (which trades in illegal goods) and does not include the reproductive economy, which is unpaid and therefore not part of the market. Common characteristics of informal employment are that, contrary to formal employees, informal workers face irregular employment openings, uncertain earnings, no contracts, no worker's benefits and representation, and hence no work-related social protections (ILO, 2002). Because mechanisms to regulate informal employment are inherently difficult to implement, and because informal employment is increasing, social protection for informal workers should be universal and citizenship-based rather than employment-based (ILO, 2002).

Women are often more vulnerable than men to sliding into the socially unprotected informal sector. When households face the need for additional income, women are often held responsible for making up the difference, despite the fact that they have fewer opportunities than men to engage in formal productive activities. Therefore, large majorities of poor women in developing countries work in the informal sector. Yet even within the informal sector, women tend to engage in less profitable jobs than men (Kanji and Jazdowska, 1993:12). Understanding the gen-

dered outcomes of labour informalisation will help deepen understanding of the gender-specific effects of trade liberalization.

2 FINDINGS: THE GENDER-SPECIFIC EFFECTS OF ESAP ON ZIMBABWE

2.1 Trade liberalization in Zimbabwe: what was done?

In Zimbabwe, trade liberalization under the Economic Structural Adjustment Programme (ESAP) of the IMF and World Bank started in 1991, as a reaction to the stagnation and economic decline of the late 1980's (UNDP, 2003:6). Applied as a one-size-fits-all solution, quotas were abolished, tariffs were reduced, the exchange rate was flexibilised, and the Zimbabwean dollar was devaluated. Entrance into the WTO, the regional trade blocs SADC and COMESA, and bilateral agreements further liberalized Zimbabwe's economy (SAPRIN, 2002: 31-34). When the Zimbabwean government recognized that the consequences of trade liberalization only served to fuel poverty and inequality, ESAP was replaced by the domestically designed Zimbabwe Programme for Economic and Social Transformation (ZIMPREST), which was in place from 1998 to 2000 (UNDP, 2003:6), followed in 2001 by the Millennium Economic Recovery Program. However, neither program was successful in relieving the immense poverty and insecurity created by ESAP (UNDP, 2003:6). This was partly due to the damage done by the gender blindness of ESAP trade liberalization policies. Where trade liberalization theoretically aims at improving economic efficiency, in practice, it may actually translate into shifting the costs of liberalization from the productive to the reproductive economy (Elson, 1992:34). As a result, women disproportionately carry the burden of structural adjustment.

2.2 Effects of ESAP on the Zimbabwean Economy

Prior to the ESAP program, Zimbabwe had a relatively strong and diversified economy (Gibbon, 1995, cited in Riphenburg, 1996:530). Trade liberalization under ESAP, however, left many aspects of the economy worse off. Within two years of the ESAP implementation, Zimbabwe was downgraded from a middle- to a low-income country (Kanji and Jazdowska, 1993: 17). In contrast to the promised increase in competition throughout the economy, while some large-scale manufacturing companies did manage to re-equip and become more competitive, this

development did not extend to small and medium-sized companies and agricultural firms (Gibbon, 1995: 29, cited in Rippenburg, 1996: 528). With reference to the promised increases in trade-related income, the devaluation of the currency had the opposite effect: in the years after ESAP, the value of imports rose more than exports, so that trade and current-account deficits increased, thereby exacerbating the foreign debt load (SAPRIN, 2002: 54).

In terms of economic growth, total GDP growth dropped from 5.3% in the period 1985-1991 to 3.2% in 1992-1997 (SAPRIN, 2002: 37-38). A few sub-sectors did gain from trade liberalization: These successful industries were agro-processing and domestic resource-based production, in which growth rates ranged from 18.5% for dairy products and 86.2% growth for beverages. However, in the high technology and traditional manufacturing sectors—the latter employing the majority of women (Kanju and Jazdowska, 1993: 15)—trade liberalization reduced both real wages and overall employment (Bjurek and Durevall, 2000: 477). The weakest performers in these sectors included textiles and clothing industries, wood and furniture processing, and equipment manufacturers. Growth rates ranged from 7.3% for textiles to 21% for iron and steel. Rather than augmenting the wellbeing of the population, liberalizing trade to allow cheap imports from countries like Taiwan contributed to the unemployment of 15,000 textile workers in the years 1992 to 1997 (SAPRIN, 2002: 38-43; McGow, 1995).

Unemployment due to contraction in many economic sectors was not solved by job creation, which could not even accommodate the annual 183,000 new labour market entrants (SAPRIN, 2002: 50). As a result, many of the labour market entrants and retrenched workers had to shift to 'low quality' informal-sector jobs. Around 2 million Zimbabweans shifted to the informal sector in 1996 alone (Saunders, 1996). Due to the traditional gender division of labour in Zimbabwe, 'women have been the main victims of retrenchments in the formal sector and, as a result, have been forced to stay home or engage in informal businesses in which incomes and other benefits are at a minimum' (SAPRIN, 2002: 53). With the contraction of domestic industries, women were forced to supplement the household income with informal activities (SAPRIN, 2002: 50-52), intensifying their work in traditional women's activities, such as pottery, mat making, gardening, and small-scale livestock raising in rural areas, and knitting, crocheting and selling fruit and vegetables in urban ar-

eas. In many instances, however, the extra productive activities that women took on as a reaction to ESAP were not helpful in generating extra income. Where these activities did provide an extra income, 'it [was] at the cost of even longer hours of work' (Kanji and Jazdowska, 1993: 21). The women's survival strategies were further undermined by the broader framework of falling demand and increased competition throughout the economy (Kanji and Jazdowska, 1993: 21). It was found that women were even further burdened, because their male counterparts—who were also facing increased pressure due to unemployment—'were able to call on their wives' labour while women could not do likewise with their husband's labour' (Batezat and Mwalo, 1989, cited in Kanji and Jazdowska, 1993: 13).

2.2 Effects of ESAP on the Zimbabwean State

Before the implementation of ESAP, the Zimbabwean government strictly controlled the exchange rate and flows of trade and foreign currency (FAO, 2003). Trade liberalization reduced this state control, and thereby the government's ability to protect domestic businesses from being blown away by foreign imports (SAPRIN, 2002: 30).

In terms of government revenue, trade liberalization has had both positive and negative effects in Zimbabwe. On the positive side, as the Zimbabwean dollar depreciated, imports became worth relatively more, and tariffs on these imports were raised (Gunning, 1996: 163-164). However, this gain was moderated by the fact that reduced import tax rates decreased total government revenue (Bautista and Thomas, 2000: 9). Another, more indirect way in which trade liberalization reduced revenue was through the expansion of the informal sector, as described above. As it is very difficult to install mechanisms to tax informal productive activities, government revenue diminishes as the economy informalises (Chikowore, 1998).

Lastly, the negative effects of trade liberalization under ESAP—notably the contraction of manufacturing sectors and increase in unemployment—contributed to the hostility towards president Mugabe's ruling party ZANU(PF), which had previously been committed to a mild form of social welfarism (Saunders, 1996).

2.3 Effects of ESAP on the Zimbabwean Population

Although the Zimbabwean population was not consulted in the implementation of the ESAP measures, the people were told by the government to 'tighten their belts' for a few years during the implementation of the reform program (McGow, 1995). According to the World Bank, 25% of the Zimbabwean people were poor in 1990, meaning that they 'didn't have sufficient purchasing power to secure access to a basic consumption basket of food, clothing, shelter, education, health services and transport' (McGow, 1995:11). Due to trade liberalization and the associated rise in unemployment and fall in income, however, poverty rose by almost 10% during the five years *after* the implementation of the ESAP (Bond, 1996). The vulnerability of the impoverished was further exacerbated by a severe drought in 1992.

Among the poor, women have been more severely affected than men. Not only did women have less access to income, resources and skills than men to begin with, but poor women tend to be a socially less organised group (Kanji and Jazdowska, 1993: 23).

In a small-scale household survey conducted by Kanji and Jazdowska, men considered that women and men had been equally affected by consequences of trade liberalization (such as higher price levels and lower incomes). Women, on the other hand, felt that they were worse off, because 'women [are] more concerned with household consumption and welfare' (Kanji and Jazdowska, 1993: 22). In households where women had little income of their own, they had to bargain and plead for money to buy food and household items (Kanji and Jazdowska, 1993: 16).

In the informal sector and in Zimbabwean households, trade liberalization under ESAP contributed to a trend of 'matrilocalisation of production and reproduction' (Gibbon, 1995: 33, cited in Rippenburg, 1996: 529-30). In other words, senior male household members increasingly withdrew from both productive activities and from contributing to household expenses and decisions, while relatives of elderly female members joined the household. This, in combination with increased costs of living, meant that women's 'financial and domestic responsibilities were stretched to the limit' (Gibbon, 1995: 33, cited in Rippenburg, 1996: 529-30).

3 SOLUTION: UNIVERSAL SOCIAL PENSIONS IN ZIMBABWE

3.1 Current Pension Scheme

The current pension arrangements in Zimbabwe fall under the Social Insurance System, which has been in place since 1993. All *employed* Zimbabweans between the ages of 16 and 65 are eligible for participation in the Social Insurance System. The funds for this system consist of 3% of the monthly earnings of the insured person (up to a maximum of Z\$750 per month), with no government contribution. To qualify for an old-age pension, the potential beneficiary must be aged 60 to 65 and must have contributed earnings to the insurance system for at least ten years. To receive (non-work related) disability support, a person must have contributed to the pension system for at least 1 year. The disability pension equals 4.5% of the beneficiary's monthly earnings, multiplied by the number of years of contribution (to a maximum of 30 years). Survivor benefits, which are paid if the deceased had been receiving a pension at the time of his death, are equal to a lump sum of 40% of the pension for the widow(er); 40% for children under age; 12% for parents; and 8% for other qualified dependents (ISSA, 2005).

3.2 Social Pension for Relieving Poverty

Considering the aforementioned trend of matrilocalisation of production and reproduction, replacing the current limited pension system with a more extensive social protection programme would be a solution for relieving the extreme poverty that trade liberalization under ESAP has provoked. Because senior female household members are already taking on an increasingly central position in providing for reproductive and productive labour in order to sustain an increasing number of relatives within a single household, using a more universal social insurance mechanism to increase general household income is likely to be effective.

As described above, trade liberalization shifted women's energy away from formal employment options and towards added reproductive duties and informal productive activities. Hence, an effective pension scheme cannot be exclusive and employment-based as it is currently, but should rather be a universal, citizenship-based entitlement.

One successful example of such a pension has been implemented in Namibia, where social pensions were universalized in 1973. Pensions are administered electronically to reduce logistical problems, using 'a com-

puter-based biometric identification system and well-secured vehicles for making cash payments' (Devereux, 1992: 20). The benefit is equal to roughly €25 per person per month. Coverage varies from region to region but it reaches between 50% and 85% of the elderly. In total, pensions account for 3.4% of government spending (Devereux, 1992: 17-19).

Granted, a universal old-age pension may still not be the ideal method to reach the poorest of the poor for several reasons. First, age does not necessarily correlate to poverty, and the rich tend to live longer than the poor. Death is of course unpredictable and increases the insecurity of survivors, who may not be eligible for a survivors' pension. Finally, although they may be better off than subsistence farmers, up to 40% of elderly Namibians are still poor, even though they receive a social pension.

Despite these precautions, however, the impact of the social pension in Namibia appears to be positive enough to carry the programme through. The elderly tend not to spend their pension income on goods like alcohol; they tend to use the income instead to sustain their extended families and pay for the education of their grandchildren. Income security has increased since the application of the pension, reducing household vulnerability and stimulating local petty trade. Finally, instead of being perceived as a burden on society, senior Namibians have become truly valuable to their families; in fact, the social pension has become the third most important income source in Namibia (Devereux, 2001: 25-35).

For these reasons, it is recommended that Zimbabwe also adopt a universal social pension scheme. The scheme could be improved by maintaining several of the elements of the existing Zimbabwean pension scheme—including the elaborate survivor benefits and more lenient conditions for disabled seniors. This would significantly reduce the insecurity aspect that is often a criticism of universal social pensions.

CONCLUSION

In conclusion, while trade liberalization under structural adjustment was put forward as a solution to economic crisis, it turned out to cause rapid deterioration of livelihoods and quality of living. This was due to the one-size-fits-all nature of the structural adjustment programs, which did not take into account the reproductive sector and which were not ac-

accompanied by necessary redistributive policies to ensure that the benefits of economic growth reached the poorer parts of the population.

In Zimbabwe, ESAP-led trade liberalization has had adverse effects on all segments of society. In the domain of economic development, trade liberalization actually decreased the competitiveness of medium- and small-sized firms, decreased income from trade, and reduced growth rates across most economic sectors—notably the high-technology and traditional manufacturing industries. Because the latter sectors employed mainly women, and because all formal employment opportunities massively contracted with the ESAP, women were the main victims of both informalisation of employment and the simultaneous strain on the reproductive economy. Regarding the institution of the state, trade liberalization reduced government control over protective trade policy; had a mixed impact on government revenue; and contributed to popular disaffection towards the ruling political party. Among the Zimbabwean people, there was a significant increase in poverty, which disproportionately hurt women and created a trend toward matrilocalisation of production and reproduction.

As a relief strategy for the above-mentioned developments, I have proposed the policy option of social pensions. In contrast to current, employment-based Zimbabwean pension schemes, which are too exclusive and too restrictive to successfully contribute to significant poverty reduction, universal social pensions would effectively target the elderly and their extended families, via the already existing social mechanisms of income distribution through elderly women.

Equally important, the devastating, long-lasting, and gender-specific effects that trade liberalization can have should not be neglected in negotiating new economic programmes for Zimbabwe—including the Economic Partnership Agreements currently being negotiated between the EU and African, Caribbean, and Pacific countries. Finally, extensive research on the gendered impacts of trade liberalization and other economic programmes needs to be carried out *before* any official policies are put in place. Although Zimbabwean women seem to have done everything in their power to ease the consequences of trade liberalization, they should no longer be disproportionately burdened, as they were during the programmes of structural adjustment.

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2

DECENT WORK FOR WOMEN IN THE INFORMAL ECONOMY AS THE SUREST ROUTE OUT OF POVERTY: MAGIC WAND OR SLEIGHT OF HAND?

MANISHA SINHA

It would be conducive to progress and save a great deal of time and trouble if we cultivated the habit of never supporting resolutions, either by speaking or voting for them, if we had neither the intention nor the ability to carry them out. (Mahatma Gandhi)

ABSTRACT

This essay evaluates the implications of the decent work concept for women in the informal economy in terms of contribution to gender equity and as a poverty reduction strategy. Worldwide, there is increasing informalisation of the economy and women make up the largest share of this informal economy, often working in exploitative and unsafe surroundings. The concept of decent work represents recognition of the need to regulate and better their working conditions. Using readings, lectures, presentations, publicly available data and my own experience, this essay examines the applicability of the concept to the domestic sector in India. The results show that decent work is a normative concept, difficult to implement and conservative in its underlying assumptions. The essay concludes that the breadth of inclusion in the concept of decent work makes it an attractive and desirable goal; however a deeper analysis reveals inherent contradictions and implicit assumptions that are unfavourable to women. In seeking to introduce elements of the formal economy into the informal economy, the concept 'decent work' attempts to transform the basic nature of the informal economy. By focusing on work-based entitlements and productive work, the concept of decent work diverts policy attention and resources away from non-material sources of deprivation and entitlement. It also reinforces a gender bias towards prioritisation of the productive economy over

the reproductive or care economy. Finally, by side-stepping complex social realities and ignoring the need for fundamental ideological and social reorganization, the efficacy of decent work as a tool for transformation for women is reduced considerably. As such, it can be likened to a magician's sleight of hand, wherein what is hidden is at least as important as what is revealed.

INTRODUCTION

The United Nations Development Fund for Women (UNIFEM) has estimated that over sixty percent of working women are in informal employment outside the agricultural sector. They have no job security, no social protection, and within the informal economy they are engaged in the more precarious types of work, working longer hours and earning less than men. They are often socially isolated, denied access to collective bargaining and forced to work in sub-optimal and unhealthy environments. As the numbers of female headed households increases due to abandonment, migration and divorce, women find themselves working longer hours in paid work, labouring over household and care-related unpaid work and still (in the absence of any other source of income) not earning enough to pull their households out of poverty. The increased workload and insecurity has a significant impact on the health and human development of the entire household, including children and the elderly.

Given that more and more women are joining the informal labour market in order to contribute to family income, it is certainly essential that their labour be recognised, the conditions of their work regulated and their access to skills and better work opportunities increased. Ensuring decent work for women working in the informal economy appears, prima facie, to be an undisputable necessity and a precondition for poverty reduction. But what does 'decent work' actually mean? Once regulated to meet 'decent work' standards, does the informal economy remain informal? Does the concept of decent work support existing notions of prioritising the work economy over the care economy? How far does it help alleviate traditional gender divisions of labour, which place a double (triple if community participation is counted) burden on women? To what extent does the concept of decent work help ameliorate social and patriarchal norms constraining women's mobility, behaviour and existence? Using the example of domestic workers in the metropolitan urban centres of India, and based on the lecture notes, guest

speakers and readings from this course, and on publicly available reports, data and drawing upon my own experience, I explore the implications of the 'decent work' idea for women by attempting to answer these questions.

This essay suggests that the concept of 'decent work' is highly normative, difficult to implement but useful as a 'catch phrase.' Its breadth of inclusion as a concept allows for easy acceptability amongst diverse interest groups, while simultaneously sidestepping crucial social complexities. Inherent in the notion of decent work are implicit attempts to formalise the informal economy, emphasise the primacy of work as a basis for entitlements, and reinforce gender stereotypes about the importance of paid work over unpaid care work. It is the contention of this essay, that in treating the concept of decent work as a kind of magic wand for improving women's circumstances, policy attention and resources are diverted away from other equally onerous deprivations and socio-economic inequalities.

THEORETICAL OVERVIEW

In examining the concept of decent work in the informal economy as the 'surest route out of poverty' (UNIFEM, 2005) with reference to domestic workers in India, I will be touching on some of the following concepts. The informal economy as defined by the International Conference of Labour Statisticians (ICLS) in 1993 and broadened in 2003. Decent work as defined by the International Labour Organisation in 1999 in its report entitled 'Decent Work' and added to subsequently over the years. Since women are the focus, the concepts of the Reproductive or Care Economy (Peterson, 2002) and bargaining positions (Agarwal, 1997; Kandiyoti, 1998) will be referred to throughout.

Most women domestic workers are migrants from neighbouring countries or from rural hinterlands. They suffer from many of the deficiencies of being migrants—invisibility, indebtedness, social isolation to some extent, and the displacement of their own care activities to others (Kurian, 2006; 2007). In considering the application of the concept of decent work to this sector, I focused on minimum labour standards either through adoption of ILO standards or through the introduction of national standards such as minimum wages and regulated hours of work (Singh and Zammit, 2004) and on social protection and risk assessment (Lund and Srinivas, 2000).

More central to this essay is the realisation that poverty has multiple dimensions (Moser, 1998; 2006), of gender equity (Fraser, 1997) and of the need for both survival and transformative strategies (Elson, 1992). Decent work as a framework for action is evaluated against its ability to highlight different dimensions of poverty, to promote gender equity and its potential to transform women's lives as well as the condition of women in general. While not specifically mentioned, the universal breadwinner, caretaker parity models and universal caregiver models are taken as the base point for evaluating decent work with reference to gender equity. Finally, the notions of citizenship and need-based versus work-based entitlements are also touched upon.

INFORMAL LABOUR IN INDIA

In India, informal jobs and activities represent over ninety percent of all employment opportunities (UNIFEM 2005). The informal economy includes informal employers, own account workers, informal employees, casual workers, domestic workers, unpaid workers in family enterprises, and home workers. As in most parts of the world, women are over-represented in the informal economy in India. Within the different categories making up the informal economy, women are more concentrated in certain sectors, such as domestic work. A domestic worker is a worker (generally female) who carries out care work for another family and is paid for it. In India, domestic work is an important source of employment for poor women, especially women from migrant families. As more and more women in the metropolitan urban centres of India such as Delhi or Mumbai enter the formal labour market, the demand for domestic workers to take care of their families and homes increases. Since having domestic help is a sign of affluence, there are also many wealthy households where there is a demand for domestic work despite the fact that the woman of the house may not be engaged in formal labour activities. There is also a steady demand for domestic workers who come from the same region as the household that employs them, enabling the domestic worker to use a familiar language while speaking to the children as well as to cook familiar food. Thus, in India, domestic work has not only class and income dimensions but also caste and regional dimensions. It also relies on a steady stream of women migrating to urban centres from neighbouring countries such as Nepal and from rural hinterlands in various parts of India. These women suffer from all the disadvantages asso-

ciated with migration and elongation of the care chain (Kurian, 2006; 2007). While finding decent work can go far towards making their working lives happier and providing increased income, the emphasis on working conditions and income (though essential) may obscure the trauma of leaving homes and families, sometimes hundreds of miles away. It also hides the deprivation suffered by other women and girls in the migrant's family, who shoulder the extra burden of the unpaid labour she left behind.

Domestic workers are not a homogenous category. Some women workers have roots in the city they work in. Their families and kinship networks are strong and as a result they stand in a better bargaining position with respect to their employers. Others have migrated to the cities with their families and live in urban slums where they are theoretically in a position to organise collectively. Since many of the women living in these slums will be working in neighbouring residential areas, they have recourse to each other's support in cases of severe exploitation. Then, there are the women domestic workers who have left their families behind, and are in a particularly vulnerable position. For many, it is their first and biggest exposure to city life. They are almost completely dependent upon the host families with whom they reside. Even amongst this category however, it is possible to distinguish between those who have relatives or fellow villagers living in the same city and those who have come at the individual behest of a host family and are totally dependent upon the host family.

Women working in the domestic space are vulnerable to all kinds of exploitation from having no fixed working hours to sexual and physical abuse. Since there is no fixed minimum wage, wages are subject to negotiation and directly connected to the bargaining position of each party. Similarly, there are no regulations governing hours worked, days off, type of work carried out or 'firing policies.' At the same time, a growing demand for domestic services provides some degree of freedom and choice. There are different kinds of domestic work options available such as part-time cooking work, part-time cleaning work, part-time care of children or the elderly, full-time domestic work, live-in or work from home. Thus, within the sector of domestic work, there are various positions of power and negotiation based as much upon the intangible assets of social capital as upon the need for an income.

What does the application of decent work mean to this sector? First of all, what constitutes decent work in this sector? In adopting the International Labour Organisation (ILO)¹ definition of productive work with protected rights and generating adequate income and adequate social protection, some degree of interpretation is called for. The notion of 'productive work' carries no inherent quantifiable indicator in terms of workload, hours of work or type of work. Further, who defines an adequate income or an adequate level of social protection—the domestic worker, the employer, the state or the courts? Domestic work is by its very nature broadly inclusive and fulfils a broad spectrum of needs, from cooking and cleaning to taking care of small babies, the sick or the elderly. It may be impossible to frame legal provisions that would envisage each possibility. And even if this were possible, how would such laws and rules be enforced, since domestic work is carried out within the private sphere of a house? These are just a few of the questions that arise.

This is not to say that regulations setting minimum labour standards should not be adopted, just that such regulations will not work in the short term, and even if successful in the medium and long term, the problem of enforcing them is likely to be an issue even then. Other aspects of decent work, such as ensuring access to collective bargaining and to social protection can be more readily introduced. The compulsory registration of domestic workers as a precondition to their entering this market can help resolve many issues. The agency entrusted with the task of registration could then act as an employment agency, negotiating terms and contracts with potential employers on behalf of the domestic workers. The latter would also have the option of recourse to the employment agency in case the terms and conditions of their employment were breached. The domestic workers could be provided basic medical facilities and some degree of social protection in the form of micro credit, micro insurance and enforced micro savings through the mecha-

¹ In 1999, the Director-General of the International Labour Organization, Mr. Juan Somavia, defined decent work as follows: 'Decent work means productive work in which rights are protected, which generates an adequate income, with adequate social protection. It also means sufficient work, in the sense that all should have full access to income-earning opportunities. It marks the high road to economic and social development, a road in which employment, income and social protection can be achieved without compromising workers' rights and social standards.'

nism of the employment agency. In this fashion, the concept of decent work could be applied keeping local contexts and sectoral ground realities in mind. However, while such measures have the potential to transform the domestic work sector, there are still important caveats that need to be kept in mind. Are the employment agencies to be privately owned, state owned or self owned by women's collectives? In case of the former two options, the possibilities for exploitation increase rather than decrease. Also, many of these measures are likely to be more beneficial to women who already hold a relatively strong bargaining position due to well established social networks or a buffer of savings to get through the waiting periods. Women who are in desperate straits would still be likely to accept the first employment offer they get irrespective of the degree of exploitation involved. Similarly, women brought into an area by host families would probably form part of a 'domestic underground' resulting in more levels of inequality and a further level of 'informalization' within the informal economy.

This in fact raises an even more fundamental question. What happens to the informal economy when formal regulations are applied to it? While there are several differences between an informal and formal economy, one major difference is that the informal economy is unregulated. If decent work standards are applied to sectors such as that of domestic work, the sector automatically becomes more formalised. The UNIFEM report of 2005 cites an example of domestic work in South Africa that shifted from the informal to the formal economy when its members were covered by a social protection net. Simultaneously however, the report also speaks of the ambiguities inherent in concepts such as formalisation of the informal economy and the differences in meanings of formalisation for different sectors of informal workers. Interventions designed to regulate and improve working conditions and wages as well as to provide social protection based on employment, cannot but make an invisible informal sector into a visible formal sector. Thus the question of decent work in the informal economy seems to be a contradiction in terms.

This contradiction appears to be inherent in the concept of decent work. As defined by the ILO, 'decent work' stresses the introduction of elements of the formal economy, such as social protection and protective regulation, into the informal economy. The informal economy has been something of a problem child for policymakers. Initially defined as

criminal activity, it has fairly recently been granted legitimate status. Its size makes it difficult to ignore and the difficulties in measuring or integrating it with the formal economy make it a thorny issue. Introducing the concept of decent work within the informal sector neatly hides the fact that if it were so simple to regulate, the informal economy would neither be informal in the first place, nor increasing on a yearly basis. Thus, talking about decent work sets up a desired and somewhat utopian goal but sidesteps the issue of how to achieve it, or even adequately address the inability of previous policies to achieve the very same thing.

Secondly, the definition of decent work (involving as it does better working conditions, more pay, more protection) incorporates multiple dimensions of poverty—income, human rights and dignity, social inclusion, human development in terms of increased capabilities and opportunities and reduced vulnerability. Thus, it is in keeping with newer ways of looking at poverty. However, the stress on employment based entitlements, as opposed to citizenship or need-based entitlements excludes significant sections of the poor and brings back the focus on poverty as primarily income poverty. In certain communities of India, women are expected to stay inside the house and stepping out to work dishonours the family. Destitute relatives find work as largely unpaid domestic help within the family network: though unpaid, the family takes care of their food, clothing and, of course, their stay. In many cases the women may earn some amount of ‘pocket money’ as well. In terms of the decent work concept, such unpaid domestic work would be considered invisible. The same is true for the sick, the disabled and the elderly. Decent work also conceals the plight of women who are forced to give up work either for reasons of their own ill health, a family member’s ill health or for maternity leave. Since the stress is on employment based entitlements, a break in work for any reason could potentially drive a woman right back into poverty. Thus, once again, focussing on decent work provision highlights the deprivations of one category of women, while drawing attention away from other forms of deprivation and entitlement.

Thirdly, as far as women are concerned, the focus on ‘productive’ work as opposed to ‘reproductive’ work, serves to strengthen the traditional gender biased respect given to paid work over the unpaid care work done mostly by women. Women are always working—they just do not always receive wages or (often) recognition for it. By condoning the free-riding of men on women’s care work and by prioritising paid work

over care work, decent work only serves to perpetuate and strengthen gender inequalities (Fraser, 1997). It fails to take into account that even 'decent work' increases a woman's burden and exacts a cost in terms of time, effort and displacement of care activities on other (often female) family members. It is also silent on the issue of social and patriarchal norms that restrict and influence women's participation in the labour market. Thus, it implicitly condones existing stereotypes, undermines efforts at placing the reproductive economy on par with the productive, and reinforces existing gender unequal socio-economic institutions.

CONCLUSION

As a normative concept, it is hard to argue with the necessity and rightness of the ideas that underlie the notion of decent work. However, like a magician's sleight of hand, part of its magic lies in what is kept hidden from the audience. With the spotlight on its potential and desirability, the essentially conservative assumptions implicit within it are obscured. So are the practical difficulties in implementing such a concept within the constraints of those conservative assumptions. And in focusing policy attention and resources on decent work as 'the surest route out of poverty,' the significance of other sources of deprivation and other dimensions of poverty are perhaps, undervalued.

As a tool for escaping poverty for women, the notion of decent work certainly carries within itself the potential to transform the lives of individual women. For women in general, though, it can be interpreted as being as much of a regressive as a progressive concept. By downplaying the importance of gender environmental parameters, it stands in danger of narrowing the perspective down to survival needs and away from the need for more fundamental and revolutionary change. By subtly reinforcing the gender status quo, it adds to women's burden of work, while making this seem like an achievement. Further research is required to fully understand how, and in what ways, the application of decent work to an informal sector actually would impact the lives of the women working in that sector.

As more and more women join the informal workplace, there is critical need to mitigate its exploitative aspects. The need is not for rhetoric but for substantive and sustainable strategies that can address the fundamental ideological and social norms that give rise to these exploitative

tendencies. Until 'decent work' takes these norms into consideration, it is likely to remain a utopian ideal with more promise than achievement.

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3

INCLUSION AND THE INUIT EXPERIENCE: THE LEGACY OF THE RESIDENTIAL SCHOOL PERSPECTIVE IN CONTEMPORARY EDUCATION

CARMEN JESSICA DE MENECH

PURPOSE

The purpose of this essay is to critically examine the present day Inuit experience of education in Canada, with reflections on the particular Inuit historical experience, traditional culture, and the current context of education as promoted by development initiatives.

The essay will begin by introducing a general and mainstream perspective of education as it pertains to the field of development. It will then introduce alternative notions of education, drawing on the works of Freire and Foucault. Then, the author will introduce the specific historical circumstances of formal education as they relate to the Inuit people of Northern Canada. Finally, the essay will end with a discussion of what the author feels can and should be done to improve on the mainstream education system in Canada in order to be respectful of its history and inclusive of its one million First Nations citizens.

INTRODUCTION

The promotion of universal primary education is currently one of the stirring and much talked about Millennium Development Goals (MDGs). In collaboration with the other MDGs, it aims to improve upon poverty reduction, help encourage economic growth, and improve equity. If the greatest asset of the poor is their labour, than to educate

them means to better equip them for their job prospects and their society.

But has the promotion of education historically shown to ultimately improve the lives of the poor, the marginal, or the 'backward'? Is it a gift that is to be bestowed on those who have been so unfortunate as to have previously been without? Or is it another process that recreates, in a context that reinforces, the power differentials, stereotypes and mistakes of the past, those that were done in a time when Development was more commonly known as Colonization and conversion?

This essay intends to explore the Canadian Inuit and First Nations experience of formal education. It draws on historical details from a past that really isn't too far back, to address some of the current obstacles that Inuit and First Nations children and youth face, both in the education system and in the Canadian society as a whole. Despite the government's monetary investment and vocal dedication to repeal its mistakes and reinvent itself as a facilitator of good education, after an over 100 year legacy of residential schools the Inuit and First Nations are still marginalized in many ways. This author is of the opinion that the school is a microcosm of social attitudes, and that a new pedagogy of education, like the one pioneered by Paulo Freire, is the appropriate route to take in the greater inclusion of Inuit and First Nations peoples in schools and in society.

THE WORLD CULTURE OF EDUCATION

There are many forms, styles and theories of formal education that are currently being used in the world. From sectarian to culturally oriented, traditional to alternative, public to private, education comes in all shapes and sizes. More than anything else, whether in developing nations or the High Arctic, what limits one's choice in education style is access.

Education that is being facilitated by the international community is often of one size, meant to fit all. It has been linked to a notion of World Culture Theory and globalization; the notion that 'a single global model of schooling has spread around the world as part of the diffusion of a more general cultural model of the modern nation-state', linking back to the 1950's (Anderson-Levitt, 2005:989).

The characteristics of this 'World Culture of Education' can be linked to the theory of modernization (Sutton, 2000:77). Modernization promotes certain beliefs and ways of doing as superior and 'the right way'

just because they are ‘modern’ (Sutton, 2000:77). It is inherently biased against other ways of learning and teaching.

The significant characteristic of this educational tidal wave is what Freire refers to as ‘banking education’ (Freire, 1970:53). This style sees students as the clay and teachers as the potters. The student is a blank slate, a lump of unmoulded clay, a ‘receptacle’ waiting to be shaped, filled and coloured in, (Freire, 1970:53). The student listens while the teacher speaks, repeats what the teacher instructs, and learns along the path the teacher guides. In this way, education is a linear progression that begins on a standardized day and age, and ends just the same (Anderson-Levitt, 2005:997). The curriculum is universal, designed to ‘encourage economic growth, development of the nation and, sometimes, development of the individual student’ in the setting of ‘mass, co-educational institutions’ (Anderson-Levitt, 2005:992). Students are sorted by age into classes that some refer to as ‘egg-carton’ style; one teacher to 15-100 students all lined up or seated in a structured and organized way (Anderson-Levitt, 2005:992).

This generic and prominent education style is not wholly universal. It is now generally regarded that ‘modern’ schooling does not completely change a local culture, but that individual cultures often ‘insinuate local meanings and practices into the institution of schooling’ (Sutton, 2000:78). The ‘ideal’ educational experience is also shaped by the location and access to resources of the school. Some classes may be held outside and under a tree, if no classroom is available (Sutton, 2000:993), the school year may respond to the timing of the weather or the harvest, and the language of instruction may be influenced by availability of books, texts, or even teachers¹. Last but not least, the teacher themselves may have their own established notions of ‘good education’ that may not wholly fit with the greater education process.

RESPONSES TO A HOMOGENOUS DESIGN

Many teachers do not support egg-carton education. A highly influential, yet controversial alternative is that of ‘critical pedagogy’, a teaching style pioneered by Paulo Freire, that is ‘sensitive to the effects of relations of power based on race, class, gender, ethnicity, and so forth, on learning

¹ www.archives.cbc.ca/IDC-1-69-529-2666/life_society/inuit_education/clip9.

and consciousness formation' (Morrow and Torres, 2002:1). Critical pedagogy has a stance on education quite different from the norm, due to its focus on inclusion of all learners, especially the oppressed, and its critique of mainstream education as perpetuating inequality and disparity. Freire's attention was not so much on the window dressings of educational detail, such as classroom sizes, teacher-to-student ratios or access to supplies, but on the greater context in which formal education was presented. He realized that for the oppressed,

their ignorance and lethargy was the direct product of the whole situation of economic, social and political domination—and of the paternalism—of which they were victims. Rather than being encouraged and equipped to know and respond to the concrete realities of their world, they were kept 'submerged' in a situation in which such critical awareness and responses were practically impossible (Shaull, 1970:12).

Freire recognized limitations in 'banking education,' and proposed 'critical education' 'in which the learner becomes an active participant in the appropriation of knowledge in relation to lived experience' (Morrow and Torres, 2002:1). Here, the teacher is not the all-knowing and unquestionable authority. The educational exchange is more dynamic than linear, more flexible than rigid, moving from a subject-object relationship, to a subject-subject relationship (Morrow and Torres, 2002:6).

Is it too far a stretch to say that education is a means by which greater social power differentials, classism, and inequality are maintained? Many researchers believe not and assert that

curriculum analysis has shown that textbooks and formal curricula portray men and women in stereotypical roles ... persistent ethnic and class divisions are reproduced through schooling (and) somehow—and to the great frustration of educators everywhere—the institution of schooling does *not* appear to be 'leveling the playing field' between social haves and have-nots (Sutton, 2000:81).

Freire believed that formal education systems contributed to the discouragement of some students by facilitating self-depreciation (Freire, 1970:45). An ideal was established as to what was 'successful,' 'good,' and what should be strived for; this ideal was based on characteristics of the elite. One strives to be like the ideal and therefore to be like those in power (Freire, 1970:30). In this way, those in power create an archetype that is impossible to reach, because those in power would never let it

happen, and the underclass are left running towards a never achievable goal, all the while believing it is due to their own flaws or shortcomings that they don't succeed. This is also reinforced by the 'hidden curriculum,' 'built in gender, class and race biases of the education system' (Herrera, 2007). Expectations of who will achieve and who will not, and what one's strengths and weaknesses are, are established long before the student has a chance to prove themselves. The results are that 'academic achievement correlates with race and social class of origin' (Anderson-Levitt, 2005:995). By buying into the idea that what is good is exactly what they are not, student's failure becomes a sort of self-fulfilling prophecy.

Here, 'the self' is not a personally constructed phenomenon that is created within and projected out, rather 'the self' is power (or lack of), interpretations, and interpolations projected back based on the wider systems of society (Pini, 2005:161). Foucault, in his inquiry into power and knowledge, referred to how the body is coded by the wider system; 'it is only through the power/knowledge processes of surveying, naming, classifying, and coding that the raced body, the gendered body, the able body, and so forth gain meaning...selves are always embodied' (Pini, 2005:161). Foucault reminds us that knowledge, doesn't have to be true to be 'power,' it just has to be accepted by the majority (Pini, 2005:162). Once knowledge is accepted the population will then 'regulate and discipline itself' (Pini, 2005:162). Freire and others challenged the mainstream system for its rooted biases. This mainstream system reinforces differences and perpetuates overall active inclusion of the peripheral groups. It sees the margins as needing to be integrated, but by its own specific terms, and without addressing the circumstances that put people on the margins to begin with (Freire, 1970:55). It allows for the successes of some, and limits the potential of others.

THE INUIT EDUCATION EXPERIENCE

The Inuit people of northern Canada were some 45,070 people as of statistics taken in 2001.² They are a distinct people, belonging to the First Nations, a self imposed collective title for all indigenous Canadians. Their formal educational experience has a legacy of authoritarianism,

² www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ART0004040

abuse and cruelty. Beginning in the 1860s the Canadian government in collaboration with religious missionaries, began to impose residential school systems for all Canadian First Nations and Inuit people.³ Since they were nomadic peoples, schools were set up sometimes hundreds of kilometers from home, where students, separated from their parents and communities, would live for ten months out of the year, learning English or French and colonially approved subjects from priests and nuns.⁴ They were told their traditional ways were backward and evil, and punished, often abusively, for speaking Inuktitut 'or showing any signs of their own custom, including raising their eyebrows for yes and wrinkling their nose for no'.⁵ Physical and sexual abuse, humiliation, food shortage, overcrowding, and decrepit facilities were not uncommon in the residential schools, and when children were returned to their communities, they were not the same.⁶

The government and missionaries were confident in their position that they had a duty and a responsibility as 'civilized people' to help the Inuit change their unsettled, savage and crude ways. It was a familiar, paternalistic confidence that has been seen all around the world in colonial settings.

In 1957, many years after the first residential schools were established, Gordon Robertson, Commissioner for the Northwest Territories, and head of the Northwest Territories Council of Canada, gave an interview to the Canadian Broadcasting Corporation (CBC) and stated,

They certainly would take advantage of it (training and education that is afforded to all Canadians). I think the Eskimos are fully as intelligent as you or I and the question really is not whether they can take advantage of the training but how to provide it for them. It is very difficult to provide

³ www.canadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ART0011547 .

⁴ www.archives.cbc.ca/IDC-1-69-529-2668/life_society/inuit_education/clip5.

⁵ www.archives.cbc.ca/IDC-1-69-529-2666/life_society/inuit_education/clip9.

⁶ www.archives.cbc.ca/IDC-1-69-529-2678/life_society/inuit_education/clip2.

schooling for a people who are scattered across half a continent in tiny settlements—that is the real problem.⁷

The Inuit were indeed traditionally scattered across the Arctic, and this was partly reflected in their traditional ways of learning. Isolation, a nomadic lifestyle and cultural values put incredible importance in family and community belonging. Traditionally, an Inuit child learned practical skills intertwined with cultural values orally from elders.⁸ Although a high degree of respect was demanded of the student with regards to their elder teacher and the environment as a whole, this was also returned to the child at all levels. Written language was unknown to the Inuit until the implementation of residential schools, and so learning was done through dialogue, observation, and practice (see note 7).

These traditional features of culture and learning by the Inuit made their experiences of culture shock and confusion within the residential schools that much more profound. In 1969, the government began to take total control of First Nations education, and within a year began to close down the residential schools (see note 5).

Over the years since then, the Canadian government has attempted to atone for the abuse and cultural devastation that occurred. They have spent millions of dollars in retribution, and established offices such as the federal office of Inuit and First Nations Education (in the 1970s) and the Kativik School Board in Nunavik in 1978, both of which were created to provide ‘community-based teacher education for aboriginal teachers, and meet the growing need for Inuktituk-speaking teachers in its elementary classrooms.’⁹ However, to this day, the Inuit communities are still struggling. Drop-out, incarceration, unemployment, substance abuse, and violence rates are higher among Inuit youth than the national average. Despite having the highest rates in 2001 of First Nations language survival, with almost 70% of children affirming that they can carry on a conversation in Inuktitut, language pervasiveness is in rapid decline

⁷ www.archives.cbc.ca/IDC-1-69-529-2664/life_society/inuit_education/clip1.

⁸ www.archives.cbc.ca/IDC-1-69-529-2667/life_society/inuit_education/clip4.

⁹ www.archives.cbc.ca/IDC-1-69-529-2668/life_society/inuit_education/clip5.

and elders feel it is on the verge of being lost.¹⁰ Educators recognize that language is important to Inuit educational success, since research has shown that when students learn in their native tongue, they are more likely to do well academically and therefore to continue on in school. However, language is not only important academically. Language is intrinsic to identity, community connection and the sense of self. Currently, Inuit and First Nations are educated in a foreign system, by people who don't look or sound like them, with a language that is not historically theirs, and with resources that are not developed for them specifically. Canadian First Nations make up only 5% of the total population and since Inuktituk, one of some 60 First Nations languages, was not traditionally a written one, there are very few texts that use it (see note 9). All other general school texts in Canada are suspiciously un-ethnic, providing little opportunity for Inuit to see themselves as belonging within the contextual net. I believe this is only one example of their greater social exclusion. This greater exclusion has led to Inuit people under 25 having the highest suicide rate in the world (see note 5). The irony is suicide was an unknown concept to the Inuit, like alcohol, drugs and racism, before the advent of colonization (see note 5).

A 'NEW PEDAGOGY' OF INUIT AND FIRST NATIONS LEARNING

The Inuit of Canada are, I believe, experiencing self-deprecation as described by Freire. Stereotypes, bigotry and racism are not uncommon among Canadians. There are few First Nations role models to be found in the media, or selected and depicted in educational text, or visible in popular culture. As a result, the Inuit and all First Nations are continually being told 'what they are' and 'what they are not.' The system may be attempting to address the problem with money, programs and legislature, but these efforts are superficial compared to the deeply imbedded bias against them.

For example, despite these efforts by way of money and programming, the government of Canada still relies upon the Indian Act, the single most significant legislature regarding First Nations, a document created in 1876, some 130 years ago, to guide its policy.¹¹ This fact clearly reflects how much has changed in over one hundred years.

¹⁰ www.canadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0011547

In order for the Inuit to have the same opportunities and possibilities as the rest of Canadians, they have to be given a stronger voice and opportunity to be heard within the education system. More First Nations teachers need to be hired to bring their experiences and perspectives as indigenous people to the table. A stronger First Nations presence as teachers, and other role models, will help reinforce possibilities for younger generations and illustrate that ‘the ideal’ doesn’t necessarily mean white or middle class.

A broader cultural infusion into the education system will not only help First Nations. It will help everyone. It will support all minority groups in their efforts for inclusion, and help broaden the scope of thought of your average white Canadian. In this way, the school, once a microcosm for the biases and judgments of society as a whole, can be the stage for a new evolution of thought, and a new pedagogy of education. The long-term goals would be to use the education system to ‘teach out’ ethnic, racial, and gender biases. This is by no means something that will happen quickly or easily, but it should be a priority nonetheless. Canada began its existence with a horrible legacy, and has been spending the last 40 years trying to overcome it. Many would say that effort has not come with enough dedication, sincerity, or determination. Others would argue that what was previously done is no longer contextually significant or contemporarily relevant. This divergence in opinion is indicative of the problem within the education system. Many people in Canada think residential schools were something from our grandparent’s generation, when the reality is that the last residential school was finally closed in 1996.¹² This is a reflection of Canada’s general and mainstream honesty about its past. Bearing in mind Foucault’s notions of ‘self’ as being codes reflected back from the greater society onto the body, and Freire’s notions of a critical pedagogy as awareness of power relations on learning and consciousness formation, the education system can once again be recaptured to exist as it was meant to. It can once again be about positive learning and development.

¹² www.archives.cbc.ca/IDC-1-69-529-2678/life_society/inuit_education/clip2

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4

MIGRATIONS NETWORKS OF INDEPENDENTLY MIGRATING CHILDREN: AN INVESTIGATION OF A CASE STUDY OF DOMESTIC WORKERS IN THE PHILIPPINES

DORIS ANNA HILBER

INTRODUCTION

International child protection campaigns are active in raising awareness about the harmful situations of many child migrants and of the extent to which children in the developing world are living away from their parents and home communities—which often leaves them without protection and therefore vulnerable.

But who defines a ‘good childhood’ and what does it look like? In the West, childhood is currently constructed as a time of play and recreation and a time of schooling. But one has to bear in mind that this notion is historically a relatively recent one, substituting a long history in which work was seen as a natural part of the socialisation process in the West. According to an important scholar on child labour, the notion of childhood is relative, ‘shaped by geography, wealth and poverty’ (Woodhead, 1999:28) along with other social criteria. Out of this historical experience, how can this relatively recent shift be now the basis of claims for a universal notion of childhood as free of work, valid for all children worldwide?

In this paper I would like to argue that, from a child-centred perspective, independently migrating children create, access and expand migration networks as social agents on their own that relate them to their fam-

ily in their home community and that are established in the destination of migration.

This aim is pursued using secondary data given in a recent MA paper presented at ISS by Agnes Zenaida V. Camacho (2006), exploring the life experiences of child domestic workers in the Philippines. First I am going to give an overview of children in migration literature in general and as economic migrants specifically. Then I explore the concept of migration networks in relation to the Philippines, and investigate the data on the dynamics of these networks. This leads me to conclude that networks are an integral part for child migrants to cope with their work and life situation.

The underlying concept of childhood in this paper is a post-modern notion, that does not portray childhood as something given or a biological fact, but as a construct that differs between time and societies (Ansell, 2005:65). Applying a child-centred approach 'in which children are regarded as social actors active in the construction of their own lives and of those around them,' (Camacho, 2006:14) means to conceptualize children as exercising agency in their life decisions.

In the case of migration, this means looking at the migration experiences of children and rejecting the view of children as victims, instead situating children as autonomous agents in structures of interdependence and reciprocity with their parents and their environment. Such an approach is neatly connected with the principles of the CRC transferring the notion of children as 'victims' to 'right-holders' and implying the participation of children in any aspect of their lives and their opinions being considered (Camacho, 2006: 14-6).

CHILD MIGRATION

Migrating children face a great and persistent invisibility in policy measures and literature on migration. If mentioned, they are often located on the periphery of interest of migration research.

In the rare cases in which migrating children are considered, the literature often conceptualizes such children in a way that reduces them to 'victims' (e.g. of trafficking, in child labour discourse) (Huijsmans, 2006:10). The newly arising literature on child migration strives to challenge and demystify child migration, and instead of equating with child trafficking, researches the constellation that pushes a child to migrate (Iversen, 2002; Bastia 2005; Huijsmans, 2006).

The problem is that ‘children often do not appear separately from adults in the statistics’ on migration (Whitehead and Hashim, 2005:2) and that child migration is therefore often invisible. It is especially difficult to estimate illegal child migration—and in most countries it is illegal—or child migration to private households, as in the case of domestic workers, which do not appear in any accounting. Therefore, ‘there is every reason to believe that the numbers of children migrating independently of their parents is under reported, as well as being under-researched’ (Whitehead and Hashim, 2005:23).

Part of the difficulty with statistics is also the age limit, which is set differently in different countries, policies and research projects. According to the ILO (The Minimum Age Convention of 1974, Ansell, 2005:177) the age limit is 15 years, to make sure that ‘children’ who completed their compulsory education and are looking for work—In most societies a required transition to meet the societal expectations—are excluded from accounting (Ansell, 2005:182-3).¹

Children as Economic Migrants

Of the categories Huijsmans (2006) presents in his paper, the one considered here is the child as an independent economic migrant, migrating for the purpose of working to earn money² (Huijsmans, 2006: 7). These migrants are independent in the sense that they leave their home community on their own, independent of their families³ (Hashim, 2005; Khair, 2005).

¹ By defining child migrants as children under 15, I differ from others (see Whitehead and Hashim, 2005:2), including the case study, which uses the CRC. Some of the girls selected for the case study are older, but their migration took place before they completed the age of 15. Since the CRC makes no specific comment on child labour nor prohibits it (Lecture notes: B. White, March 2007: 2) I do not consider the CRC age frame adequate in the context of this paper. Also, the problem of countries and studies differing on the age boundary of the category ‘children’ renders comparisons difficult.

² Distinguished from the ‘social’ and ‘political’ migrant.

³ This term hides the complexities and interwoven decisions and transitions in which children take part together with their parents and other persons that facilitate migration. The terms ‘independent’ as well as ‘autonomous’ child migration therefore point only to children migrating not as dependents of their families, but on their own, in the company of friends, relatives or neighbours, to live

For these autonomous migrants there are several reasons to migrate, such as migration for reasons of work, education, marriage (especially in the case of girls), or as foster children, or as orphans from HIV/AIDS, refugees, asylum seekers or forced migration such as in the case of trafficked children (Whitehead and Hashim, 2005:7, 22).

Poverty may drive migration. 'An ILO study of child labour in Nepal suggests that more and more migration is occurring, aggravated and accelerated by rural poverty' (Whitehead and Hashim, 2005: 25-6). But to see poverty as the single root of migration would not meet the causal complexities, since 'a central motivation for children to migrate that is generally underplayed is their need or desire for income' (Whitehead and Hashim, 2005:3). Hence, many children actually migrate to meet their own ambitions and aspirations (such as their own education) or they do so out of their own sense of responsibility toward their parents.

The background to children migrating for work is the discourse on child labour as it is discussed elsewhere (see Ennew et al., 2005; Ansell, 2005). Since I consider one of the aims of social science to analyze given societal dynamics, for my concerns here it is enough to recognise the economic reality of working children: they operate within limited economic and social options.

In the child-centred discourse 'children are conceptualized as active participants in their own defence when given the chance' (Ennew et al., 2005:30). As the landmark study of Woodhead (1999) reveals, when given a voice, children are mostly positively about their own working experiences.

Autonomous children's migration and its impact on their education is complex and, to a great extent, intertwined with the child labour issue (Giani, 2006:17). The link between independent migration and education appears to be very context specific: many children migrate in order to further their education, either moving to be able to attend school or to be trained, or migrating for work to get the money needed to attend school (Whitehead and Hashim, 2005:27; Whitehead et al., 2005:24-5). In the present context schooling is interesting merely in its function to offer opportunities to widen the available social networks and to engage in structures of a different kind. However, the relations can be interesting, when

elsewhere with kin, friends or employers (see Whitehead and Hashim, 2005:fn4).

migrant children replace the work force of the employer's children so that the latter are enabled to go to school (Whitehead et al., 2005:28).

Children Migrating for Domestic Work

The ILO estimates that there are 250 million child workers in the developing world; the proportion represented by child domestic workers is not known, but high. It also estimates that domestic work is the largest employment category of girls under age 16 in the world (Innocenti Digest 1999, cited in Whitehead and Hashim, 2005:19).

In this essay, the focus is on child domestic workers who are working in households other than those of their parents, using the skills that the child has already obtained in the family of origin.⁴ The features of this kind of employment are that the work is nearly completely undertaken by girls, that the work takes place in the household of the employing family and the girls mostly eat and sleep in these households. This proximity carries a high risk of physical and sexual abuse and the long working hours often prevent access to school. Wages are usually very low, and are often directly paid to the parents. The remuneration that the girls receive is often used for school fees or for the wedding trousseau (Whitehead and Hashim, 2005:32-34).

The case study example is derived from Camacho (2006) and focuses on the experiences of five child domestic workers and the negotiation underlying their migration. The paper describes the living conditions of the girls and also contains a section on the environment of the children in the community of destination, which is profitable for my purpose. Camacho uses life stories to explore 'nuanced understandings of their migration experience' (Camacho, 2006:51). The interviewed children migrated within their country, from rural areas to bigger cities.

⁴ The category 'domestic workers' is an ambiguous one. Children often migrate to relatives in the city or live with relatives in the cities and do the domestic work in a neighbouring household. Not all child domestic workers, though, are migrants. Data collections on domestic workers can differ on their assumptions and make comparisons inappropriate. Child domestic workers are also classified by some authors as trafficked children (Bastia, 2005: 61).

MIGRATION NETWORKS AND CHILDREN

With the shift in academic research from merely the exploitative character of child migration to an acknowledgment of children as social agents on their own, the focus lies now in the causes of child migration, the negotiation process with the social environment and the impacts on children and their family (see e.g. Fabe, 2006). As shown in the case study example, the networks of children working in cities 'are the main mechanism that makes migration a self-perpetuating phenomenon' (Arango, 2000:292).

Even though 'networks rank among the most important explanatory factors of migration' (Arango, 2000:291) the experiences of transition and the process of migration is not the focus in my paper, but rather the networks that relate the migrants to their family in their home community and that are established in the destination of migration. There is no literature specifically on these issues, calling for further investigation to analyze the life circumstances of child migrants and to identify a possible target area for development interventions.

The networks function as social webs, serve as surrogate families and make the child stay in the new environment: 'social networks in the place of destination serve to increase the expected benefits of migration by providing information, material and emotional support' (Camacho, 2006:36). They consist of:

sets of interpersonal relations that link migrants or returned migrants with relatives, friends or fellow countrymen at home. They convey information, provide financial assistance, facilitate employment and accommodation, and give support in various forms (Arango, 2000:291).

Migration networks thus function as social capital, reducing the costs and risks of migration through interpersonal relations in places of origin and destination and among migrants (Khair, 2005:6).

Bonds with the Family of Origin

In the case study, child domestic workers on average return to their home community to visit their family once a year, typically for the annual feast of the town. During the remaining time they engage with their family over distance, for example by sending remittances where they have often a say in determining the use of that money (Camacho, 2006:39).

Child domestic workers communicate with their families in their hometown through letters or, at the point when the child can afford a mobile phone, this will be used to maintain the relations to their family. If the family does not own a telephone, the call is facilitated through a third person (neighbour or friends) owning a mobile phone (Camacho, 2006:35). Their communication and networking with other relatives or siblings are less organized. Even if siblings work in the same town, as in the cases reported by Camacho, they either do not know where their relatives work or they lack the financial means or leisure time to see each other. They might have different holidays, so at their return to their hometown they miss each other and thus lack the opportunity to coordinate meetings (Camacho, 2006:35-6). But while contact between individuals was constrained, overall, 'constant movements between home villages and destinations, as people returned for visits, funerals, or permanently, meant there was almost always a means to pass news on to families' (Whitehead et al., 2005:31).

The concept of intergenerational contracts is used by Whitehead et al. (2005) to describe the structure of the relationship between children and parents, stating that migration itself may support the existence of such a contract (Whitehead et al., 2005: 32).

One of the advantages of ideas of the intergenerational contract approach is the full scope they give for treating children as social persons with specific sets of interests that they may act upon in making their own decisions about residence, work and education (Whitehead et al., 2005: 14).

Other studies reveal that the relationship with the parents not only affects the well-being of children directly, but also indirectly: parents are the most important social resource in preventing abusive forms of employment in the way they function as a fall-back position and interfere through their social contact with the employing household (Whitehead and Hashim, 2005:33).

Social Networks within the Community of Destination

'Relationships are central to the everyday lives of children, interacting and negotiating with peers and adults while pursuing their own agendas' (Camacho, 2006:14). These relationships (the family-based network) are non-functional at the place of destination, though existing. They allow relatives to be seen as a back up, and their presence is often a reason to

migrate into a certain province or town (Whitehead and Hashim, 2005:35).

However, the time and mobility children require to foster their relationships are most of the time under the control of the supervising employer. This means that 'relatives... (including siblings) ...[do] not function much as a support network for the children upon arrival in their respective destinations' (Camacho, 2006:36) and that children thus 'turn to friends, fellow domestic workers, and/or to their employers for material and emotional support' (Camacho, 2006:36). They form substitute 'family ties' that are mainly found in the direct neighbourhood. These networks are replacing the family of origin. Once the children are settled in, their 'spaces for interaction' (Camacho, 2006:37) expand through places such as school and church. In an earlier study on the same subject, Camacho asserts that the migrants form 'daughter communities' that function as 'support networks in the absence of their immediate families' (Camacho, 1999:15). Camacho's name for these daughter communities reflects the gender bias in domestic activities (Iversen, 2002) that increases the probability of single-sex peer networks.

'Networks not only link friends and kin but also involve employers and other actors' (Khair, 2005:7). In the case of domestic workers, two more possible networks exist. Firstly, when children live at the place where they work, the employing family can be a substitute for their own family in terms of support and affection, despite the fact that the employers are typically labelled as exploitative, a label which does not always encompass the complexities of these relationships. The second possibility shown in Camacho's field study was the possibility to establish 'family ties' with the social worker of a shelter or with other shelter residents, which is only possible if this fall back position is facilitated by the government or an NGO (Camacho, 2006:36-9).

Generally, children benefit immensely from interpersonal links that assist them in travelling, finding a shelter, and often a job at the place of destination. Social networks comprised of friends, neighbours and relatives provide invaluable help to newly arrived child migrants in making physical and emotional adjustments to unfamiliar surroundings. While these children experience social, economic and cultural marginalisation in the destination, the presence of networks enables them to sustain themselves in an otherwise hostile environment (Khair, 2005:11).

In case of bad working conditions, these networks of friends can facilitate the change to a new employer or provide psychological assistance in encouraging the friend to leave an abusive employer (Camacho, 2006:37). The girls find company and distraction from their full-time and often exploitative working conditions (Whitehead and Hashim, 2005:31).

Children's involvement

Children themselves see the benefits of their engagement in migration networks, since 'research found that children were frequently positive about their migratory experiences as this afforded them the opportunity to develop important relationships or skills, and/or to earn an income over which they had a relative degree of autonomy over' (Hashim, 2005:3). Also, by earning their own money, the migrants can invest in their own future, for example by using the money for tuition fees or by investing in their dowry. As Camacho's field study shows, girls were also involved in deciding about the use of remittances by their family, which improved their bargaining position within the family (Camacho, 2006:39). In the households the girls work in, they engage in negotiation to increase their bargaining position and to achieve family status (in the best scenario), or at least be treated better (Camacho, 2006:37). These examples make clear that interdependence and autonomy coexist in the decisions and conditions of children's lives.

CONCLUSION

Children do make strategic life choices and negotiate with adults to do so, even though they are typically 'perceived as economic dependents in the family' (Whitehead et al., 2005:34). In the literature, children are mainly pictured as vulnerable, comparable with the notion of women's status. But while women are sought to be empowered in their work, children are sought to be removed from work and reintegrated into their families of origin (Huijsmans, 2006:2). Though research in the area of children's agency and participation is very poor, it can be stated on the basis of insights of this case study that children establish their own networks to better their lives and working conditions and simultaneously rely on links with their families.

There are 'no international or regional legislative frameworks ... that deal directly with children migrants' (Whitehead and Hashim, 2005:44).

The law most related to child migration is the Palermo Protocol, which states that any ‘recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation (UN 2001) is ‘considered “trafficking,” irrespective of whether a child has consented to this’ (Whitehead et al., 2005: 37). Thus,

treating these teenage migrants as ‘victims of child trafficking’ will do little to improve their situation. Banning them from seeking work abroad might actually place them in a worse situation by decreasing their already limited opportunities to sustain themselves and their families (Bastia, 2005:80-81).

Like the Palermo Protocol, the international discourse mainly focuses on exploited and abused child migrants, but does not consider the needs and rights of other child migrants. Yet policies based on a trafficking perspective are inappropriate, as they do not capture the needs of all migrating children.

Protective legislation plays its part in restricting children’s agency by legally constraining them more than adults in their ability to negotiate pay and conditions. At worst, they may be criminalised by the mere fact of their working (Whitehead et al., 2005:36).

The primary international legislative framework concerned with the protection of children is the 1989 Convention on the Rights of the Child (CRC). Protection, however, cannot be equated with ‘liberating’ children from their work at the migration destination. As stressed above, I do think that policy has to start with the analysis of social realities. Removing children from their working places does not consider their social circumstances and limited options. Child labour migration is often not only central to the children involved, but to the livelihoods of their families. Furthermore, as is clear from what has been discussed so far, most children are positive about the place they live and the people they work for. In Camacho’s earlier study she respects one of the main principles of the CRC, namely participation, by asking children about their policy expectations. Together with the quest for an enabling environment for decent working conditions, one of their concerns regards the form of education: ‘Education programmes, such as night schools, should take into consideration not only their work schedules but also their workload and financial constraints’ (Camacho, 1999:70-1).

Since education is a universal right for all children, the institutionalization of schooling should respect existing societal structures to make

schools compatible with working children rather than expecting children to abandon their means of livelihood for an enforced school schedule. The night school described in Camacho's case study fulfils these conditions and is free of charge.

Decent work conditions involve both the environment and the relationships surrounding that work. Interventions should recognise the existence of networks that can enhance the quality of life of migrant workers and facilitate these possibilities, as in the case of the provided shelter.

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5

DEVELOPMENT, PARTICIPATION, CHILDHOOD AND HIV/AIDS

FANNY PETITBON

INTRODUCTION

Participatory approaches have drawn increasing attention in the development field. Their underlying concept is to ‘make “people” central to development by encouraging beneficiary involvement in interventions that affect them and over which they previously had limited control or influence’ (Cooke and Kothari, 2001: 5). Simultaneously, the domain of childhood studies has emerged, bringing with it the question of the extent to which children can really contribute to society in their own specific ways. Here, children’s participation will be considered in the following way:

Every child has the right to participate, which means [that] every child has: the right to a voice and to be listened to; the right to relevant and appropriate information; the right to be involved in decisions that affect him or her; the right to assembly and association; the right to own thoughts (Theis, 2004: 113).

The fact that this discourse focuses on rights should not obscure the fact that it implies responsibilities and duties as well.

One potential area in which these rights and responsibilities are relevant is around HIV/AIDS education. The dramatic spread of the HIV/AIDS epidemic has forced governments to take action, especially in developing countries where poverty, gender and parental education are the main determinants of health. The efficacy of the ABC (Abstinence, Be Faithful or Condom) strategies has remained limited. In Africa

and Asia where the threat keeps on growing, non-governmental organizations (NGOs) are conceptualizing rights-based initiatives to HIV/AIDS and increasingly, child-to-child approaches. This topic has a particular interest in so far as both children's participation and HIV/AIDS remain issues that usually do not appear 'naturally' on government's and communities' agendas. Indeed, youth and future generations are at stake as 'almost a quarter of people living with HIV are under the age of 25 ... [and] young people now represent half of all new cases' (UNFPA, 2005).

The purpose of this essay is to examine whether children's participation is used as a token to get credibility and if so, the reasons behind children's exclusion from HIV/AIDS programming. The idea is also to explore how the virus has an impact on children's lives and how the rights-based approach encouraged by NGOs might or might not efficiently address the social and economic consequences of the disease. I will argue that children's participation is a tangible way of preventing the spread of HIV/AIDS, and is consistent with the United Nations Convention on the Rights of the Child (CRC) framework. The CRC says that children have the right to participate and not only to be victimized. Nevertheless, this participation faces obstacles in practice, as international organizations and governments influenced by the dominant model of childhood coming from the West refuse to acknowledge the lived experiences and agency of the young generations. HIV/AIDS has constrained children to act as caregivers for their families and influences them as they become sexual beings. This paper, after promoting a rights-based approach to the issue, will look at examples of children and youth's creative initiatives to resist the virus.

THE CRC AS A PROMISING FRAMEWORK FOR PARTICIPATION

The CRC represents a successful attempt to draw government attention towards child-related issues, as only two states have refused to sign it. But their reasons for signing are less clear. Behind a real interest in protecting and encouraging the development of children lies a possible political strategy in which young generations are not a central point, and some states possibly ratify such a convention to improve their image vis-à-vis the international community. Still, the CRC shows that a combina-

tion of rights exists¹ and this has created a radical shift by making children's participation possible. Article twelve of the CRC states that children have the right to participate and not only to be victimized, and that the state: 'shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.' The question which arises then is who should determine if a child is able to shape a personal point of view. The simplistic answer, using chronological age to gauge maturity, is insensitive to circumstances and forgets that children deserve to receive accurate and complete information. The CRC also promotes the child's 'freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print,' according to article thirteen. The seventeenth article of the CRC specifies that mass media fulfil an important role and need to 'ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.'

'YOU'RE TOO YOUNG FOR THAT': REASONS FOR IMMOBILITY IN PRACTICE

The promotion of children's participation within international settings seems a promising element for development projects. However, various obstacles prevent children from being part of the development process. The main one even appears in the formulation of the title of the United Nations convention, which attempts to suggest an alternative. It deals with the rights of 'the child,' a human being under eighteen years old. Which child are we really talking about? The underlying assumption is that children form a homogenous group and the adults from Western countries who design interventions do this according to a specific definition of children. Indeed, there are universal features of childhood such as biological immaturity and dependence, but most societies function ac-

¹ "It incorporates three forms of rights: provision (of, for instance, health care and education), protection (from, for instance, violence and neglect) and participation (in decisions affecting their lives)." in Ansell (2005) *Children, Youth and Development*. London and New York: Routledge. Chap.8: Rights, Participation, Activism and Power, pp. 225-254.

ording to norms and defined identities. In general, what we consider as a social reality is in fact a perception: 'our beliefs, attitudes, expectations, understandings, the ways we see and make sense of the world are socially constructed' (Rogers, 2004: 126). Ideologies frame social policies and the current dominant model is the Western construction of childhood, which

views children essentially as 'incomplete' and also 'incompetent' half-persons in the process of preparing for adult life, requiring 'socialization' as the main input from adults; vulnerable, passive and dependent (requiring protection)...devoting their time to learning and play; a-political and also a-sexual (White, 2007: 7).

Children who do not correspond to these standards are judged from a paternalistic point of view as being either threats to the wellbeing of society or victims. This approach denies the children's sense of agency and the fact that they can have an impact on their own lives. Even if the CRC promotes the opposite model, presenting children as informed social agents, mentalities do not evolve quickly: 'everybody is now suddenly on the "child participation" and "child rights-based" bandwagon, often without the slightest change in practice' (Oudenhoven and Wazir, 2006: 143). The paradox here is that societies' goal is to produce tomorrow's citizens, but it undermines youth's capacity to contribute.

The concept of children's best interests introduced by the CRC carries some ambiguities as it does not specify who is in charge of defining these interests. Adults have structurally assumed what children need but beyond their good intentions, it is necessary to consider the moral and political values that underpin their assessments. The recognition of children as human beings with their own preoccupations and opinions and not as 'becoming adults,' could have significant consequences. Indeed, participation is a site of power: 'Children's participation transforms the power relations between children and adults and challenges authoritarian structures in families, communities and institutions' (Theis, 2004: 113). This implies that such an initiative cannot be taken if an adult's support does not exist.

DOES HIV/AIDS CREATE VICTIMS OR SOCIAL AGENTS?

Even if children's health has inspired an 'exceptional mobilization' (Justice, 2000: 24), children have generally not been asked to contribute to

the designing of policies. This ignores that children are knowledgeable because of their lived experiences and are able to identify priorities. Listening to them would give a more accurate picture and could lead public policies in the right direction instead of creating ‘powerful but often unrecognized effects ... of international health policy’ possibly inappropriate for recipients (Justice 2000: 23).

HIV/AIDS, beyond the physical and medical implications for children who carry the virus, has consequences on the socio-economic status of families and especially children. For instance, these include:

Disintegration of traditional support structures and social safety nets; loss of quality education due to the loss of school teachers to HIV/AIDS; reduced survival and development rates of children through the impact of HIV/AIDS on health, family livelihoods, social welfare and protection; discrimination and exclusion from the community as a result of stigmatisation. HIV has a detrimental effect on the education of children due to exclusion, loss of earnings or the need to re-direct household spending towards medical treatment, which severely limits funds for schooling. (Ireland and Webb, 2001, in *Theis 204*: 34. See www.id21.org/society/S5bei1g1.html).

Indeed, in such circumstances, children have no choice but to become more mature as their responsibilities towards their families increase. Acknowledging the experiences of children as carers and sometimes heads of households conflicts with certain contemporary ethnocentric ideas about desirable models of childhood.

Furthermore, children and adolescents progressively turn into sexual beings as their physical appearance changes and sexual desires emerge. Adults can appear reluctant to talk about sexuality with the younger generation, and the resulting lack of information and education leads to dangerous behaviours. Meanwhile, sexuality represents a step towards adulthood and recognition by peers. This is why the ABC approach could not be successful: it ignores the social realities of most people, especially in developing countries. Girls can also be constrained to use their bodies because of economic circumstances. For instance, in the Caribbean and sub-Saharan Africa, an ‘exchange of sex for money or school fees or to help support their families sometimes takes the form of “sugar daddy” relationships’ (UNFPA, 2005). Abstinence seems an inadequate solution. In addition, having different sexual partners during the same period of time is a common practice for African men, as it cor-

responds to a certain social construction of virility and masculinity. Condoms offer a new perspective on safe sex but access to them as well as information about how to use them remains limited. The example of Ghanaian adolescents' sexuality describes this reality: an immense majority of respondents to a survey argued that they knew about condoms. However, 'only 48% could identify any of the four specific steps associated with correct condom use' (Kofi, 2003: 36). The fact that half of the respondents who were sexually active had ever used a condom was also explained by social stigma. Adolescents referred to 'shyness about purchasing condoms in public and from health workers...Some 65% did not think it appropriate for young men to carry condoms, and 78% thought it was inappropriate for women' (Kofi, 2003: 37).

'SEEING CHILDREN': A RIGHTS-BASED APPROACH TO HIV/AIDS

Implementing an inclusive approach requires the four following conditions according to Lisa Howard-Grabman, Cynthia P. Wallis, Carla Queierolo and Ccolla Sejas Pérez:

provision of a safe environment for self-expression..., building on existing knowledge and practices..., mutual respect for diverse perspectives...[and] the shift towards a more equitable power balance between service providers and users (Cornwall and Welbourn, 2000: 13-14).

A child-to-child approach could generate a genuine exchange, as children tend to be more receptive to what their peers say as well as more expressive with them—they would be speaking peer to peer instead of being in a subordinate position vis-à-vis adults. Children might not feel comfortable about discussing sexuality issues with outsiders such as Western NGOs members, who might ignore their reality. In many societies, in particular traditional ones, engaging with sexuality and diseases related to it remains taboo: 'With peers, people often feel more able to talk about their experiences, and develop a critical analysis of what might be done to resolve their concerns' (Cornwall and Welbourn, 2002: 9). Youth summits illustrate this kind of empowering initiative, in which young people specify the practical and social implications HIV/AIDS has on their lives. The National Children's Forum on HIV/AIDS in 2001 brought together 90 South African HIV-affected children between

the ages of seven and eighteen.² Gaining self-confidence, children should then share their reflections and suggestions to the rest of the community as defiance from adults often comes from the fact that they feel excluded. It will enhance children's social status and respectability.

As duty bearers, states must provide a confidential, affordable and good quality health and social services, but collaboration between parents, children, caretakers, teachers, health workers and village leaders must be established as well. Indeed, community must be the basis of social change, as international (and sometimes national health) top-down approaches can't take into consideration the specific socio-economic and cultural contexts. The Stepping Stones Project initiated in the early 1990s in sub-Saharan Africa illustrates the ability of community-based development to have a real impact on behaviour change. By arranging 'space for discussion of personal issues ...', it also creates the public space where the less powerful groups in a community have an equal platform with those who are more powerful' (Welbourn, 2002: 104). A change in focus, from technical interventions to a more comprehensive healthcare, must be developed. The paradox is that HIV/AIDS affects whole populations whatever their gender, race, class or sexual orientation, but some populations remain more vulnerable, especially those who are poor or who have limited education. Exchanging their experiences and points of view, community members may attempt to question traditional ways of dealing with children and sexuality by, for instance, facilitating girls' access to education to begin to address a gender-difference within the HIV/AIDS epidemic, as 'women between 15 and 24 are 1.6 times more likely than young men to be HIV-positive' (UNFPA, 2005). Education will give girls an increased chances to marry someone educated, or at least gain self-confidence to negotiate condom use. This is one way a

² "The key issues for children that emerged were: (1) Denial of access to education because of an inability to pay school fees, discrimination, stigmatisation, and the failure of schools and teachers to identify vulnerable children; (2) Inaccessibility of health care, due to the fact that many facilities are not child- and youth-friendly, attitudes of staff, lack of medication at clinics, and the long distances of clinics from homes; (3) Conditions of poverty, and that the existing social security measures are not meeting the needs of poor children and their families, forcing children to work or beg; (4) High levels of sexual abuse in South Africa; (5) Stigma and discrimination; (6) Caring for sick parents; (7) Increasing numbers of children without adult carers" (Children's Institute).

community might identify its own needs to fight the epidemic and then engage in a reciprocal exchange with the state.

State resistance to encouraging meaningful participatory approaches can be traced to different sources. The financial argument according to which states should invest in children's training appears as a disincentive. Indeed, it is not an innate quality for children to spread messages:

Child facilitators require the same skills-building support as adult facilitators. Technical support for child facilitators has focused on facilitation, communication and working methods rather than on developing individual leadership skills. This is because promoting individual child leaders often goes against the principles of meaningful participation of all children (Van Beers, 2004: 56).

States may be unwilling to promote brainstorming on prevention of sexually transmitted diseases, as it could highlight their inaction or lack of efficiency after the failure of ABC strategies. 'A rights-based approach to participation seeks not only to work with and build on people's "sense of entitlement" but also to build the preconditions for accountability and responsiveness within authorities, strengthening their capacity to honour their obligations' (Ferguson, 1999 in Cornwall and Welbourn, 2002: 6). Thus the creation of a climate of trust between children, communities and the state can initiate a virtuous circle³ that will benefit everyone: 'When children gain more control over their lives, they develop hope for the future, increasing the likelihood that they will choose behaviours that help them to avoid HIV infection' (Harrison, 2002).

'OUR' ALTERNATIVE: RADIO HIV HOP AS A YOUTH'S INITIATIVE TO FIGHT HIV/AIDS.

Human rights standards can be difficult to turn into practical ones. NGOs can establish codes of conduct to generate children's participation, but the issue remains whether international organizations and governments will collaborate or not:

The Save the Children Alliance and other child rights organisations have prepared guidelines and practice standards for children's participation. The challenge is to apply and institutionalise these standards in the practice of government and non-government organisations. Working with govern-

³ See Annex 1: "Common Dimensions of Change" by Save the Children UK

ment partners and local authorities may pose challenges in terms of process, scale and time, and requires long-term commitment to technical cooperation (Van Beers, 2004: 57).

Civil society, and young people in particular can take the lead and attempt to be listened to. Radio HIV HOP in South Africa illustrates this phenomenon, fulfilling the role of informing youth as mentioned in article 17 of the CRC. As governments didn't deal with the epidemic, Bush Radio, a community radio station, decided to encourage young people to dedicate some of their time to HIV prevention because they are more likely to receive attention from their peers whose futures are at stake. Not falling under the control of the government, the station can spread independent messages and is an 'effective way of reaching marginalized communities' (Ibrahim, 2002: 192). This has provided an opportunity to create some interesting dynamics within civil society, making people who don't know each other work together. For instance, the Bush radio's staff mobilized artists who are 'role models that youth look up to' (Ibrahim 2002: 193) as well as HIV-infected people to be part of workshops on a regular basis. This experience shows that it is possible to get youth's attention, if we look at what they are interested in.

CONCLUSION

The CRC has challenged the usual conceptions developed by societies about children as it argues that they have rights and needs and can act and think in their own individual ways. Children deserve 'the enjoyment of the highest attainable standard of health and to facilities for treatment of illness and rehabilitation of health,' according to its article twenty-four. The CRC has also created a real shift, by promoting child and youth participation as a cornerstone for development. Nevertheless, no real change has taken place in practice, and young generations remain politically marginalized, because the Western model of childhood dominates and promotes an image of children as vulnerable, innocent and 'incomplete.'

Indeed, the spread of the HIV/AIDS epidemic has been used to victimize them even more, especially as 'orphans' in need of protection.⁴

⁴ See Meintjes, H. and S. Giese (2006) 'Spinning the Epidemic: The making of mythologies of orphanhood in the context of AIDS', *Childhood* 13 (3): 407-430.

The reality is that HIV/AIDS often turns children into mature and knowledgeable human beings, caring for siblings, reducing time for education and play but shaping their autonomy, self-esteem and agency. As potential targets of the virus, they have a right to information and participation. Child-to-child approaches as well as community-based development appear to be the most adequate ways to make young people sensitive to this issue, which will determine their well-being and future, and prevent their stigmatization. Such initiatives require the support of adults, who need to fulfil the role of referees. They also require governmental and political will to support the necessary budgeting and policy reforms.

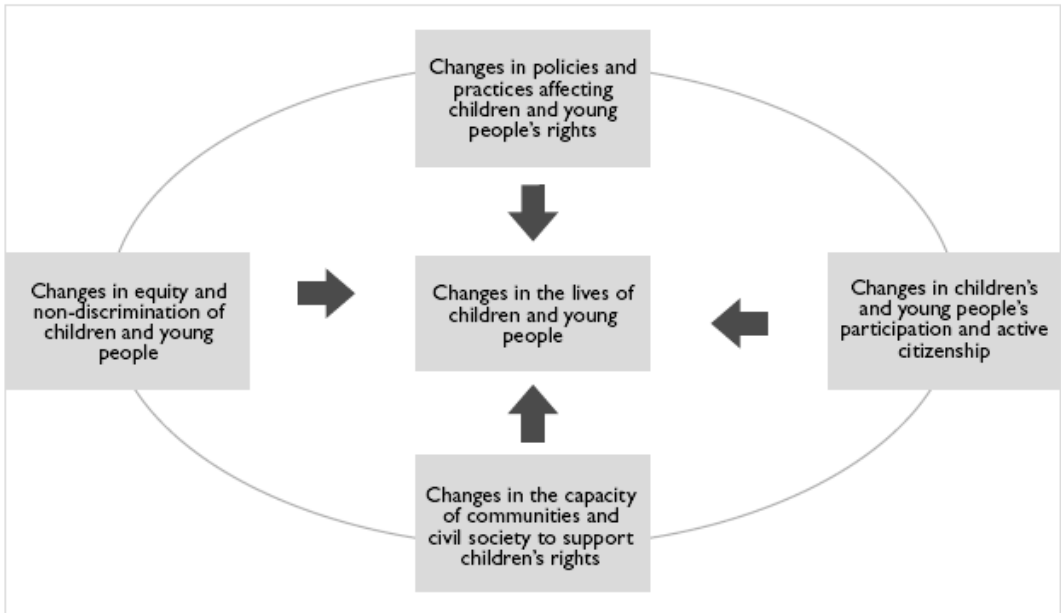
Children's participation as a means of development for countries where poverty and lack of access to education are problematic, offers hope. Their definition of children's wellbeing can be quite subjective, but that may be one of its virtues. What conceptual alternatives can children who don't fit 'into the mould' suggest, and how can they be heard?

Lyrics from Misconceptions Track Two: 'Goddessa'

*You ask me why life is so unfair
Why is death lurking everywhere?
Man it's hard for me to tell you
But I will because I care
You should listen to those words.
(Ibrahim, 2002: 198).*

ANNEX 1
The Virtuous Circle of Rights-Based Approach to Children's Lives

Common Dimensions of Change (Save the Children UK)



Source: Theis (2004: 96).

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6

WATER SCARCITY IN GUJARAT: PERCEPTIONS AND POSSIBLE POLICY RESPONSES

MANISHA SINHA

Water is life's matter and matrix, mother and medium. There is no life without water. (Albert Szent-Gyorgyi, Nobel Prize Winner for Medicine, 1937)

INTRODUCTION

Fresh water is a basic human necessity. We need it for drinking, sanitation and personal hygiene, irrigation, hydroelectricity, for the natural resources it contains (such as fish), to preserve ecological balance, as part of our cultural mythology and for enjoyment (as part of the scenery). As more and more parts of the world face increasing water shortages and water commoditization, the issue of water scarcity—how it is perceived, problematized and the consequences in the form of policy responses—becomes crucial. This essay examines this process through a study of water scarcity in the Kutch and Saurashtra regions of Gujarat, India, and the possible alternate policy interventions that can be constructed in response.

Gujarat is a state on the western coast of India. The state is divided into six geographical regions—the dry and water scarce regions of Kutch and Saurashtra, the comparatively better-off areas of North and Central Gujarat, the rainfall heavy region of South Gujarat and the eastern hilly tribal areas, bordering the neighbouring central Indian state of Madhya Pradesh. Water scarcity is a way of life in Kutch and Saurashtra even in years of normal rainfall. Both North and Central Gujarat also suffer from scarcity in drought years, a phenomenon to which Gujarat is par-

ticularly prone. In these drought years, special trains are operated to carry water from South Gujarat to the drought-affected regions. A combination of fast depleting groundwater tables (estimated to be dropping by between three to five metres per year in some regions) and increasing salinity in Kutch and Saurashtra, has meant not only deprivation for present generations of millions living in these areas, but also a growing inability to meet the future needs of the region for water, food and industrial growth.

This situation of water scarcity can be problematized in different ways to arrive at different policy responses, in particular for Kutch and Saurashtra. In this paper, this is done by looking at the multiple dimensions of water scarcity and its implications in terms of policy responses. Thereafter I examine how the same issue can be framed differently by highlighting selected aspects of the situation based on the prioritization of different beneficiaries, different knowledge systems and different values. In this context I will be looking at two alternative policy responses, with the construction of large dams as one solution and water harvesting and management techniques as another. In both cases arguments supporting the selected policy response will be evaluated against a range of criteria that represent key aspects for an equitable and effective solution to the issue of water scarcity in Gujarat.

After examining both policy responses in some detail, using course readings and policy analysis tools such as argument analysis and synthesis tables, multi criteria analysis, framing and interpretive policy analysis, this essay shows that the construction of large dams is not in conflict with the introduction of water harvesting and management practices. In fact, the two are complementary and should be utilized as such. If the construction of large dams focuses on the supply side, water harvesting and management practices address both the supply as well as demand-based dimensions of water scarcity. The complementary use of both these responses has the added benefit of reducing the disadvantages of large dams related to size of submergence area and consequent resettlement problems, while adding to the efficacy of ground and surface water management practices.

THE 'PROBLEM' OF WATER SCARCITY: AN ANALYTIC OVERVIEW

First and foremost, it is essential to study the concept of scarcity—its underlying assumptions and how these translate in policy terms. Scarcity¹ is a central concept in economic theory, particularly neoclassical economic theory, which in turn has strongly influenced policy thought. This focus on scarcity as deriving from economic thought, has important implications for policy planners. Firstly, scarcity is a given in economics. Thus, policy makers need not necessarily try and understand the nature of the scarcity—whether it is absolute or relative, constructed or real (Mehta 2003; 2006). They can simply accept it as a natural and inevitable condition, evaluating only the degree of scarcity and building responses accordingly. Secondly, under conditions of scarcity, the market is considered to be the most efficient allocators of resources. In many developing countries, the market is replaced by the state, but scarcity is still considered to be addressable external to the situation either by the market (by privatising water for example) or by the state (through prioritising of needs and resources connected to water). In order to do so, however, the scarcity in question has to be formulated into a problem, which implies interpretation by someone—generally an 'expert' policy maker. Since it is addressable external to the situation, this supports the application of expert knowledge over local knowledge (Yanow 2003; 2007). Thirdly, economic thought assumes that scarcity gives rise to conflict and this conflict is to be resolved through the use of financial power (or in the case of developing country thinking, through the use of state power). Thus the policy conclusion is that scarcity leads to trade offs between different societal groups and policy values, which leads to conflicts and that both scarcity and its resultant conflicts need to be managed externally. Since conflict is inherent in such situations, there is no need to hold out for a cooperative solution. Finally, since scarcity is implicitly reduced to a technical concept, it can be fixed by technical solutions that often sidestep social complexities.

¹ In economics, 'scarcity is defined as a condition of limited resources, where society does not have sufficient resources to produce enough to fulfill subjective wants' (Wikipedia). The British economist Lionel Robbins defined economics itself as a 'science which studies human behavior as a relationship between ends and scarce means which have alternative uses' (Robbins, 1932, 1935 p16)

The concept of fresh water as a resource requires further analysis as well. Water has different forms and these confer different rights. Flowing river water is a common resource which confers user rights but no private ownership rights. In India, rivers and lakes are state owned resources, a position that supports implementation of large multi purpose dam projects over locally constructed micro projects (Rangachari et al., 2000). Groundwater, on the other hand, is subject to private ownership and therefore vulnerable to excess exploitation. This also makes ground water harvesting practices more scattered and difficult to implement and monitor. Fresh water also has multiple uses. This not only implies that multi purpose dam projects benefit from economies of scale, but also that there is need for an arbitrator to mediate in disputes over whether water is used for hydro electricity or irrigation, whether by rural hinterlands or urban centres, whether for cash crops or subsistence agriculture, and whether as drinking water for humans or for livestock. Fresh water also has a temporal dimension. Thus, a policy response needs to be able to judge whether the water scarcity is seasonal, perennial or even daily in nature. This would influence the degree of intervention required. Finally, the pricing and subsidising of water can be of concern while devising different policy options.

The state has been seen as an arena for struggle over scarce resources. In developing countries, questions of political inclusion and exclusion are crucial to deciding the acceptability or otherwise of a policy response. This is especially so in a democratic context where the issue of consensus is important for deciding appropriate policy responses (Lindblom, 1959). Developing states often initiate projects and plans that lead to human and environmental disasters, and an existing analytical framework (see Scott, 1998) has relevance for the kind of policy options that are likely to find acceptance. In India, in particular, there is a strong development narrative focussing on big dams as providing a solution to multiple problems of irrigation, flood control, power generation and drinking water scarcity.² Furthermore, this narrative has a long history (Singh, 1990). As a result, India is one of the world's biggest dam

² Dams are strongly associated with modernisation and industrialisation – as clearly enunciated by Jawaharlal Nehru, first Prime Minister of India, when he described dams as the ‘new temples’ of resurgent India.

builders, and has dams that are amongst the largest and heaviest in the world. Despite controversy and negative findings against the way dam projects are designed and implemented, there has been no development of 'an equally straightforward narrative that tells a better story' (Roe, 1991). The policy response to water scarcity in India is therefore predisposed towards the construction of dams as a solution.

Related to the issue of consensus are questions of how to construct policy arguments that will garner the necessary support and how to best select, promote and publicise aspects of these arguments. The concepts of issue networks (Hecló, 1978) and manufacturing of consent (Herman, E.S and N. Chomsky, 1988) are relevant here and are touched upon in passing.

WATER SCARCITY IN GUJARAT: BACKGROUND

The mean annual rainfall in Gujarat varies from an average of 350 mm in Kutch to about 2000 mm in South Gujarat. Kutch and Saurashtra, apart from being drought prone, also support increasing populations and industrialization. This has an impact upon the ground water levels in these areas with water levels dropping fast as more and more wells are dug and aquifers are depleted. Rivers are small and seasonal in Saurashtra and in Kutch the only source of water is rain. There is also a problem of increasing desertification and salination. Ground water in Kutch is mostly saline—according to one news article the water in over 10,000 wells is saline (Bavadam, 2001). According to the official website of Sardar Sarovar Narmada Nigam Ltd., even in normal rainfall years, it is common in Saurashtra to get domestic water supply once in three or four days in summer. In drought years, the situation worsens considerably.

The storing and distribution of enough water to meet basic demand face inherent key constraints. Kutch and Saurashtra have a dry and arid climate and evaporation is a significant concern. In short, the alternative storage and distribution mechanisms for water need to be carefully compared and evaluated with reference to evaporation rates, the potential for water logging and increasing salinity, the need for desilting and the size and depth of areas of submergence (where the water would be stored in various forms) (Sardar Sarovar Narmada Nigam Ltd, 2007).

Several alternative responses are possible. Response number one could be the construction of a large dam or series of dams connected to

water scarce regions by canals. Another policy option could be the revival of Gujarat's traditional water harvesting and management systems, consisting of tanks for rainwater harvesting, small check dams and proper ground water management. A third response could be population control in water scarce regions: resettling excess populations to ensure that the demand for water does not exceed its (scarce) availability. A fourth response could be to put in place an intervention having elements of all the other three alternatives. Finally, a response could be to have no policy intervention at all. Water scarcity has a temporal and cyclical element, which the population of these regions has coexisted with for generations. Coping strategies are thus in place in terms of cropping patterns and water management practices (Mehta, 2003). The fact remains however, that in the absence of water, the populace of these areas is more deprived than people in other rainfall normal or rainfall heavy regions, so this may not be a viable option for a democratic state to adopt.

The first two options are more proactive and welfare oriented. However, in order to achieve their welfare potential, both policy responses need to keep values of equity, efficiency, and maintenance of balance between present and future needs, in mind. These values can be evaluated in terms of the following criteria:

- Addressing water scarcity in absolute terms,
- Addressing water scarcity in distributional terms or addressing the differential needs and ensuring equitable access to water,
- Meeting budgetary and time constraints,
- Meeting environmental standards,
- Addressing the human and cultural issues arising out of the policy response such as possible resettlement, ensuring of adequate livelihoods for those affected, maintenance of social and kinship networks and preserving cultural ways of life in the affected regions,
- Minimizing health and nutrition related issues arising from storage and distribution of water,
- Ensuring the economic stability of affected regions,
- Flexibility in dealing with constraints and unforeseen considerations that may arise from time to time, and
- Degree of greatest threat in case of failure of policy

POLICY RESPONSE ONE: CONSTRUCTION OF A LARGE DAM

Policy Claim

While the causes underlying water scarcity in Kutch and Saurashtra can be debated, the fact that water scarcity exists in the present, and (barring policy intervention), is likely to continue in the future, is undisputed. This scarcity is chronic and acute. Essentially this means that it is experienced by all sections of the population on a regularly occurring basis. The scarcity is also felt by all sectors—for domestic purposes, agricultural purposes, pastoral purposes and industrial purposes. Policy intervention is therefore required to ensure that local populations receive their basic human right of access to clean and adequate water and that the economic life and growth of these regions is facilitated. These regions are drought prone; even in good years, rainfall is both seasonal and in small amounts, groundwater levels are significantly depleted and salinity is an increasing concern. Therefore, the water resources of this region are unreliable and of poor quality. The only option then, is to divert water from more rainfall heavy regions and store it in a series of reservoirs and canals. Thus the required policy response in this case is the construction of a large dam on the Narmada River.

Policy Content

The proposed dam can be designed in such a way as to minimize population dislocation and still achieve quantifiable benefits for Kutch and Saurashtra (Paranjape and Joy 1995).³ Under this design, water will be stored in dispersed local Surface and Groundwater Storage rather than in one big reservoir behind the dam. Water from the dam will be carried to these storage areas through a series of canals, barrages and lifts. Under this proposal, submergence area is minimized and so is the consequent trauma and upheaval of displacement. Correspondingly, financial and environmental costs of resettlement, rehabilitation and compensatory

³ Based on the draft design by Paranjape and Joy for the Sardar Sarovar Project. According to this design, the height of the dam was 107 metres, which reduced the submergence area by almost 70 percent and displacement by almost 90 percent. The design still allowed for full utilisation of Gujarat's share of the Narmada waters and for an increase in the share of Kutch, Saurashtra and North Gujarat (Rangachari, et al., 2000).

afforestation are reduced. Since storage is dispersed locally, it has greater potential to meet local distributional requirements.

This proposal broadly entails approval of the project specifications, an economic cost benefit exercise to determine viability, approval of the environmental impact assessment report, demarcation of the catchment area, identification of project affected persons (PAPs), designing of an equitable compensatory and rehabilitation package, and determination of distributional access and tariffs. The project shall incorporate the dam itself, reservoirs for storage, canals, lifts and barrages, lining and other treatments against water loss, rehabilitation and compensation, compensatory afforestation and maintenance.

Benefits

The proposed dam not only meets the water related needs for all regions falling within its command areas; it also provides a non-polluting and renewable source of electricity. The incidence of diseases related to poor sanitation and hygiene in Kutch and Saurashtra will be reduced. Once constructed, the dam has a long potential life and it is operationally low cost. During construction, which can take three to five years, it will provide employment to the local people, who can also receive technical training at the cost of the project. Dam reservoirs have proved attractive tourist spots, thus further boosting the local economy. The water from the dam will support national parks and sanctuaries, including the Wild Ass Sanctuary in Kutch, Velavadar Black Buck Sanctuary in Saurashtra and the Nal Sarovar Bird Sanctuary in Central Gujarat. The creation of diverse storage areas should also provide a habitat for various wetland species and migratory water birds. Finally, the dam will also improve prices of property in the command area thereby increasing its attractiveness to investors.

Risks and points of caution

Dams have impacts that can be categorized as inevitable, reducible and avoidable (Rangachari, et al., 2000). Dividing these different risks and threats associated with construction of dams in this way can help enable the project to focus attention and resources, first on avoidable and then on reducible impacts. Two important risks associated with dams are the quality of resettlement and rehabilitation packages and their implementation. Sufficient care in selecting broad eligibility criteria for greater inclu-

sion in rehabilitation and compensation benefits, ensuring quality and quantity in land and infrastructure at rehabilitation sites, transparency in the resettlement process and in grievance redressal will go a long way in ensuring willing cooperation. Strict monitoring and independent evaluations can help in ensuring that implementation is as designed and that corruption, incompetence and arbitrariness are minimized. The creation of a Log Frame Analysis for this part of the project should help set up measurable indicators and thus clarify and achieve the above goals.

Other well-known risks associated with dams are time and cost escalations, incomplete water loss treatments, inequitable distribution of water in command areas, under-achievement of projected benefits and under-valuing of environmental impacts. None of these risks are totally avoidable, but given care in planning and monitored implementation, risk can be reduced.

This policy has the potential to generate consent amongst policy planning levels but is likely to face controversies at ground level. Thus, it requires careful media management and the manufacturing of consent.

Biggest Threat

The biggest threat under this policy intervention is the threat of dam failure. This would be potentially devastating in terms of loss of human life, livestock, property, and built infrastructure. Therefore sensitivity and risk analyses should be a strong component of project formulation. Stress should also be laid on preparing disaster management scenarios and the incorporation of preventive techniques.

Evaluation of Alternatives

Alternatives to dams do exist in water harvesting and management practices. However, the creation of multiple water harvesting tanks and storage is estimated to submerge more surface area and displace more people than the proposed dam. Further water harvesting techniques require regular and plentiful rainfall, which cannot be guaranteed in Kutch and Saurashtra. Neither the quality nor quantity of ground water is adequate to meet the growing requirements of these regions. Prioritizing smaller scattered and less effective methods over a larger, more controllable and more reliable method will also put limits on the economic and industrial growth of Kutch and Saurashtra.

Policy Conclusion

For reasons cited above, and under the Kaldor-Hicks principle, the benefits of the proposed dam outweigh the risks. The construction of the dam is the most viable corrective measure of a basic distributional inequity in access to water between geographical regions and across inter-generational lines. The use of planning and implementation tools such as Log Frame Analysis and Cost Benefit Analysis can help assess and reduce risks, plan for eventualities, and set up monitorable indicators. Other tools like Multi Criteria Analysis can help in prioritizing distributional flows so as to ensure social and economic equity.

Synthesis Table for this Policy Position

(Claim) I propose that	(Data) Given that	(Warrant) And given the rule/principle	(Rebuttal) Unless
The construction of a large dam is the solution to water scarcity in Kutch & Saurashtra.	<ul style="list-style-type: none"> · Water scarcity is chronic and acute · Scarcity is experienced by all sectors · Rainfall is scanty and unreliable · Ground water levels are depleted and saline · Careful planning can minimise adverse effects and maximise benefits of dams 	<ul style="list-style-type: none"> · Scarcity should be addressed · Water cannot be created but has to come from somewhere · Dams create large reservoirs of water, which can then be distributed through canals 	<ul style="list-style-type: none"> · The dam breaks · The project is indefinitely delayed · Project benefits are not achieved · Water loss from canals prevents reach of water to Kutch & Saurashtra · Low cost alternatives offering equal or more benefits exist

POLICY RESPONSE TWO: WATER HARVESTING AND MANAGEMENT PRACTICES

Policy Claim

The fact that water scarcity exists in Kutch and Saurashtra in the present, and is likely to continue (barring policy intervention), is undisputed. The causes and nature of such scarcity are however, of prime importance to any solution. This scarcity is both cyclical and constructed (Mehta 2003;

2006). First, essentially this means that the scarcity is seasonal and therefore predictable to some extent; rainfall patterns in Kutch and Saurashtra have not changed in recent years. Local populations in these regions have evolved traditional systems of water harvesting and management as well as coping strategies for dealing with drought years. Second, the increased experience of scarcity is constructed in that it results from the upsetting of this balance because of population growth, industrialisation and unchecked exploitation of aquifers. While both population growth and industrialisation are inevitable, unequal distribution and lack of attention towards maintaining traditional water management storage and practices has led to a scarcity that is experienced differently by different social groups. Scarcity is not absolute and is not experienced to the same degree by all sectors in society. The required policy response therefore needs to focus on two aspects. Firstly, it should prevent further water depletion and revive local mechanisms for water conservation and renewal of ground and surface water. Secondly, it should focus on more equitable distribution by decentralising control over and access to a variety of storage options. The only option that meets both these criteria is one of water harvesting and management. Thus the required policy in this case is to introduce and extend water harvesting and management practices.

Policy Content

This proposal encompasses a wide variety of water management and harvesting techniques. It involves managing, what the Chinese have termed the four waters—ground water, surface water, soil moisture and rainfall management (Rangachari, 2000). It combines modern technical expertise with traditional technical and local expertise. It addresses both dimensions of scarcity—the demand side as well as the supply side. On the supply side, the policy includes rainwater harvesting, revival and construction of tanks, ponds, check dams and other micro-hydro projects. It also involves using a mixture of natural and chemical techniques to prevent water evaporation and seepage. Finally, it involves putting in place techniques to prevent soil erosion and recharge groundwater, such as afforestation, cropping pattern changes, custom bunding, gully plugging and bunding of fields. On the demand side, it involves regulating the use of water to prevent wastage, ensuring more equitable distribution between rural and urban, and between domestic, agricultural and industrial

sectors. This is influenced through providing storage and harvesting sites close to demand areas. Finally, since this policy requires a considerable level of community participation, it also has a water literacy component that can be transmitted to future generations.

Benefits

Under this policy, the regions of Kutch and Saurashtra would become self-reliant in terms of an important resource. Control over quantity and quality would remain within the regions, and the fragile ecological balance would be maintained. The policy is in keeping with the principles of harmonious and sustainable development. It reduces the conflictual nature of scarcity and prioritises collective and cooperative action. It takes local conditions and expertise into account and has no harmful impact on microclimate of the regions. It avoids human suffering in terms of large-scale displacement, the loss of priceless cultural and heritage sites and respects the cultural lifestyles of all peoples. Over time it would improve the quality of ground water and reverse the effects of desertification and salination. Even though the total submergence area is likely to be greater than that of a dam, the submergence is both shallow and seasonal. It therefore supports the growth of high yield paddy during the wet season and of other crops during the dry season (Rangachari, et al., 2000). Finally, the entire project is low cost, easy to implement, reversible if necessary, flexible, and time effective.

Risks and points of caution

The most serious risk involved in this policy is that it decentralises control from one central authority to a variety of village and community level organisations. It therefore runs the risk of improper implementation, a lack of monitoring and a lack of maintenance. However, instead of viewing this as negative, it is possible to turn this into a benefit with proper care and planning. Decentralised control can throw up innovative improvements. The need for monitoring can be reduced by greater involvement of different stakeholders within each community. This has the added benefit of enhancing community participation through the principle of 'ownership.' The problem of lack of maintenance is related both to the concept of the tragedy of the commons and to the lack of funds at local levels. A response may be to create a contributory water fund at each level, thereby increasing ownership and providing a buffer

of funds for routine activities. This fund could be in the form of direct contributions or water tariff pooling supplemented by subsidies and grants from the government.

Other risks involve inequitable distribution between disadvantaged members of each community, such as lower castes, women, children, the elderly and the disabled. However, some inequity appears to be inevitable under any policy intervention. Moreover, increasing emphasis on community participation and involvement of different stakeholders will over time reduce such inequities.

This policy however, goes against conventional thinking amongst policy makers and therefore requires the creation of ground support from amongst diverse groups interested in sustainable development and against the construction of large dams. There is thus need to build an issue network to help create consensus.

Biggest Threat

The biggest threat under this policy is that the water made available through such methods will not suffice to meet either present or future requirements. In such a case, the policy can be supplemented by other interventions, including dam construction. Therefore the threat potential under this policy is relatively low.

Evaluation of Alternatives

The most visible alternative to this policy is that of construction of a large dam. However, this has serious implications in terms of social and ecological disruption, in shifting control from within the regions to outside the region and in the loss of common property resources and cultural resources in the catchment areas. Dams would build the prosperity of these regions on the basis of the suffering of other regions. Further the actual benefits of dam construction for Kutch and Saurashtra are debatable. Both these regions are at the tail reaches of any proposed canal. Thus it is entirely possible that most of the water intended for them would not reach them. This could be due to diversion to urban centres on the way, illegal diversion by cash crop farmers and loss of water from seepage and evaporation. Damming river water also reduces flow at the mouths of the rivers, allowing for a backflow of seawater and thereby increasing salinity. Finally, a dam project takes years to complete, frequently running into time escalations of a decade or more. Simultane-

ously the focus on dam construction reduces attention and resources from quicker and easier solutions, thereby leaving scarcity conditions unalleviated until the dam project is complete.

Policy Conclusion

For the reasons cited above, it is more viable to start a policy intervention that can quickly, cheaply and sustainably solve immediate problems of scarcity, while respecting the need to preserve resources for future generations as well.

Synthesis Table on this Policy

(Claim) I propose that	(Data) Given that	(Warrant) And given the rule/principle	(Rebuttal) Unless
Water harvesting and management practices are the solution to water scarcity in Kutch & Saurashtra.	<ul style="list-style-type: none"> · Water scarcity is cyclical and predictable · Distributional inequities are the key element in the scarcity · Unchecked exploitation and improper water management practices are root causes · Local expertise exists in water management and harvesting. 	<ul style="list-style-type: none"> · People evolve coping strategies in response to climatic conditions · Distributional inequities need to be addressed. · Depletion of ground water resources can be reversed through sound water management techniques · The local people have been practicing water management for generations 	<ul style="list-style-type: none"> · Population and industrialization have increased demand beyond the available supply of water · There is drought for consecutive years · Groundwater is too saline to use · People don't want to 'cope' - they expect more

CONCLUSION

Both policy responses given above have strong advantages and disadvantages. If assessed in terms of the criteria, initially laid out for a welfare-oriented policy, the results are mixed. An evaluation table has been attempted; however it is based not on quantifiable data but on perception of past performance records. Its value is not as a tool of analysis, but

only to help gauge the relative strengths and weaknesses of both policy responses in terms of the different values expected from an effective policy intervention.

Criteria	Scale (Based on perception of performance records)	
	<i>Policy Response One</i>	<i>Policy Response Two</i>
Addressing water scarcity in absolute terms	High	Low - Fair
Addressing water scarcity in distributional terms	Low	Fair
Meeting budgetary and time constraints	Low	High
Meeting environmental standards	Low	High
Addressing the human and cultural issues	Low	Fair
Minimizing health and nutrition related issues	Fair	Fair
Ensuring the economic stability of beneficiary regions	High	Fair
Flexibility in dealing with constraints and unforeseen considerations	Low	High
Intensity of impact of greatest threat in case of failure of policy	High	Low

Neither policy initiative is in conflict with the other. In fact they can supplement and complement each other. Combining them can give rise to a more holistic river basin development policy with elements of watershed development, provision of multi purpose benefits, water management and water literacy. Including local water harvesting and management practices can reduce the size and height of any proposed dam while still providing all the benefits. Equally, the availability of a reservoir of water can provide a buffer for times when water harvesting and management do not match up to demand. It could also help solve distributional inequalities, both within the command area and between areas of heavy rainfall and floods and dry drought prone areas. It also allows for

the combining of technical expertise and local expertise thereby decreasing distance between planning and ground reality conditions. Integrated planning also reduces human suffering and ecological degradation, making it easier to generate support and consent for a policy.

As the essay shows, different policy responses to the same issue can be justified based on the same data by selectively highlighting aspects of the issue. In the case of water scarcity, how it is perceived, defined, promoted and formulated as a problem can decide the shape of a policy response. Each of these responses exacts a cost in terms of resources, time, and unintended negative externalities. Therefore, the assumptions underlying a policy as well as the arguments supporting it need to be carefully deconstructed and analysed.

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7

MEETING THE REPRODUCTIVE HEALTH NEEDS OF ROMA WOMEN: REDRESSING WRONGS AND REVIVING EUGENICS?

EMILY HILLENBRAND

INTRODUCTION

During their process of accession to the EU, Slovakia and the Czech Republic faced intense scrutiny about allegations of coerced sterilization of Roma women during Communism. The practice appears to have continued well into the post-Communist period, with the implicit support of the governments. In the Czech Republic, coerced sterilizations allegedly occurred as late as 2001, and in Slovakia in 2003. A major investigation carried out by the US-based Center for Reproductive Rights (CRR), which detailed racially driven reproductive abuses in Slovak hospitals, was obstructed and dismissed by the Slovak authorities. The Czech government has been slightly more responsive, but no damages have been awarded to any of the plaintiffs.

In part because of these high-profile cases, the reproductive needs and rights of Roma women have taken a prominent place on the agenda of Roma social inclusion in the EU. Many Roma activists, however, argue that targeted reproductive health initiatives, offered by organizations such as International Planned Parenthood Foundation (IPPF), are simply perpetuating a eugenic population control policy under the label of reproductive health and rights. Given their history of abuse and exclusion, Roma activists have reason to be suspicious of family planning programs offered on their behalf. At the same time, full reproductive health (which includes contraceptive access) is a right of all women, and Roma

women's reproductive and sexual health needs should not be subordinated to the politics of a male-led emancipation campaign.

Employing the concepts of eugenics, stratified reproduction, safe motherhood, and Ginsburg and Rapp's framework for reproductive decision-making, I take the forced sterilization issue as an entry point to unearth the historical and contemporary factors that disempower Roma women to reproduce and nurture, and that grant non-Roma authorities impunity for violations of Roma women's bodies and rights. While many human rights organizations are now coming to the defence of the Roma, closer attention should be drawn to the population control motivations behind current reproductive health programs. Greater political will is still needed to prosecute sterilization abuses and to ensure that Roma women have equal and welcome access to all health, social, and legal services. Noting that there are traditional practices as well as state structures that continue to obstruct Roma women's health and safe motherhood, I argue that Roma women must be empowered to claim their reproductive rights on their own terms.

THE HISTORICAL CONTEXT: POPULATION CONTROL WITH EUGENIC INTENTIONS

The intolerance and persecution of Roma¹ is deeply embedded and well documented in Eastern Europe. Did coerced sterilizations of Roma women during and post-Communism therefore constitute a deliberate eugenic policy to eliminate an unwanted ethnic group? There is not always a clear line between the Malthusian doctrine, which maintains that rapid population growth among the poor is the root cause of all social problems, and eugenics, which uses the discourse of genetic inferiority to show that 'the fertility of various elements of our population is inversely proportional to their mental, moral, and social worth' (Young, 1989). In Eastern Europe, where nationhood is defined largely by ethnic homogeneity, the poverty of the Roma is widely attributed to their ethnicity and social 'deviance.' Because the Czechoslovak state pursued strongly pronatalist policies in the aftermath of World War II, it is clear that singling

¹ The Roma are not a homogeneous body and are made up of numerous groups with unique customs and organizing principles. For the purposes of this paper, I use 'Roma' to indicate the various groups commonly labelled 'gypsies.'

out Roma for irreversible birth control at the same time was a eugenic campaign.

During WWII, roughly 8000 Czech Roma were sent to concentration camps, and only around 600 returned to Czechoslovakia after the war (Lucero and Collum, 2006:1). Under Communism, conditions marginally improved for the Roma, as overt attacks diminished, and the Roma became the subjects of an aggressive state-led ‘assimilation’ campaign. Like other citizens, Roma received free education (though not all Roma attended school), guaranteed jobs (though usually menial), free housing (though typically of poorer quality), and free health care. Unlike the rest of the population, however, the Roma were also urged or forced to be sterilized to reduce the ‘high, unhealthy’ birth rate of Romani women (Cahn b, 2006:69).

As with most political policies dealing with reproduction, the state worked through women’s bodies and social norms surrounding motherhood to affect its bifurcated population policy (Sen, 1994:7). Non-Roma Czech women received economic incentives such as birth premiums, generous maternity leave, and child care allowances to repopulate the country in the aftermath of the war (Lucero and Collum, 2007:99). For Roma women, on the other hand, the trade-off for receiving state health care was sterilization. Because of their lower literacy rates and greater social vulnerability, Roma were easy targets for the procedure, which was often carried out during abortions or unnecessary Caesarean section operations. While informed consent was required, social workers and medical doctors would obtain or forge consent when women were at their most vulnerable—immediately after or just before labour, and when women were in intense pain or drugged. Social workers, whose job should be to care for the marginalized, bribed Roma women with promises of cash and gifts, or threatened to remove their children into state care (Lucero and Collum, 2007:99). Thus, for the Roma, the option of good motherhood and providing well for their children was attainable only if they renounced the capacity to mother again.

In the post-Communist transition, economic upheaval and the return of free speech brought about a resurgence of overt hate speech and racial violence. Loss of state employment and competition for livelihoods once again made the Roma easy scapegoats for the frustrations of the majority. In theory, routine sterilization of Roma ended in the mid-1990s, after it was documented by Czech dissidents and Human Rights

Watch. However, dozens of cases were reported between 1979 and 2003, and it seems plausible that the practice may continue in certain hospitals (Cahn, 2006:69). In the following section, I will discuss the factors and conditions that continue to make Roma women's reproduction, motherhood, and pursuit of justice less valid and less socially sanctioned than those of the ethnic majorities.

THE SRHR CONTEXT:

WHY ROMA REPRODUCTION IS NEITHER SAFE NOR SANCTIONED

The World Health Organization defines safe motherhood as the right of every woman to full health before, during, and after pregnancy; the right to choose whether or not and when to have a child; and the right to be protected against overburdening and violence (Panos Institute, 2001). Clearly, coerced sterilization is an egregious violation of these principles. Reproduction, however, refers not only to procreation and childbirth, but also to nurturing, childrearing, socialization, and care of the sick. Full reproductive health, therefore, entails the social, economic, and physical means to care and to be cared for. As defined by Ginsburg and Rapp (1995), the concept of stratified reproduction explains how certain categories of people are empowered or disempowered to nurture and reproduce based on their relative power position in society and their ability to make claims to social services, which in this case, must also include the prosecution of reproductive rights violations. The 1994 Cairo International Conference on Population and Development (ICPD) convention made clear that human rights (including reproductive rights) are indivisible from the enabling political, social, and economic environment that allows individual actors to exercise those rights (Correa, 1996:2). Whether the environment for safe and healthy reproduction is enabling or disabling is a factor of structural opportunities and exclusions; the locus of decision-making power as determined by race, gender, class, and family relations; and cultural norms and beliefs about reproduction (Dixon-Mueller and Germain, 2000:77). For Roma women, the ordinary reproductive health risks and burdens of child rearing are compounded by their low social status, limited education, and structural exclusion from health services, decent work, and caregiver protections.

Roma women are disadvantaged from the start due to the high unemployment and widespread poverty among the Roma, which prevents most from attaining the state of full health and well-being that is the base

of reproductive health. Throughout Eastern Europe, unemployment is extremely high, and 75% of Roma live in poverty (Plafker, 2001:1). Sanitation in Roma residential areas tends to be poor, leading to higher incidences of communicable and non-communicable diseases.² Women's levels of stress, which also negatively affects health status and can increase risks during pregnancy, are likely to be higher due to chronic discrimination. Roma women's nutritional status tends to be lower than that of the majority population, and many women avoid regular, preventive care not only due to unaffordable fees for service, but because of the hostility they face from both patients and providers in hospitals. Roma are occasionally denied services altogether and are often segregated from non-Roma in hospitals (Ibolya, 2005:15). Sexual violence against Roma women is common, and abortion of unwanted pregnancies can also compromise safe motherhood, by providing doctors with an easy entry point to perform an unwanted sterilization operation (Karamanou, 2003:6). Social policies that limit child health insurance to the first three children and charge fees for the documents needed to access health services reinforce the structural obstacles to Roma reproductive health and safe motherhood (Plafker, 2001:2).

As reported in the CRR report *Body and Soul*, these obstacles are enforced at the highest levels of the Czech and Slovak governments. The response of Slovak authorities to the CRR investigation into allegations of forced sterilization was farcical and contemptuous. The Ministry of the Interior built up the charge of reproductive and human rights violations to one of attempted genocide, which requires an immense burden of evidence and makes it virtually impossible to prosecute. The Ministry of Health was then assigned to conduct its own inspection of one hospital, and, not surprisingly, found no evidence of forced sterilization or health-care discrimination. Women who came forward with allegations about forced sterilization were verbally abused for being 'ungrateful' for the care they had received. They were intimidated by the police, who threatened them with prison sentences for filing false charges against health providers. Knowing that many women had been minors when sterilized, the police also threatened to charge the women's husbands

² In Hungary, mortality rates of Roma are twice those of the rest of the population, and incidences of lung and kidney infections, attributed to the ghetto living conditions, are extremely high (Ibolya, 2005).

with statutory rape if they brought forth charges, thus dissuading many women from pursuing justice. The advocates for the women were accused of conspiring to ‘spread false rumours and create panic in society,’ and of paying Roma women to provide false testimony about sterilization. While the investigations in the Czech Republic received more sympathetic treatment in the press, measures taken by the Ministry of Health to address abuses were seen to be ‘grossly inadequate’ (Center for Reproductive Rights, 2003:5).

The reactions of the authorities clearly demonstrate that rights to reproductive health and citizenship-based social protections are strictly stratified by ethnicity and class. The contempt of state officials is mirrored from below by the deeply entrenched and uncontested conceptions about ‘gypsies’ uncleanness, savagery, and second-class citizenship. Because Roma are ‘unwilling to adapt,’ they are unworthy of the same rights and health access as the majority. These conclusions give moral impunity to the constellation of public authorities, social workers, and medical doctors who have violated women’s bodily integrity and continue to curtail their reproductive freedom (Cahn 2004:4). This attitude is not by any means isolated to Eastern Europe. Rather, it is enforced at the transnational and EU levels by the discriminatory migration and social policies of the older EU states. The UK, Germany, and the Netherlands, for example, actively practice discrimination through forced expulsion of Roma, denial of asylum, and housing policies that physically segregate Roma communities from the majority, entrenching them in environments of poor health and weak social support.³

UNSAFE CULTURAL PRACTICES, GENDER INEQUALITY, AND THE LIMITS OF MULTICULTURALISM

In addition to the state policies and prejudices that alienate Roma women from state services, gender inequality and troubling social norms

³ In Germany, some 50,000 Serbian Roma were expelled from Germany after Milosevic was imprisoned, despite the fact that many had been living there for two decades. While other ex-Yugoslavians have settled in Germany, the Roma expulsion was motivated primarily by the desire to remove an unwanted ethnic group. In the Netherlands, mail carriers sometimes refuse to deliver mail to Roma and individuals have sued for damages because the presence of Roma caravans ‘obstructs their view’ and devalues their property.

within Roma communities also weaken the enabling environment for safe motherhood and reproductive health. Roma gender relations are highly unequal. Domestic violence is prevalent, and practices of teen marriage and the preference for large families can severely damage the health and well-being of young mothers who give birth too soon and too often. Traditional conceptions about pollution through contact with women's blood means that women often give birth alone, and in the case of complications, there may be longer delays before help is sought. The punishment for perceived violations of sexual purity laws (which are enforced with virginity testing and arranged marriage) fall disproportionately on women. Women are denied the sexual rights to choose their partners, and they are vulnerable to being ostracized and left without the social and emotional support that is a pillar of health and well being. The decision about how many children to have or not to have a child at all may not be open to women, even when their own health is at risk (Timmerman, 2006:477).

Because of these norms, it is clear that Roma women have specific health risks and needs of which health-care providers need to be aware and sensitive. Their limited reproductive choices do not mean, however, that most Roma women would prefer to limit their family size. In part because of their structural exclusion, Roma kin and clan connections are extremely important as an economic support network and social security in old age. As this safety net is maintained through large extended families, women's subjective gender identity and social status are intimately tied to prolific motherhood. Since women can exercise social power through their (male) children, they may prefer to have many children at the expense of their personal health. Therefore, forced sterilization is not only an affront to the woman's bodily integrity and personhood, but also to her gender identity and her long-term livelihood security.

ROMA REPRODUCTIVE RIGHTS PROGRAMS: AFFIRMATIVE ACTION OR POPULATION CONTROL?

In a final layer in the stratification of Roma women's reproduction, organizations such as International Planned Parenthood Federation, which has a long and complicated history of funding eugenic population control interventions, have become vocal champions of Roma women's reproductive and sexual rights. Even as allegations of forced sterilization made headlines in Slovakia, IPPF, funded by the European Commission,

piloted two projects in Hungary and Slovakia to provide ‘accessible and high quality sexual and reproductive health services and sexuality education for Roma and other marginalized groups’ (IPPF EN, 2007). A ‘best practices’ conference on these programs held in Bratislava in March 2007 made no mention whatsoever of the ongoing sterilization issue. As the male leader of the European Roma and Traveler’s Forum pointed out, ‘It is an irony that at a time where everyone is concerned about Europe’s declining population, Roma are singled out for programmes of population control. Instead of eliminating poverty these programmes seek to eliminate the poor, in particular, Roma’ (ERTF, 2007).

The Slovak implementing partner of one of the pilot projects made a clear Malthusian equation between Roma overpopulation and Roma poverty. In so many words, the organization blamed racial intolerance and inequality on population growth: ‘The so-called Roma problem in Slovakia has a historical, cultural and social background extending beyond territorial boundaries of Slovakia...The high natality is one of the reasons why the existing situation is deteriorated. The high birthrate and multiparity result in children not being provided with health care, not obtaining adequate education and later in their lives, they are not able to acquit themselves well on the increasingly demanding labour market. A vicious circle arises, which continues to expand and brings about growing tension in the society’ (ERTF, 2007).

Surveys of Roma women leaders indicate that access to health and education are the primary issues of concern to them (Plafker, 2001:3). In extending access to reproductive services and sex education to Roma men and women, institutions such as IPPF can be seen by human rights groups to be addressing unmet needs, strengthening women’s reproductive decision-making autonomy, and improving the environment for safe motherhood. Given the evidence outlined above, however, it would be naïve to suppose that any reproductive health program aimed at Roma is not at least partially motivated by the entrenched belief that the Roma population must ‘assimilate’ to the acceptable size of the mythological nuclear family model.

EMPOWERING WOMEN TO CLAIM THEIR RIGHTS

The investigations into past sterilizations are being brought to light at this particular time because the EU accession process and transnational movements provide legal instruments and advocates to support the

Roma, within the framework of human rights, social inclusion, and racial equality. Thus far, forced sterilization cases have been treated as racial attacks on the collective Roma nation. As such, they generate the cautious sympathy of the public and bolster the case for social inclusion initiatives, such as the World Bank-led Decade of Roma Inclusion. The problem with subsuming the violations of a woman's bodily integrity to the category of collective racism, however, is that it continues to use women's bodies and rights for political purposes. It also allows 'traditional' Roma practices that harm women's reproductive health and autonomy to go uncriticized. Many European feminists, who could be expected to address issues such as domestic and sexual violence and early marriage, do not see Roma gender issues as part of their own agenda, due to cultural and class-based differences. Others, burned by the critiques of 'Third World' feminists, hesitate to impose their values on other women and therefore ignore harmful practices as 'culture' (Oprea, 2005:3).

What seem to be missing from this movement, so far, are the voices and concerns of Roma women themselves. Most of the prominent activists (both Roma and non-Roma) are men. At Roma rights conferences, women tend to be relegated to supporting roles—literally, in the kitchen. In the broader struggle for Roma recognition, 'the ideology of unity in the face of oppression by the majority society serves to hinder many women from speaking about internal community issues' (Oprea, 2005:32). When Roma women do speak out against issues such as domestic violence or early marriage, they are accused of being 'Westernized' and can lose the social support of their own cultural group (Oprea, 2005:32).

As Kate Young (1989) points out, framing reproductive health as a woman's right means that women also have a responsibility to claim those rights. With the support of human rights groups, Roma women are just beginning to organize themselves into groups such as the Czech 'Group of Women Harmed by Sterilization' to seek retribution. One Czech woman, Helena Ferencikova, won her case and was awarded an official apology—but not compensation—from the hospital that performed the operation. However, women remain appallingly underrepresented in politics and in human rights campaigns.

A variety of contraceptive choices and information about sexual risks and rights are important elements of reproductive health, and Roma

women should certainly have equal access to these choices and information. For many, though, the right to bear and raise healthy children may be their most urgent reproductive need. If bodies such as IPPF, the EU, and the governments that are committed to Roma inclusion are truly concerned with women's reproductive health, they should first and foremost devote resources to sensitizing health professionals, prosecuting violations of women's bodily integrity, and encouraging Roma women's political participation. Ultimately, the decision to have a child rests with the individual woman—not with her family, the state, or any international organization. Until the structural conditions for reproductive health and safe motherhood are improved, and until women are equally represented in the Roma struggle for political, economic, and social rights, any efforts by outsiders to influence Roma women's reproductive decisions must be seen as racial profiling, not affirmative action.

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8

NEOLIBERALISM: SET OF POLICIES OR THEORETICAL PROJECT

DAVID MICHAEL ONEN

And they have sought to win support for their goals (and neutralize opposition) by cloaking their commitment to capitalist discipline in arguments and language that disguise its logic, and promote it as a solution for the very conditions - poverty and inequality on a global scale - that it itself produces. (Cammack, 2002: 160)

INTRODUCTION

The last three decades have been marked by major changes in the forms of global political economy and ideology, dominated by a of ‘cluster of ideas and policies (that) has become known as neoliberalism’ (Gamble, 2006). Conceptualizing neoliberalism now poses major challenges to scholars, policy makers and practitioners. These challenges emanate from the very nature of how neoliberalism is configured. Cammack (2002) refers to this ideological development, which has been championed by International Financial Institutions (IFIs), as a way of ‘establishing a new neoliberal orthodoxy that is faithful to the disciplines required for capitalist accumulation on a global scale, and generating a legitimizing ideology *that obscures the presence of those disciplines at its core*¹ (Cammack 2002:157). Much of the contemporary literature on neoliberalism is concerned with its origin and ascendancy, its ideology and its proponents, the contradictions within its ideas, and the inconsistencies regarding its implementation—not to mention its negative impacts and the wild global rise against it. However, there are not many publications that go

¹ Italic emphasis is by the Author of this paper.

into the very theoretical underpinnings of neoliberalism as a project or ideology.

In this essay, I attempt to analyze neoliberalism as a concept to establish the theoretical underpinnings that inform its ideals and principles. It is my contention that an analytical relationship can be established between neoliberalism as a theory and neoliberalism as a set of policies that emerge from this theory.

I will first define neoliberalism as a concept and present an overview of its ascendance within its historical context. My argument is that the primacy of the market and freedom of individuals—the core of neoliberal theory—can be traced to the inherent theories that inform its principles and policy prescriptions. As Gill (2000) has argued, International Relations (IR) and International Political Economy (IPE) theories form the basis for analyzing neoliberalism. I conclude that neoliberalism is not just a set of policy prescriptions but also a theoretical project. An analytical relationship between neoliberalism as a theoretical project and as a set of policies can be drawn from the very theories that underpin the prescribed policies and from their ‘transformation into a political project that seeks to regulate the social in a way that is compatible with the market’ (Jayarusiya, 2006: 252).

NEOLIBERALISM: HISTORICAL OVERVIEW AND CONCEPTS

The rise of neoliberalism can be traced back to the 1970s. Robison (2006) notes that neoliberalism emerged at a time when inflation, unemployment, and corporate failures wracked the western capitalist states. According to Brenner and Theodore (2002), the rise of neoliberalism in the 1970s and 1980s was ‘a strategic political response to the sustained global recession of the preceding decade.’ Others observe that despite free market platitudes, neoliberalism was a planned effort by financial interests to counter the postwar Keynesian compromises attributed to the writings of Friedrich Hayek and Milton Friedman (Gamble, 2006; Duménil and Lévy, 2004). In the same vein, John Toye contends that at this time, the conflict between neoKeynesianism and development economics was yielding into what he described as ‘monoeconomics’ – a universally applicable economics, ‘a unified set of principles from which policy prescriptions could be drawn and successfully applied in advanced and backward countries alike’ (Toye, 1994:22).

These academic and economic developments, which led to the reinvention of liberal principles, were accompanied by the ‘restructuring of the relationship between capital and the state, and between the state and society, with the aim of restoring the unfettered operation of market forces’ (Cammack, 2002:158).

The close of the 1980’s saw the emergence of neoliberal discourses as the dominant paradigm, redrawing new lines of development debates, and casting Keynesian and socialist alternatives by the wayside. In Britain and the United States, ‘Thatcherism and Reaganism established neoliberalism as the new dominant common sense, the paradigm shaping all policies’ (Gamble, 2006: 24-25). From the above historical overview, a thin line can be drawn between the political and economic perspectives of neoliberalism.

So what precisely is neoliberalism, and what then is its agenda? There are a variety of views as to what constitutes neoliberalism. In some quarters, it is perceived as a political ideology, while in others, it is perceived as a set of policies. Still others view neoliberalism as a strategy of the West (especially the United States)² to extend its hegemony throughout the world (Harvey, 2005). The vagueness surrounding neoliberalism is further muddled by the fact that there is also a wide variance in the application of the neoliberal model itself: various regimes emphasize different aspects of the agenda.

Generally speaking, however, neoliberalism can be identified by several clear principles and ideas. At its core, neoliberalism is a belief in the free market and in minimizing barriers to the free flow of goods, services and capital. It is an extension of the traditional liberal philosophy, which argues for a separation of politics and economics and contends that markets should be free from state interference. In David Harvey’s view, ‘the assumption that individual freedom is guaranteed by freedom of the market and of trade is a cardinal feature of neoliberal thinking, and it has long dominated the United States’ stance towards the rest of the world’ (Harvey, 2005:7).

Along these lines, neoliberalism is based on four principles:³

² Robison (2006:14); *Markets and Empire* discusses how neo-conservatives in the US believe strongly in the preservation of a market system by a powerful state with political muscle – including unilateral actions on a global stage.

³ These principles and the following policy prescriptions have been adopted from World Health Organization website on the page: Neo liberal Ideas, and

- Economic growth is paramount: corporations and their agents need to be free to pursue whatever gives them an economic advantage and, in consequence, internal and global markets must be free to operate with limited constraints from the state or regulation.
- Free trade benefits all nations—rich or poor—because every nation has a comparative advantage.
- Government spending creates inefficiency and waste. Although most neoliberals agree that not all public expenditure is wasteful, many argue that it can be reduced.
- In the distribution of economic goods, individual responsibility replaces the concepts of public goods and community.

These core principles all translate in practice into forms of liberalization or deregulation—the reduction of rules and restrictions—Including capital account liberalization, trade liberalization, domestic liberalization, and privatization of state services.

In the following section, I will turn to a theoretical analysis of neoliberalism, and how theoretical principles relate to neoliberal policy prescriptions.

PRIMACY OF THE MARKET AND INDIVIDUAL FREEDOM: THE NEOLIBERAL PROJECT

As identified above, the core of neoliberalism is its belief in the inherent efficiency and flawlessness of the market. Its aim, according to Robison, is ‘nothing less than extending the values and the relations of markets into a model for broader organization of politics and society’ (Robison, 2006). Neoliberalism seeks to eliminate the state from the flow of trade and to reduce the role of the state to one of promoting the ideal environment for the market to function. In theory, neoliberalism holds that the state cannot be trusted with the management of the market.

In pursuit of these ideas, neoliberalism has employed various strategies, not least of which is forceful implementation of set policy prescriptions across the globe. Understanding the neoliberal project necessitates analyzing the policies it prescribes, the manner of their implementation, and its inherent contradictions (including contradictions among the insti-

can be viewed at: <http://www.who.int/trade/glossary/story067/en/index.html> (10/04.2007)

tutions that champion neoliberalism). Three neoliberal theories are useful in understanding neoliberal policies: neoclassical economic theory, neo-realism, and New Institutionalism.

Gill (2000) argues that the primacy of the market as the most efficient and dynamic means of allocating resources and organizing economic and socio-political life emanates partly from neoclassical liberal economic theory. He argues that neoclassical liberal economics builds abstract models of how resources can be allocated and used efficiently to maximize the utility of individuals or groups of individuals. This allocation is facilitated by the effective information about choices communicated through the free market. Neoclassical economics rests on three assumptions. First, individuals have rational preferences among outcomes, which can be identified and associated with a monetary value. Second, individuals constantly maximize utility and firms maximize profits. Finally, individuals act independently and on the basis of full and relevant information. It must be noted here that these assumptions have been soundly criticized, especially by New Institutionalists, for assuming that individual human beings are all-knowing and that market information is always available and accurate (North, 1995; Harriss, Hunter and Lewis, 1995; Hunt, 1989).

According to Hunt (1989), ‘the concerns with individual incentives and the importance of individual decision-making within a freely-operating impersonal market system are closely linked to the assumption of individual economic behaviour...combined with a fundamental belief in primacy of the value of individual freedom—economic and political’ (Hunt, 1989:293). Thus, it can be argued that the concern during the 1980s of ‘getting the prices right’ was informed by neoclassical theorists promoting the ‘economic rationality of producers and consumers in less developed countries’ (Hunt, 1989: 197). Examples of neoliberal ideas that derive from neoclassical theory include:

- Individual freedom
- Private property rights
- Free market
- Competition
- Privatization
- Liberalization
- No state interference

- Citizens as consumers
- Supremacy of economics over political and social life

A second important theory behind neoliberalism is neorealism (Gill, 2000). Neorealism,⁴ or structural realism, is a theory advanced by Kenneth Waltz, who argues for a systemic approach to economics, in which the international system acts as a constraint on state behaviour, so that different states behave in a similar, rational manner, and political and economic outcomes fall within an expected range.

‘Neorealism holds that the international structure is defined by its ordering principle, anarchy, and by the distribution of capabilities, measured by the number of great powers within the international system.’⁵ According to Gill (2000), ‘In the absence of an ordering-producing force (such as a government with power, authority, and will) human life would be akin to war: a perpetual situation of fear, insecurity, greed, and (a damaging form of) competition’ (Gill, 2000:59). In such a state of affairs, order can only be guaranteed by a political authority with sovereign power (Gill, 2000). Some of the practices associated with the neorealist theory are:

- A one-size-fits-all approach: all nations can compete perfectly
- Globalization
- Regionalization
- U.S. hegemony

The third theory informing the neoliberal paradigm is New Institutional Economics (NIE), a set of beliefs stemming from the central proposition that institutions ‘matter’ to economic and social development. Yet the instrumental purpose of institutions in the neoliberal framework remains clear. David Harvey has argued that ‘neoliberalism is in the first instance a theory of political economic practices that propose that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills *within an institutional framework* charac-

⁴ In discussing neorealism theory, I have also relied on the Lecture Handout 2 for 4217 Course: Governance, Conflict Analysis and Management (2007) by Prof. Muhammad Salih as well as Wikipedia accessible at: <http://en.wikipedia.org/wiki/Realism> (13/04/2007)

⁵ Cited from the Wikipedia, the free Encyclopaedia accessible at: <http://en.wikipedia.org/wiki/Realism> (13/04/2007).

terized by strong private property rights, free markets, and free trade' (Harvey, 2005:2, emphasis added). Harriss, Hunter and Lewis (1995) broadly define institutions 'as a means of reducing...information and transaction costs' (Harriss, Hunter and Lewis, 1995:3). Furthermore, North (1995) argues that NIE complements the neoclassical economic theory. Central to NIE, according to North (1995) is the idea that since information is always incomplete, 'human beings impose constraints on human interaction in order to structure exchange' (North 1995:17-18). Based on these ideas, we can identify the following principles from the NIE theories:

- Laws and regulations
- Property rights
- Contacts
- Getting the institutions right

The inclusion of institutional strengthening as a complement to economic restructuring is a moral palliative to the rigor of the neoliberal agenda. As Robison (2006) conclusively argues, 'neoliberal ideas were not only a recipe for addressing the chronic and deepening fiscal crisis and inflation that accompanied the disintegration of welfare capitalism and protected industrialism, but also an abstract set of economic rules and a morally attractive set of values for self-reliant human and social behaviour' (Robison, 206:15).

ADVANCEMENT OF FREE MARKET: THE POLICY PRESCRIPTIONS

In promoting the ideal of the free market, neoliberalism advanced various policies and programs, with varied levels of success and failure in different regions of the globe. According to Harvey, 'the uneven geographical development of neoliberalism, its frequently partial and lopsided application from one state and social formation to another, testifies to the tentativeness of neoliberal solutions and the complex ways in which political forces, historical conditions, and existing institutional arrangements all shaped why and how the process of neoliberalization actually occurred' (Harvey, 2005:13). The following examples of neoliberal programs illustrate the inconsistent results of influential neoliberal policies, based on the core principles of neoliberal ideology.

Structural Adjustment and the Washington Consensus

The Washington Consensus is set of ten policies which that emerged in the 1980s as a neoliberal version for the developing economies to the Reaganism and Thatcherism of the developed economies. The Washington Consensus is ‘an ideology of reliance upon market forces and of the reduction of the state intervention and expenditures to the minimum’ (Fine, 2001:3). Central to this agenda was what was termed ‘rolling back the state’ and greatly favouring the market. This policy was greatly criticized by many, including Joseph Stiglitz, a senior insider of the World Bank. The implementation of the Washington Consensus was enforced by stiff conditionalities set by the World Bank and IMF (*ibid.*). It can be argued therefore that Washington Consensus was not just a set of economic policies, but an agenda based on specific political interests—specifically, it can be seen as a strategy to promote the market and the interest of the US and the major IFIs.

The Post-Washington Consensus

Criticism of many of the policies of the Washington Consensus (including evidence of obvious failures) led to the development of the Post-Washington Consensus. This package of ideas and policies promoted the ‘rolling out of the state.’ Here is where the issue of ‘good governance’ arises. Minogue and Kothari argue that the policy shift toward promoting good governance in the developing world is another strategy to strengthen civil society and make government more open and accountable, to enable the efficient management of economic and social resources and improve public service delivery (Minogue and Kothari, 2002). They argue that the agenda for good governance is in part an effort to correct the failures of the market. To drive this point home, free market believer James Dorn has contended that democracy itself can undermine individual rights, freedom, and liberty. In his view, ‘political democracy is neither necessary nor sufficient for economic democracy and a spontaneous market order’ (Dorn, 1993: 600).

Others have argued that the original neoliberal agenda still underpins the Post-Washington Consensus, saying that the social safety net aspects of the new policies are put in place merely as an add-on to deal with market failures. Ben Fine, for example, contends that ‘the justification for it only arises out of a micro-level demonstration of the harmful effects of informational market imperfection for which state intervention

is more beneficial than otherwise' (Fine, 2001:15). In other words, while the Washington Consensus made economic growth the primary goal of development, the Post-Washington Consensus also re-introduced elements of state interventionism (in the form of good governance), in an oblique recognition of the weakness of neoliberal philosophy.

IMPLEMENTATION OF NEOLIBERAL POLICIES: THE CONTRADICTIONS

Given these contradictions, Rodam asks 'what forms of state power will enable neoliberalism to flourish into the future' (2006:197)? Put in another way, what went wrong with the implementation of neoliberal programs? Why did neoliberal 'shock therapy' fail in Russia? Why was there a shift from the Washington Consensus to the Post-Washington Consensus in such a short time? How did the Chilean 'Chicago Boys' fail? What drove the internal turnarounds within the IFIs? These are only few of the questions to consider, in examining why and how neoliberalism is not just a policy prescription but a power-laden ideology.

The practice and implementation of neoliberal policies has been inconsistent everywhere in the world. Harvey (2005) observes that the practice has 'evolved in such away as to depart significantly from the template that theory provides. The uneven geographical development of neoliberalism, its frequently partial and lop-sided application from one state and social formation to another, testifies to the tentativeness of neoliberal solutions and the complex ways in which political forces, historical conditions, and existing institutional arrangements all shaped why and how the process of neoliberalization actually occurred' (Harvey, 2005:13). Furthermore, Garry Rodam (2006) argues that neoliberalism is not just about economics but also about social and political life. He contends that the objective of neoliberalism is the 'reshaping of power relations' (Rodam, 2006: 197).

In Chile, for example, the benefits of revived capital accumulation were skewed by conditions of forced privatization, while in South-East Asia, the main debate is about the 1997 financial crisis. In Africa, Graham Harrison has observed that there still exists no clear-cut line between the role of the state and the market in the management of economic affairs (Graham, 2004). The case of the scramble of the Barcelona Declaration under the auspices of the Euro-Mediterranean Partnership initiatives pursued by the European Union is another example. Oliver Schlumberger (1999) has questioned the interests and agenda of the

European Union in this partnership. To him, the implementation of this project hinted at ‘the pursuit of economic advantage over competitors (access to the potentially huge export market), rather than support for sustainable development in the Southern partner states as the dominant policy consideration’ (Schlumberger, 1999:260). Page and van Gelder (2001), and Dahi and Demir (2007) have also articulated how neoliberal reform programs in the Middle East and North Africa reinforced the idea of states as rent distributors to a newly created group of rentiers.

Harvey concludes that the persistent redistribution effects and the increasing social inequalities associated with neoliberal implementation ‘could be regarded as structural to the whole project’ (Harvey, 2005:16). Gamble summed it up as follows: ‘Neoliberalism itself...offers many examples of how in practice, attempts to implement neoliberal programmes in both developed and developing countries have highlighted inconsistencies in its ordering principles, producing conflicts and creating different sets of political possibilities’ (Gamble, 2006:34). This, in part shows that neoliberalism is not just a set of policies but much more a theoretical project.

CONCLUSION

In this paper, I have argued that neoliberalism emerged as an alternative to Keynesian theories of economic growth. However, the neoliberal project later turned out to be an extension of the values and the relations of the free market as a model for broader organization of politics and society. The fundamental belief of neoliberal ideology is faith in the primacy of the value of individual freedom—both economic and political. Championed by the Bretton Woods institutions, neoliberalists have designed and forcefully implemented economic policies to create and open markets and opportunities for capital accumulation through trade liberalization and international economic integration. These policies have had devastating impacts on a global scale. Using neoclassical economic theory, neorealism and New Institutionalism as analytical tools, I have drawn the conclusion that neoliberalism is not just a set of policies but a theoretical project that aims to advance the doctrine of the free market as the creed for global organization of economic, social, and political life.

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9

A 21ST-CENTURY BRETTON WOODS?

DAVID JEAN-LANIEL

Since the demise of the Bretton Woods agreement in 1971—when U.S. president Richard Nixon decided that the American dollar would no longer be convertible into gold—the global financial order has seen many changes and has suffered tumultuous events which have led to minor alterations of its functioning, while critics have posited that it is time for a systemic change as the structure of the world economy has dramatically evolved. If the United States is still firmly at the helm and its currency is still the guarantor of the global economy, the rise of other powerful players—most notably China¹—along with the scope and impact of private capital flows, have modified the international financial order to the extent that its stability is being contested.

Though attempts have been made to curb the system's inadequacies, if the global economy's players want to ensure both stability and growth, a radical overhaul is required that would go beyond the current patchwork of arrangements that feebly holds the current system together. A *21st century Bretton Woods agreement* would provide a global financial cadre that is in sync with today's financial environment and the new distribution of wealth in the world. This paper argues this position by firstly giving an overview of the current system and its failings and thereafter providing the guidelines that a new financial order should aim to subscribe to. Lastly, it will be argued that, although strong political impediments exist, a new financial order is feasible.

The current international financial system, that is to say the de facto arrangement that has kept the global economy together for the last 35

¹ Calculated at Purchasing Power Parity, China's share of global GDP is already two and a half times as big as Japan's. (*The Economist*, 2007a: 4)

years, is being attacked from the political and the economic fronts. Though the system serves to allow an efficient (assumed) circulation of world monies, an abstractly economic duty, its shape is largely the dictate of politics. Following Nixon's decision to de-link the dollar from gold, the world went from a system in which dollars were used as fiduciary vehicle for a commodity-backed guarantor, gold, to an environment where dollars became both a commodity and guarantor in itself.

What came undone with the demise of the Bretton Woods agreement is a system of institutional stability ensured by the pegging of one ounce of gold to 35 U.S. dollars. Since then, as many have reported, the pace of worldwide growth (measured in GDP) has fallen compared to the first two decades after the creation of the Bretton Woods agreement. Though appealing, blaming the fall of Bretton Woods for this is too easy given the plethora of events which have taken place during that time: notably the end of military Keynesianism and the end of the post-war reconstruction boom.

At its inception, the Bretton Woods agreement was primarily concerned with creating a system that would permit the international financing and payments required for the reconstruction of Europe. The freakish instability of the raging 20s had made some of the architects of Bretton Woods, among them John Maynard Keynes,² weary of private capital flows and their destabilizing nature. What came out of the conference, however, was subtle given Keynes' and others' worries. Governments were only encouraged to use capital controls to restrict short-term capital flows and so it was believed that a liquidity pool, the International Monetary Fund, could provide the required fund's to equilibrate the capital account of a country suffering from the ills of speculative capital. This liquidity pool however, proved to be largely insufficient from the outset (Cohen 1977: 222).

Despite a slump during the debt crisis of the 1980s, since the 1970s there has been a tremendous surge in international capital movements which has had the consequence of leading towards the privatization of external financing by developing countries (Akyüs and Cornford 1999:1). To some, this is an inherent failure of the Bretton Woods architecture, as

² Keynes was vehement in his attacks against short-term capital flows, seeing their speculative intent as not in any way beneficial to an international financial systems' stability. (See Cartapanis and Herland, 2002, 'The reconstruction of the International Financial Architecture: Keynes' revenge?', p. 281)

the system instituted a guarantee that banknotes would be convertible into gold at a fixed rate,³ thus leaving central banks vulnerable to international capital flows (Knafo 2006: 80).

Though the IMF, whose rules are in effect the 'constitution' of the Bretton Woods agreement (Cohen 1977: 218), is supposed to provide a regulatory function in regards to exchange rate and currency convertibility, it has been unable to deal effectively with issues pertaining to capital accounts. Under the present structure, the responsibility for regulating international capital movements is not neatly defined. Given the marginal role of trade (which affects current accounts) in international financial transactions as compared to portfolio investments (capital accounts),⁴ the present international financial system based on the remnant of Bretton Woods is thus inadequate to ensure stability in the present economic climate.

Following the 1997 Asian financial crisis, there was an open-admission of failure by the G7 leaders. While stating that it was of paramount concern to continue ensuring the financing and payment arrangements for trade and other current account transactions, they stated that more attention should be devoted to capital account movements and the 'irrational exuberance' of financial markets (Cartapanis and Herland 2002: 279). Their retort on the devastating impacts of the Asian crisis, however, was not an invitation to push for a reform of the present international financial architecture. Had this been the case, there would have been momentum to create a new Bretton Woods agreement or, at the very least, an attempt to reform some of the IMF's functions to include regulation of capital account movements rather than to leave unchanged the patchwork arrangements which defines the present 'system'.

Though finance ministers present at the G7 meeting in Cologne in 1999 declared the necessity reducing financial risk so as to improve the process of international financial integration (Cartapanis and Herland

³ The 1971 move to de-link the dollar to gold did not change this systemic flaw, as most currencies are in effect pegged to the dollar (like the dollar was pegged to gold). Central banks are still vulnerable to international capital flows as speculators gamble that it will always convert its local banknotes to the dollar.

⁴ Ultimately, it is portfolio investments that determine exchange rates. Harvey, 'Exchange rates: Volatility and misalignment in the post-Bretton Woods era', p. 203

2002: 279) their neo-liberal zeal prevented them from admitting that the fault lies in the system. As such, all that is required in their view is to refine certain present agreements such as BASLE,⁵ to make in-roads towards greater transparency within the system. By shifting the burden of blame to domestic irresponsibility, this simply attenuates criticism in order to further implement financial liberalization later on. Poignantly, Joseph Stiglitz reminds us that even Finland, Norway and Sweden, arguably the most accountable and transparent countries, have succumbed to economic crises in the early 90s (Stiglitz 2002: 1084).

The issue of stability that is plaguing the present international financial architecture also has some of its roots in the changes caused by a shifting global political environment. From the outset of the Bretton Woods conference, it was clear that the United States would essentially underwrite the world economy, which it did, pumping liquidity in the system by running – now massive – balance of payments deficits almost every year (Cohen 1977:223). But as Cohen points out, the system was built on the assumption that economic policy in the U.S. would be stabilizing (Cohen 1977: 227), and so its dominance would serve to stabilize the world economy much like Britain's dominance pre-1914 allowed it to be manager of the world economy (Knafo 2006: 88).

The predominant view at the time was that the instability of the interwar years was due to poor global management. The negotiators present at Bretton Woods hoped to avoid this scenario by creating a global institution, the IMF, which would stabilize the international financial system. Its creation was mould-breaking, in the sense that there had never been an institutionalized international monetary cooperation agreement before.

Though the agreement was multilateral and 44 allied countries were present (Cohen 1977: 218), in reality the Bretton Woods structure became highly centralized, with the United States in its newfound role as a hegemon tampering with the system's workings. If at the Tripartite agreement of 1936 the United States had agreed to share responsibility for the system with France and Britain (Cohen 1977: 218), it came about

⁵ Basle Committee on Banking Supervision: aim is to promote banking stability through promotion of regulation and cooperation among national supervisors (Akyüs and Cornford 1999: 5).

because the U.S. share of world GDP at the time was comparable to the latter two, and so it had every reason to cooperate.

But the *realpolitik* dynamic changed at Bretton Woods as the U.S. became an economic powerhouse. Keynes was said to have later concluded that the United States had the intention to ‘politicize decision-making bodies of the two Bretton Woods institutions in order to have a greater control over the process of economic reconstruction of the free world’ (Cartapanis and Herland 2002:286). At the time of the conference, it was an unstated arrangement to accept U.S. rule, as it was the only country capable of providing the leadership and wherewithal necessary to maintain the global financial system. Additionally, the Marshall Plan essentially *dollarized* most allied victims and victors and its financial offer could realistically not be accepted with conditionalities.

As Britain, France, Germany and Japan regained their strength and started to weigh more heavily in global trade, the initial stability provided by the Bretton Woods agreement came under stress. They had originally conceded policy autonomy because it directly contributed to their economic rehabilitation. But as their economy rose and their governments started questioning the stability arrangement of the Bretton Woods system, the United States simultaneously grew tired of endangering its own economy solely for the acclaimed political benefits of supporting what were now becoming industrially competitive countries.

If most foreign exchange holders today still continue to hold dollar denominated assets, this is strictly because the sheer size of the U.S. economy and the Federal Reserve’s willingness to keep pumping liquidity in the market. But this can only be pushed so far. It has created instability and investors, in an uncanny parallel to 1971, have started to lose confidence that the American economy can sustain such large balance of payment deficits. Tellingly, the Euro economy’s strength and investors’ confidence in it has created a condition where there are now more Euro banknotes in circulation than American dollars and in international bond markets the Euro is now the main currency (The Economist 2007b:12).

Stephen Krasner’s ‘hegemonic stability’ theory alludes that a “super-power or hegemonic power is required for the maintenance of an international liberal economic system” (O’Brien and Williams 2004:112). It posits that the system is bound to become less liberal and more protectionist as its power recedes relative to others. In this view, it is not surprising that the United States has been the instigator in calling for

changes with the current international financial architecture. The feeble adjustments which they call for do not attempt to cure the system from all its ills, but rather attempt to provide a minimum of stability to silence detractors while allowing U.S. investment interests to flourish.

A 21st century Bretton Woods agreement would need to answer to the problems of stability created by the sea-change in political dynamics, the evolution of the economic environment and the rise of prominence of private market agents and their capacity to dictate the world economy by absorbing and directing capital flows. As Cartapanis and Herland comment, the G7's acknowledgment at the 1999 Cologne meeting on the need for better crisis management and the need to curb the risk liquidity volatility was a recognition of Keynes' statement that the basis of international finance is "not only to ensure optimal allocation of assets but also to regulate the preference for liquidity which is the Achilles' heel of finance" (Cartapanis and Herland 2002: 282).

It must be realized that they are an integral part of the system and as such they must be fully regulated in a way that curbs their inherent volatility—this requires regulations on short-term flows—while allowing their natural role as efficient allocators of liquidity. While some, notably neo-liberals influenced by neo-classical economists, insist that this is over-reaching the prerogative of a modern liberal state and would cause distortions in the markets, it must be stated that the money the financial markets are dealing with are government issued and therefore a public good.

This warrants institutional involvement if markets cause a reduction in social welfare by destabilizing the economy. As noted earlier, a trend that has happened during the tenure of the current financial system is the rising share of private debt being held by developing countries. Though a new financial institution could not enforce any country to reduce its share of debt held by private agents, a more sound international financial system would at least limit the speed with which money flows can enter and exit countries, thus reducing the stress on their balance of payments account.

For Keynes, the role of financial institutions was to propel the development of business transactions and to ensure liquidity and a climate of confidence on the market (Cartapanis and Herland 2002). In layman's terms, the system needs to have sufficient cash in order to boost economic growth without being so unstable as to cause its downfall. The

principle is easy enough, but getting the world's major players to agree to work together in the spirit of 'mutual responsibility' of the 1936 Tripartite agreement and avoid succumbing to clientelism and pressures of special interest groups to make this work is the real dilemma.

A new Bretton Woods system would highlight the fact that the United States' share of the world economy has proportionally declined with the rise, or rather re-emergence, of certain countries. Therefore, a new form of global financial governance would have to conjugate the economic interests of a larger basket of countries: in a sense bringing us back to the multilateral ideal of the Bretton Woods agreement. But given the scope of private capital flows within the international financial system, a new financial architecture would have to encompass this reality.

To provide the strong governance required to prove to economic agents that the system is credible, a strong supranational institution must be created. This institution would naturally encompass most of the IMF's original functions regarding regulation, liquidity and consultation, while upgrading it to better answer the phenomenon of money and financial flows. It would be within the constitution of this new institution to give it the required means necessary to regulate capital mobility, so as to lessen its damage to developing countries, which have been extremely vulnerable under the present architecture.

Governing this system would require more cooperation than the current quasi-unilateral decision making process dominated by the United States allows. Pre-modern monetary systems were adverse to cooperation because of the inherent competitive structure of states at the time (Knafo, 2006). It would be wrong to claim that states are no longer mainly driven by mercantilist ideologies, but it is a truism to state that the present highly integrated world economy is more conducive to cooperation amongst states. As globalization causes changes in the size of countries' portion of the economic pie, a new financial system must enforce a multilateral decision making council more reflective of democratic principles as found in the WTO.

Not unlike and notwithstanding the flaws of the 'Stability and Growth' Pact of the European Union, a 21st century Bretton Woods agreement would need to have the power to enforce central banks to maintain economic discipline and not overuse monetary expansion; which in an open financial system can be destabilizing because of the added liquidity. This would entail ceding some economic sovereignty to

the supranational institution, but as compared to the original Bretton Woods, which required obedience to the United States' interests, a more open decision council would ensure that at least countries' interests are merged with those of others, much like a jury uses collective wisdom.

Central to the issue of stability in any financial system is the element that will act as a guarantor of stability. Though many ideas have been proposed, notably a return to a commodity-based standard or the creation of a supranational currency only to be used by central banks, the current neo-liberal influenced political climate makes any option that strays away from the use of currencies unrealistic. In a way, the market has actually produced its own remedy⁶. In the last few years, the euro, the yen and the Chinese renminbi have gained market share as a transaction tool in both trade and financial markets.

This rise is partly due to their respective countries' or region's strength, but it is also the result of investors and financial agents trying to hedge themselves against the risk of a massive devaluation of the U.S. dollar. This is somewhat similar to what had been attempted by the IMF with the creation Special Drawing Rights, which are in effect a basket of currencies that central banks can borrow. A new financial architecture can be served by a system that relies on a diversification of risk by using a pool of currencies. The burden of being the guarantor would thus become partitioned and there would be subsequently less risk of having a single currency becoming an unstable 'lubricant' of the world economy.

In conclusion, while the current de-facto system has allowed economic growth to continue, global growth rates on the whole have been deceiving as compared to the pre-1971 era. Additionally, the United States has not proven to be an effective underwriter of the global economy, as the global political and economic environment has changed considerably since the end of the Second World War. America's continued attempt to boost its feeble domestic demand by pumping liquidity into the system has begun to undermine the present international financial architecture.

Given that the present architecture fails to provide stability and undermines global economic growth, this provides fresh impetus to the

⁶ The instability of today is a product of economically unsustainable domestic policies in the United States. As their currency still dominates at a global scale, the U.S.'s impact on the global financial system is great.

need for a 21st century Bretton Woods agreement. This new international financial architecture would be represented by an institution that is more multilateral than its predecessor and would acknowledge the presence and scope of financial and money flows but would limit their mobility so as to ensure stability within the system. To diversify the risk of a run-up on one dominant currency or commodity, as has happened in previous systems, the system would rely on a basket of currencies to diversify risk and guarantee of stability.

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10

THE INTERNATIONAL CRIMINAL COURT: IMPLICATIONS FOR THE INTERNATIONAL HUMAN RIGHTS MOVEMENT AND THE HIERARCHY OF RIGHTS DEBATE

KARA WONG

The concept of human rights has become one of the most potent in contemporary politics, having penetrated the political affairs of almost every state in the world. Central to the notion of human rights are the principles of indivisibility and interdependence. These core human rights concepts were affirmed at the 1993 World Conference on Human Rights in Vienna, where states collectively agreed that the international community must respect, protect, and fulfil all human rights with the same vigour and commitment. On 1 July 2002, the validity of these principles were called into question with the creation of the International Criminal Court (ICC); the world's first permanent body vested with the power to prosecute the 'most serious crimes of concern to the international community as a whole' (Rome Statute, 1998, article 5). The establishment of the ICC has been lauded as 'a benchmark in the progressive development of international human rights' (Schabas, 2004: ix).

However, how can the ICC be seen to promote human rights when its mandate clearly contradicts the principles of indivisibility and interdependence? By establishing international accountability for a select number of human rights abuses, does not the court endorse the idea that some forms of violence, suffering, and deprivation are more acceptable than others? And what implications does such an idea have for the international human rights movement as a whole?

This paper will attempt to answer some of these questions. It will begin by highlighting the basic concepts behind human rights and the hierarchy of rights debate. It will then provide a brief introduction to the ICC and the crimes under its jurisdiction. The legitimacy of the claim that these crimes constitute the ‘the most serious crimes to the international community as whole’ will be examined. Following which, the potential of categorizing and prioritizing human rights as a possible means of advancing the international human rights movement will be explored.

Human rights are commonly understood as the rights that all people have as a result of their membership in the human community. As rights that are derived from our very humanity, they reflect values and ideas of justice that are common to all societies. A full and dignified human life requires the fundamental freedoms protected by human rights and it is the essentiality of these rights that render them indivisible and interdependent. As Amartya Sen stressed in his landmark book *Development as Freedom*, the respect of one right may be necessary for the protection of another. Political freedoms, including free speech and participation, help to secure economic security; social opportunities such as adequate health care and basic education facilitate economic participation; and economic opportunities and freedoms can strengthen social facilities and encourage development of public resources (Sen, 1999: 11).

The interrelatedness of human rights, however, has been the subject of some disagreement. It is often argued that economic, social and cultural rights cannot be enforced to the same degree as civil and political rights, due to the high costs related to their implementation.¹

It is also maintained that the latter are justiciable while the former are not. This argument is based on the perception that civil and political rights imply negative duties, which can be applied immediately, whereas economic, social and cultural rights imply positive duties, which are more difficult to implement (Sepulveda et al., 2004: 9). The debate over the alleged dichotomy of rights is partly rooted in the Cold War (ICHRP, 2003: 10). Initially the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were to be included in a

¹ It should be noted that the fulfilment of civil and political rights can also require large amounts of resources; for instance the development of a strong judiciary or the implementation of free and fair elections.

single UN treaty. Disagreement between the Western Powers, and the Soviets and their allies concerning the relationship and relative importance of these different sets of rights led instead to the drafting of two separate covenants. This disagreement continues to influence debates over the priority or rights.

Since then, the formal debate over the alleged hierarchy of rights has largely been laid to rest. The judicial legitimacy of economic, cultural, and social rights has been tested and a large body of domestic case law has been established (ICHRP, 2003). The 1993 Vienna Declaration and Programme for Action, which was adopted with consensus by 171 states, exemplifies the international community's recognition of the equality of rights. Article 5 of the Declaration clearly states that 'All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis.'

In spite of the international acceptance of the indivisibility and interdependence of human rights, key international human rights bodies have continued to categorize and prioritize rights; most notably, is the ICC. The ICC has been described as a 'benchmark in the progressive development of international human rights' and 'the most innovative and exciting development in international law since the creation of the United Nations' (Schabas, 2004: ix, 25). The groundwork for its establishment was set on July 17, 1998, when a UN Diplomatic Conference adopted the Rome Statute of the International Court. On July 1, 2002, the Statute entered into force when 60 states became parties to it; today 104 states are parties (ICC, 2007).

The ICC has the power to prosecute genocide, crimes against humanity and war crimes²: three forms of human rights abuses, which the Court has identified as 'the most serious crimes of concern to the international community as a whole' (Rome Statute, 1998, article 5). While lengthy descriptions of all three crimes can be found in articles 6-8 of the Rome Statute, in broad terms genocide refers to acts committed with the intent of destroying, in whole or in part, a national, ethnic, racial or religious group. Crimes against humanity refer to a range of acts including, tor-

² The Court shall also exercise jurisdiction over crimes of aggression once a provision is adopted defining the crime and setting out provisions under which the Court will exercise jurisdiction (Rome Statute, 1998, article 5).

ture, enslavement, apartheid, forced pregnancy and other forms of sexual violence—when they are committed as part of a widespread or systematic attack against a civilian population. Finally, war crimes refer to ‘grave breaches’ as defined in the Geneva Conventions of 1949 when they are committed as part of an organized plan or policy, or on a large-scale. Obviously there is considerable overlap between the three categories; however, the common theme relates to the scale and intent of the crimes.

The ICC’s jurisdiction, however, is limited. In contrast to the long-established International Court of Justice, which concerns itself with disputes between states, the ICC focuses on prosecuting individuals. The Court is also only able to enforce its jurisdiction if the crime in question has been committed on the territory of a state party to the Statute; if the accused of the crime is a national of a state party to the Statute; or if a state that is not party to the Statute accepts the exercise of jurisdiction by the Court (Rome Statute, 1998, article 12). Furthermore, the jurisdiction of the ICC is exercised in a complementary nature to national criminal jurisdiction. That is the Court is only sanctioned to enforce its jurisdiction when countries are either unable or unwilling to prosecute the crimes themselves (Sepulveda et al., 2004: 89). The most significant restriction on the Court’s jurisdiction however, is the limitation to crimes of genocide, crimes against humanity and war crimes. The justification for limiting the scope of the Court’s subject matter jurisdiction to these forms of human rights abuses is neatly summarized in the 1995 Report of the Ad Hoc Committee on the Establishment of the International Criminal Court.

As to the scope of the subject-matter jurisdiction of the court, several delegations emphasized the importance of limiting it to the most serious crimes of concern to the international community as a whole, as indicated in the second preambular paragraph, for the following reasons: to promote broad acceptance of the court by States and thereby enhance its effectiveness; to enhance the credibility and moral authority of the court; to avoid overloading the court with cases that could be dealt with adequately by national courts; and to limit the financial burden imposed on the international community. (Ad Hoc Committee Report, 1995, article 54)

The justification for limiting the ICC’s jurisdiction can thus be broken down into two categories, the first being moral and the second being practical. Firstly, the Ad Hoc Committee makes a moral judgment by

concluding that genocide, crimes against humanity and war crimes constitute the most serious crimes of concern to the international community. While unarguably all three crimes represent serious violations of human rights, the question remains whether these crimes truly pose the greatest threat to humanity. Currently, over 800 million people are living in chronic hunger; 38.6 million people are suffering from the scourges of AIDS, while an estimated 11 million stateless people worldwide are denied the basic rights of a citizen (UN, 2006: 5, 14; UNHCR, 2005: 9). Genocide, crimes against humanity and war crimes without doubt qualify as 'unimaginable atrocities.'

The point could be made that while deplorable, the consequences of poverty, hunger and disease are not crimes in the sense that the crimes under the jurisdiction of the ICC are. But how are international crimes defined? According to Kittichaisaree, head of the Thai delegation to the Preparatory Commission for the ICC, it is the international community of nations that determines which acts fall within the definition of an international crime (Kittichaisaree, 2001: 3). Thus, the only thing that prevents individuals who violate human rights not included in the jurisdiction of the ICC from being held liable for their actions is a decision by the international community to define such actions as international crimes.

This highlights two related points: the justiciability of human rights violations not included in the Rome Statute and the necessity of international recognition of the gravity of such violations. It may be argued that the status of 'international crime' must be limited to those acts for which liable individuals may be identified. The Prosecutor of the ICC has clearly stated that the general rule of the Court is that its investigative and prosecutorial efforts and resources should focus on those who bear the greatest responsibility, such as the leaders of states or organizations allegedly responsible for the crimes in question (ICC-OTP, 2003: 7). Proponents of this view may maintain that because the sources of famine, health epidemics, water scarcity and other similar situations which result in mass human rights violations are difficult to determine and are rarely the making of a single individual, they are by their nature non-justiciable (Sepulveda et al., 2004: 9). However the circumstances that breed genocide, crimes against humanity and war crimes are far from simple. A large and complex cast of characters are often involved. The ICC recognizes this reality and thus holds individuals liable for not only

directly committing a crime within the Court's jurisdiction, but for ordering, soliciting, inducing, facilitating, abetting or assisting the commission, or attempted commission of any such crime (Rome Statute, 1998, article 25).

Admittedly it can be difficult to determine who if anyone, or any group of people, can be deemed accountable for incidences of mass hunger, disease, and other 'non-criminal' human rights violations. However this is not always the case. Take for instance the HIV/AIDS epidemic in South Africa. South African President Thabo Mbeki has not only been accused of not adequately responding to his country's HIV/AIDS crisis, he has been blamed for *facilitating* the epidemic—which kills 600 people every day (Baleta, 2003: 1). Director of Human Rights Watch's African division, Takirambudde, has directly indicted Mbeki for mishandling the AIDS emergency and violating the right to health and life: 'President Mbeki's questioning of the science of HIV/AIDS and the South African government's active refusal to support programs of known effectiveness is helping to fuel the AIDS crisis in South Africa' (HRW, 2001: 1). Similar examples of individual liability in relation to mass non-criminal human rights violations can be found in cases concerning government enforcement of patents that deny thousands the right to an adequate standard of livelihood and health; the toleration and promotion of inhumane working conditions and the systematic oppression and domination of women, to name a few.³

Therefore, the assumed complexity or lack of specificity of non-criminal human rights violations is not sufficient reason for excluding crimes other than genocide, crimes against humanity and war crimes from criminal liability. Determining individual liability in such cases is possible. Furthermore, if one were to define the gravity of a crime by the number of lives lost, in 2005 over 2.5 million people lost their lives to AIDS (UNAIDS, 2006: 8). That exceeds the one million people esti-

³ The US government's protection of the Enola Bean patent has resulted in a 90% drop in export sales for Mexican farmers, compromising their survival and the survival of their families (Etc. group, 2005). Nike factories, which employ thousands of workers worldwide, have been shown to provide health threatening work conditions (Alston and Steiner, 2000: 4). In Afghanistan, women still suffer from systematic human rights abuses which expose them to violence and prevent them from exercising their full capacities (Amnesty International, 2005: 9).

mated to have died during the Rwandan genocide (Shaweross, 1995, p. 48). Thus while no one refutes the monstrous nature of genocide, crimes against humanity and war crimes, one must recognize that other forms of human rights violations can be instigated or facilitated by individuals and can lead to the same mortal consequences.

The support of the international community is needed before an act can be characterized as an international crime. The crimes falling under the jurisdiction of the ICC are considered *jus cogens* or peremptory norms of international law. In other words they are norms ‘accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted’; they are norms which take primacy over all other norms of customary or treaty law (Vienna Convention, 1993, article 53). However, the status of genocide, crimes against humanity, and war crimes as *jus cogens* cannot be used to defend their distinction as the most serious crimes of concern to the international community as a whole. The Universal Declaration of Human Rights, which includes the right to life, the right to equality, the right to nationality and the right to health, has likewise reached the status of *jus cogens* (Merry, 2006: 102). The International Criminal Tribunal for the Former Yugoslavia (ICTY), the first international criminal tribunal to be established after Nuremberg, has produced judgments confirming that ‘in human rights law the violation of rights which have reached the level of *jus cogens*...may constitute international crimes’ (*Prosecutor vs. Celbici*, para. 172). Thus the international community has a legal responsibility to ‘promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance’ over all other customary or treaty law obligations (UDHR, 1948, preamble).

Further evidence of the international community’s support of the *jus cogens* status of human rights other than those under the jurisdiction of the ICC is reflected in the number of states that have become party to the ICCPR and the ICESCR—which with the UDHR constitute the International Bill of Human Rights. As of 9 June 2004, 152 states were party to the ICCPR, while the ICESCR boasted 149. This is in contrast to the 137 states that have signed the Convention on the Prevention and Punishment of the Crime of Genocide and the 144 states that are party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Evidently there is little legitimacy to the moral claim that genocide, crimes against humanity and war crimes represent the most serious crimes of concern to the international community as a whole. While they constitute 'grave crimes [that] threaten the peace, security and wellbeing of the world' it cannot be ethically maintained that they should be subject to individual criminal liability while other human rights violations are not (Rome Statute, 1998, preamble). Other forms of violence and deprivation such as extreme poverty, famine and health epidemics can produce similar levels of human suffering and mortal effects. The justiciability of non-criminal human rights violations is comparable to the justiciability of the crimes currently under the jurisdiction of the ICC. Furthermore, violations of the human rights enshrined in the UDHR, not just genocide, crimes against humanity and war crimes, constitute peremptory norms of international law and thus states have a primary, legal responsibility to ensure, without derogation, their mutual promotion and respect.

Accepting that there is no moral basis for distinguishing genocide, crimes against humanity and war crimes from other human rights violations, there remains the argument that the jurisdiction of the ICC must be limited for practical reasons. As previously mentioned, the Ad Hoc Committee believes that limiting the jurisdiction of the ICC to a few select crimes is necessary to promote broad acceptance of the Court, to enhance the credibility and moral authority of the Court, to avoid overloading the Court with cases that can adequately be dealt with in national courts, and to limit the financial burden imposed on the international community (Ad Hoc Committee, 1995, article 54). Such arguments carry no moral authority. However, they do have certain practical merit. Providing the means to pursue international criminal liability for *all* human rights violations would, at present, prove to be an extremely difficult if not impossible task. The ICTY, like the ICC, has the power to prosecute acts of genocide, crimes against humanity and war crimes; however, its jurisdiction is limited to crimes committed on the territory of the former Yugoslavia since 1991 (Sepulveda et al., 2004: 87). In spite of its time and geographic restrictions, the ICTY boasts an incredible budget; in 2006 alone the UN approved a budget of \$276 million (ICTY, 2006). The resources necessary to operate the ICC with a full caseload, let alone a court capable of prosecuting all human rights violations would be immense.

While limited resources pose an obvious problem, more important is the international community's lack of political will. States may have a legal obligation to promote and protect all of the human rights included in the UDHR. They may have confirmed their commitment to fulfilling their obligations by signing the ICCPR and ICESCR. However, the fact remains that certain rights, or more specifically certain rights abuses, garner greater attention from states. This is evident from the absence of an Optional Protocol for the ICESCR or any other means of petitioning an international body with respect to violations of economic, social and cultural rights (Sepulveda et al., 2004: 10). Why some rights are less accepted than others is a different issue; what is important to recognize is that the respect, promotion and enforcement of international law is highly politicized.

The moral human rights advocate may be discouraged by this fact. However, the categorization and prioritization of rights need not be viewed as contrary to the principles of indivisibility and interdependence or in conflict with the progress of the international human rights movement. While the principles of indivisibility and interdependence are central to the notion of human rights, so is the principle of progressive realization. The principle of progressive realization revolves around the fact that while rights may be indivisible and interdependent, they are also expensive (ODI, 1999). Progressive realization refers to the ability of a state to fulfil its human rights obligations by utilizing its available resources to progressively take steps towards the full realization of human rights (ICESCR, 1966, article 2). While progressive realization tends to address deficits in economic resources, there is no reason why it cannot also apply to political resources. If the international community currently lacks the political will to provide international criminal liability for all human rights abuses, it remains that steps should nevertheless be taken to secure protection for those rights that do have the necessary political and economic support. Furthermore, if one endorses the principle of interdependence, progress in the protection and international recognition of one right, or a set rights, must be seen as advancing the international human rights movement as a whole.

Aside from contributing to the progressive realization of international human rights, the prosecution of human rights violations, even if only a select few types, has other potential benefits. Firstly, it can contribute to the development of fuller definitions and understandings of international

crimes and human rights in general. A benefit has been largely demonstrated by the ICTY and the International Criminal Tribunal of Rwanda (ICTR), which have produced an unprecedented body of international criminal law evidence and procedure, an important resource for both international and national courts (de Than & Shorts, 2005: 203). Secondly, it helps to emphasize the duties of the individual in relation to the protection and promotion of human rights. Although the International Bill of Rights, particularly the ICCPR and the ICESCR note that individuals have duties to other individuals, as well as to the community, the human rights regime has remained largely focused on the human rights obligations of states (ICCPR/ICESCR, 1966, preambles). The ICC, in contrast, concentrates its efforts on prosecuting individuals. Thirdly, it is important to note that the primary purpose of criminal law is not to repress and punish crimes, but to prevent them (Triffterer, 2001, p. 137). Although the ICC limits its subject matter jurisdiction, the Court can indirectly prevent transgressions in other realms of human rights by deterring potential perpetrators and preventing current perpetrators from committing human rights abuses that may fall outside the jurisdiction of the Court.

This point introduces the ICC's greatest contribution to the international human rights movement—its role in combating impunity. One of the most frequent criticisms of human rights is that they lack authority, that while an interesting topic of discussion for academics, in reality, human rights law is 'impotent and cannot prevent oppression within the borders of sovereign states' (Watson, cited in Mutua, 2001: 255). The ICC, however, demonstrates that individuals can be held liable for violations of human rights. The enforcement of human rights law may be limited to three categories of crimes. However, a concrete international commitment to developing effective organs to combat impunity has been demonstrated, and the myth of human rights law as impotent and ineffective, weakened. This in of itself is an important step towards the achievement of international justice.

There is the danger that establishing criminal liability for some forms of human rights violations and not others may sanctify the idea that those rights that are excluded are of less value or importance. This is a real risk, but it is not reason enough to renounce the ICC or any similar project that may be undertaken in the future. The risk of undermining the moral and legal weight of non-criminal human rights abuses could be

reduced if the ICC made a concerted effort to publicly affirm the moral equality of all human rights. Furthermore, states must demonstrate efforts to progressively achieve the full realization of all human rights, whether this entails establishing universal criminal liability or not. Human rights may be indivisible and interdependent but that does not infer that all violations of human rights necessitate criminal sanctions (Pocar, 2001: 172).

The establishment of an institution such as the ICC not only requires moral authority; it requires political will. Genocide, crimes against humanity and war crimes, through not morally distinct from other human rights violations, happen to be, for whatever reason, viewed by the international community as posing the greatest threat to humanity and as such in need of special attention. Advocating the inclusion of other forms of human rights violations under the jurisdiction of the ICC, on the basis of moral authority, quantification of human suffering, or peremptory norms of international law, is unlikely to be effective unless adequate political support can be found. While disappointing for the moral human rights advocate, the categorization and prioritization of human rights may in fact contribute to the progressive development of the international human rights movement and institutional system as a whole. Prosecuting even a few select human rights violations at an international level can help to develop the legal understanding of human rights and the reciprocal individual and state duties they entail. Furthermore, the enforcement of international criminal liability provides the international human rights movement with legitimacy and credibility. It demonstrates that human rights law is not simply a 'meaningless façade that has substance only in the abstracted minds of academics' (Pocar, 2001: 172).

As a human rights student I recognize the significance of the ICC as an important tool to combat impunity and deliver international justice. However, as a development student I am sceptical if the potential benefits of the ICC will ever be realized in such a way that will benefit marginalized sectors of the population, such as the global poor. Political will is necessary to draw greater attention to the gravity of non-criminal human rights abuses such as extreme poverty, famine, and HIV/AIDS. Whether the international community can muster the commitment and initiative, I am uncertain. But given the incredible progress that has been in the last half century, I am still hopeful.

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11

LIBERAL PEACE: NOT FOR ALL

JORGE VALLADARES

INTRODUCTION

The power and attractiveness of the liberal peace argument is summarized in its claim that liberal democracies do not fight each other. This conclusion implies some conditions and underlying assumptions, among them the modernization and prosperity tendency of the world. Under the influence of the extraordinary robustness of this claim, governments, politicians and academics advocate spreading liberal democratic institutions across the world and enhance countries' ability to insert into the global economy.

However, something seems not to be working in this argument. Free-market policies have had uneven implementation outcomes across the world and promotion of democracy reproduces short-lived and weak regimes far from the liberal ideal.

This essay proposes that the main policies of conflict prevention informed by the liberal democratic peace theory are counterproductive to its underlying assumptions. These policies – democracy promotion and neoliberal economic policies – advocated by well-established democracies with developed capitalist economies to developing countries, seems to be producing illiberal outcomes.

Contrary to the liberal view that world politics 'might become a state of global peace in which the expectation of war disappears' (Doyle, 2000:27), I will argue that it will not. The only feasible future under the present conditions might be a sort of *elite* peace, enjoyed only by those countries which reinforce their privileged positions through promoting illiberal policies.

LIBERAL PEACE, DEMOCRATIC PEACE AND ITS CONSTITUENT ARGUMENTS

Two generalizations usually formulated as empirical laws are claimed by liberals: democratic states do not fight each other and they tend to be war prone in their relations with non-liberal states as often as non-liberal states are among themselves (MacMillan, 2003). Three concerns emerge from such statements. First, liberal scholars use ‘democratic’ and ‘liberal’ as exchangeable adjectives for their formulation. This raises question as to the extent to which this equalization blurs the main implications of the two concepts. Second, the liberal peace argument needs three converged causes in order to work: republicanism, commitment to human rights and transnational interdependence (Doyle, 2005). Third, the underlying assumptions from which the argument is made up (Ikenberry, 2006) may be untenable. A quick analysis on these three points will light their policy implications and the inconsistencies involved.

The liberal-democracy connection

The link between democracy and liberalism is a subtle one. First, democracy is the central feature of the collection of states usually depicted in the liberal peace argument. What is implied is the democratic nature of their institutions. First of all, as is widely recognized, this kind of democracy is Western, that is, mainly liberal. But both aspects are slightly different and should be distinguished.

Presented in broad lines, it can be said that while democracy aims to subject the government to a set of electoral rules which ensure the individual’s right to decide who governs, liberal principles aims at the freedom of the individual from oppression, especially from rulers, and enshrines this freedom in a number of rights that must be respected under almost all circumstances. Liberal institutions promote these freedoms through institutional arrangements to assert them while constraining the innate capacity of government to exert coercion. Among them, free markets are prominently placed. As a result of this *laissez faire* attitude, a free market society develops, where individuals compete for goods that satisfy their desires while government provides security and procedural justice. In sum, a liberal regime necessarily implies democracy (in its limited government version), but not in the other way around (social democratic regimes, for instance).

Conditions of the liberal peace

Michael Doyle, whose work has been seminal for most of the ongoing debate on liberal democratic peace, has synthesized the core logic underlying this theory in the following three concurrent conditions or causes: republican representation, ideological commitment to fundamental human rights and transnational interdependence (2005).

The liberal representation entailed in republicanism not only accounts the capacity to build an accountable relationship between rulers and voters but also the incentives to make more serious commitments, even in foreign affairs, in order avoid electoral reversals. Here, democracy works by restraining the coercive and aggressive nature of governments. This credible behaviour is supposed to be public, both internally and externally. Thus, publicity assures other states that liberal principles are respected and guaranteed. This increases trust and enhances cooperation among liberal states. As Doyle puts it, ‘fellow liberals benefit from a presumption of amity; nonliberals suffer from a presumption of enmity’. It lets the accommodation of liberal interests among liberal states flourish, as a result of the so-called international division of labour which entails mutual dependence and free trade. This cooperative behaviour is usually based on material incentives: ‘the spirit of commerce’ thus will preclude war among partners, because the spread of capitalism and markets creates interdependence, shared interests and incentives for international cooperation (Ikenberry, 2006).

The argument has been summarized and this surely does not show its original complexity. But this will not entail risk of misinterpretation. The interest here is to show how the argument works and its ultimate pillar: the transnational interdependence.

Underlying assumptions: from individualism to prosperity precluding war

Ikenberry lists ten assumptions which, more or less, underlie the distinct variants of liberal democratic peace theory. To the present purpose I am interested in highlighting three of them. The first two are individualism and modernization. As basis of republican liberalism, individuals are assumed to bargain, trade, and, broadly cooperate in order to achieve material goals. This implies fewer government constraints, to assure the best conditions for these transactions to be efficient. Following this logic, social well-being sustains democratic regimes. This is the main moderniza-

tion theory's claim, from which achievements such as reduced levels of illiteracy and increased education of the lower strata, may permit people to 'develop longer time perspectives and more complex and gradualist view of politics' and 'make them less receptive to supporting extremist' ideologies; or 'by changing the shape of the stratification structure ... with a growing middle class' which plays a role in moderating conflict (Lipset: 1959:78). A third assumption is directly related with the dynamic of the three pillars argued by Doyle, according to which democracy, economic interdependence and institutions mutually reinforce each other (set aside the final outcome of peace reinforcement). Finally, a remarkably liberal assumption on international affairs derived from the precedent assumptions is that 'there is such a thing as progress' (Ikenberry, 2006).

Robustness of the liberal democratic peace argument and its critics

The most striking feature of the liberal democratic peace is its empirical evidence. Indeed, many quantitative researches have concluded with the same essential finding: democracies at least rarely fight against each other. These supporting data encompasses a large scope from the claimed positive relation between democratic regime type and free trading (Bliss and Russett, 1998; Mansfield et al., 2002) to more institutional explanations such as the special unattractiveness of democracies as targets of war attempts (Bueno de Mesquita et al., 1999).

Critics have pointed out shortcomings in both the theoretical argumentation and the empirical evidence supporting it: the effects of transparency on the claimed self restraint nature of republican government (Rosato, 2003), underestimation of the interaction among internal and external structures of states so treating democracy as external rather than a product of internal forces (Wolfson, et al. 1998); the improper testing of the data, which has not treated democracy and peace as cause as well as effect of each other, and, furthermore, the equal treatment of different historical moments (Wolfson, et al., 1998). Some critics focus on implied policies, mainly those of an economic (structural adjustment programs) or political (promotion of democracy) nature (Smith, 2000; Gills, 2000). Finally, positive critics assert the success of the model while using new developments to explain shifts in the global order, such as those after the terrorist attacks of 9/11 (MacMillan, 2003; Ikenberry, 2006).

In addition to further exploring the consequences of all these criticisms, I will focus on two aspects of the critical perspectives mentioned above. The next part of this essay will argue that liberal-informed policies of structural adjustment reform and promotion of democracy across the world may reinforce subordination rather than create interdependence, and engender illiberal regimes rather than democracies.

(IL)LIBERAL PEACE POLICIES: DEMOCRACY PROMOTION AND STRUCTURAL ADJUSTMENT PROGRAMS

As described above, the core logic, conditions and assumptions from which liberal democratic peace is constructed might lead to a focus on a certain style of foreign affairs policies, especially from well-developed countries sharing established democracies and trade. If, as this theory argues, realist views prevail outside the ‘zone of peace’, these can be validly inferred to be material interests in international behaviour. Thus, ‘democracies do not fight each other’ is now more than a piece of theoretical discourse; it is also a piece of political rhetoric, as US National Security Strategy proves¹. Two major features of policies applied towards less developed economic and democratic regimes make those countries less likely to be peace-prone. First, these policies are applied by countries of the core or ‘zone of peace’, capitalist economies and well-established democratic regimes, especially the US, and those international institutions over which those countries exert determinant influence; and second, they can potentially exacerbate old (or create new) grievances within and among states.

US STYLE DEMOCRACY PROMOTION

By the end of the 1990s, the US government was spending more than US\$ 500 million annually to promote democracy in over 50 countries around the world (Carothers, 2000). Such US involvement in democracy

¹ ‘Free governments are accountable to their people, govern their territory effectively and pursue economic and political policies that benefit their people. Free governments do not oppress their people or attack other free nations. Peace and international stability are most reliably built on a foundation of freedom’. George W. Bush’s excerpts from *The National Security Strategy of The United States of America*, 2006

promotion is not recent. Indeed, first attempts to promote democracy can be traced back to the aftermath of World War II in Europe, but this policy became at least debatable in the 70s. As Smith (2000) has put it, the US historically also stood for resistance to democracy, because of its strongly politically driven behaviour during the Cold War (the cases of Chile, Nicaragua, Guatemala and Middle East). During the Reagan administration, its nature was also ambiguous, showing both pro- and anti-democratic actions (Carothers, 2000). Its interventions were basically aimed at undermining Soviet interests (Smith, 2000). That is why after the end of the cold war the policy became more clearly pro-democracy. Other governments of the core and multilateral institutions engaged in this kind of behaviour as well. With the Cold War ended, democratization efforts were clearer under the Clinton administration. Internationally, the concept of democracy itself has shifted towards the one used by US foreign policy. What was – and is being – advocated is certainly a US style democracy, what Gills has called ‘low intensity democracy’, focused on formal electoral rights with little consideration of the social and economic structures underlying political processes, which may lead to their being undermined in the medium term (Gills, 2000). According to Gills, this treatment fails to recognize the ‘cultural particularity’ which would make the understanding of democracy really liberal. Or, as Carothers puts it, US-sponsored officials seem to have the job of applying a pre-printed checklist, which does not account for the complexity of political, social and economic life.² In short, the US democratization style might be seen entailing two phases: a decrease in the level of repression and prospects of reform in the first moment, followed by the absence of reform, the imposition of a conservative economic policy protecting interests of both domestic and external elites, a widening of economic inequalities and an increase in repression (Gills, 2000).

The core of US democracy promotion has now become a part of a broader strategy of regime change towards rogue or failed states, in which the US can resort to pre-emptive war if it deems this necessary, as it seems to be for many scholars, politicians and officials in the current Bush administration. Both North Korea and Iran embody this new kind

² This line of criticism opened an interesting debate on ‘democratization paradigm’ among political scientists. For more: Carothers, 2002a and 2002b and O’Donnell, 2002.

of rogue state, representing the two thirds remaining of the so-called Axis of Evil. But rogue states are not the only matters of concern; failed states are also seen as danger for American security. They are depicted as unable to take advantage of the global economy because they lack strong, capable institutions so that in them, 'terrorism, narcotics trade, weapons proliferation and other forms of organized crime can flourish' (Krasner and Pascual, 2005).³ Following the theory's argumentation, a pair of democracies tends to be linked by comparatively high levels of international trade. As this economic exchange increases, so do mutual commitments, precluding war. What is implied is the notion of growing welfare from zones of complex transnational interdependence where co-operation prevails over security concerns.

Here, again, assumptions play a role to portray the outcomes on this interaction: progress and modernization operate. Indeed, the claim seems to be true only for well-developed capitalist economies. The question is whether this neoliberal global economic order is bringing about growing welfare within and among distinctly capitalist democracies.

Neoliberal policies of structural adjustment fit with this aspect of the liberal democratic peace theory. Economic Neo Liberalism is usually identified as approach to economic growth based on principles which appeal to the economic freedom of individuals to participate in efficient markets operating without state constraints. The policies informed by this approach stress privatization of public enterprises, deregulation of economic activities and markets, liberalization of trade and fiscal discipline in public expenditure. Neoliberalism emerged in the realm of policies as result of the US strategy to preserve hegemony, in the Bretton Woods arrangements undertaken in the aftermath of World War II (Harvey, 2005). The fact is, both US foreign policy and multilateral institutions (World Bank and International Monetary Fund) over which US ascendancy is determinant, promoted the implementation of these arrangements. The common features of this set of reforms in developing countries (the so-called Washington Consensus) are that: (1) outsiders (IMF and WB but also developed economies) have had a great deal of room in policy design and have acted as virtual decision-makers; (2) the

³ A nice piece of literature supporting recipes of regime change as conflict prevention and management towards failed states: Krasner and Pascual (2005). Carlos Pascual is current chief of the new Office of the Coordinator for Reconstruction and Stabilization.

timing and sequencing of reforms were rapid; and (3) major areas of the economy were subject of the programs.⁴ ‘Conditionality’, ‘shock’ and ‘structural’ are the three key words to understand neoliberal adjustment in developing countries. The implementation of neoliberal policies treated governments with distrust and ignored social, economic and political pre-arrangements. Thus, they have meaningfully shaped societies, not only failing to provide better economic performances but also possibly simply reinforcing the power of oligarchies or privileged groups in countries where these kind of formal and informal arrangements have been obstacles to develop. For instance, two of the main features of the liberalization, deregulation and privatization of economies have been cronyism and predatory forms of capital accumulation (for instance in Latin America and Russia) as logical consequences of the the same dynamic operates at the international level. Free trade and financial flows exacerbate problems in the division of labour in the world economy. While core countries enjoy high levels of technological advance and huge quantities of financial capital, developing countries are forced to compete in international markets on the basis of their competitive advantages, which are the prevalence of primary exports and cheap labour; that is, exploitation of natural resources and low incomes, two powerful grievances from the perspective of internal conflicts (Mursed, 2006). Further, the liberal tenet of spreading free markets is often seen as concession to domestic elites which lacks economic significance. For instance, Free Trade Agreements (FTA) might be a response to security concerns, a way to reward key partners in a given region. This reason has been explicitly given by US Republican representatives in order to get FTAs with Colombia, Peru and Ecuador approved in the US Senate. Meanwhile, social sectors with deep seated grievances are not only against such agreements, but also likely to create social disruption if those agreements are finally implemented. More recent versions of neoliberal policies (the so-called Post Washington Consensus) have incorporated adjustments to give attention to these problems. Nonetheless, the heart of the policies remain intact: the superiority of markets is claimed to be the most powerful coordination force, one over which governments cannot intervene, just facilitate information and lower transaction

⁴ Joseph Stiglitz referred to some of these characteristics of structural adjustment in developing countries, as going ‘too fast, too far’ (2002).

costs to some coordination failures. Government interventions are still seen just as a cause of mismanagement and calamity. But is precisely this type of government and democracy that best fits US and other well developed capitalist economies' interests.

Indeed, neoliberal economics has considerably worsened existing economic inequalities. Its poor economic performance has continually raised inequality between rich and poor nations and within the latter, considerably adding to global insecurity (Murshed, 2006). It raises doubts about long term liberal peace expectations. Hence, there are at least two illiberal policies informed by democratic liberal peace theory: democracy promotion and neoliberalism. In this way, a version of democracy is being used to construct a state structure conducive to the ambitious pursuit of accelerated economic liberalization, creating conditions of inequality which are likely to destabilize both democratization (Gills, 2000) and also global security.

CONCLUSIONS:

FROM LIBERAL DEMOCRATIC PEACE TO WORLD ELITE PEACE

From the critical perspective that this essay attempts, the policies informed by liberal democratic peace tenets to prevent international conflict are most likely to reinforce (1) illiberal characteristics in developing countries and (2) the liberal democratic characteristics of the zone of separate peace.

Thus, while these policies maintain situation which constitutes the central claim of the theory (that liberal democracies trading among each other do not fight each other) their underlying assumptions do not: modernization and progress as unstoppable and overwhelming world forces seems to be true exclusively in the zone of peace, incapable of becoming the reality in non-liberal states. The liberal democratic peace seems, from this perspective, an *elite* peace. If prosperity is not achievable and there are no prospects for a peaceful future, a potential interpretation can be that the growing transnational interdependence might also be just as temporary product of the reinforced hegemony of capitalist developed democracies over developing countries. This scenario seems the most realistic under hegemonic power. Furthermore, the illiberal characteristics of the economic systems of developing countries could engender long-term grievances among them but also towards the core. Policies aimed to facilitate international economic exchange, the basis of the lib-

eral peace, can be both extremely aggressive against the recipient states but also exacerbate and externalize domestic grievances. As a result, their self-defeating utopian nature becomes clear.

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12

THE DALIT RIGHTS MOVEMENT
IN POST-INDEPENDENCE INDIA*KARA WONG*

The status and treatment of the world's 260 million Dalit comprises one of the world's most shocking human rights situations. The Dalit, also known as the 'broken people' or 'untouchables,' face systematic and structural discrimination on the basis of their social status. As a result of their inferior status, the Dalit are forced to manually scrub toilets, transport human excrement, dispose of human and animal remains and perform other equally degrading jobs. They are also denied many of their most basic human rights and are often subject to violence (Bob, 2007:173), (MRG, 1982:4), (IHEU, 2007:2).

This paper follows the evolution of India's Dalit rights movement from a local project to an international movement characterized by dynamic international and transnational networks of individuals, NGOs, States and multilateral organizations. It will highlight some of the key failures and successes of this effort. The reasons behind the movement's failures and successes will be also be explored and broader implications for transnational human rights advocacy drawn. The analysis is restricted to the Dalit rights movement in India, as this is the country where the majority of the global Dalit population resides. It is also limited to post-independence India, because while efforts to address Dalit rights reach back before colonial times, there is limited documentation surrounding these events.

The degrading and inhumane treatment of India's Dalit is traditionally justified on the basis of caste. The caste system, which is rooted in Hinduism, is one of the oldest and most well defined systems of social stratification. It organizes people into different social groupings based on de-

scent and birth. Virtually all social interactions, including marriage, employment and housing are influenced and divided by caste (HRW, 2007:2). The Dalit, however, fall out of the caste system. According to the Hindu caste system, there are four castes, which are characterized by varying levels of purity. The Brahmins occupy the upper tier of the caste system and traditionally serve as priests or teachers. Next are the Kshatriyas or warrior caste, followed by the Vaisyas who are predominately farmers, merchants and traders, and finally the Sudras who are labourers and artisans – over half of India's population are Sudras. The Dalit do not belong to any of these castes. They are considered so impure that they are left out of the system and are literally reduced to out-castes (IHEU, 2006). While the social divisions imposed by the caste system permeate almost all aspects of social life, the defining characteristic of the system is the allocation of occupation. The Dalit, existing outside the system, are thus relegated to performing all of the tasks that are considered too dirty or polluting for the upper castes. This includes cleaning latrines by hand, handling dead bodies, tanning leather and disposing of human waste. The 'dirty' nature of these tasks is then used as justification for denying Dalits access to public spaces such as wells, temples and restaurants, as well as public institutions such as schools. They are often forced to live in segregated areas, sit in the back classrooms and make do with the poorest accommodations and resources (IHEU, 2006).

Legislative reform has led to some improvements. While a significant minority (approximately 800,000 – most of whom are women) continue to perform these demeaning tasks, many have become agricultural laborers, and others have become teachers, lawyers, doctors and even heads of state¹ (IHRU, 2007:4). Government statements dating as far back as 1931 recognize the equality of all Indian citizens and condemn the practice of attaching 'disability...to any citizen for reason of his or her...caste' (MRG, 1982:6).

However in spite of this 'progress', the Dalit population of India continues to struggle to realize many of their most basic human rights. The rest of this paper reviews some of the milestones of the Dalit rights

¹ In 1995, Mayawati, a former chief minister of Uttar Pradesh state and a Dalit, was elected India's head of state < http://news.bbc.co.uk/2/hi/south_asia/6032563.stm>.

movement and attempts to explain why some efforts to realize Dalit rights have failed while others have succeeded.

Although efforts to obtain social respect and equal rights for the Dalit has been ongoing since well before the colonial period, the Dalit situation became a central political topic during India's independence struggle. The recognition of the Dalit situation as a topic of political importance can be attributed to two key individuals: Mahatma K. Gandhi, an upper caste lawyer and leader of the Congress Party and Dr B.R. Ambedkar, a highly educated Dalit barrister and politician. Gandhi believed that the treatment of Dalits as impure or 'untouchable' was a perversion of Hinduism and that the religion could be reformed to treat all people equally regardless of caste (Bob, 2007:172.). Gandhi renamed the Dalit, or 'untouchables' as they are also commonly known, 'Harijans' – men of God (Smith, 2005:10). Ambedkar, along with other prominent Dalit leaders, viewed Gandhi's renaming of the group as paternalistic and demeaning. He claimed that Hinduism was fundamentally flawed and that the only way to liberate the Dalit from the social constraints imposed on them was to renounce Hinduism and attack the caste system as the root of the problem. With this principle in mind, Ambedkar famously led a mass conversion in 1956 wherein he, along with tens of thousands of followers, converted from Hinduism to Buddhism (Bob, 2007:172).

It was however a result of the opposing efforts of both men that the Poona Pact was adopted in 1932. The Pact allows for the reservation of seats in the national legislature for Dalit representatives and marks a pivotal point in the Dalit rights movement (MRG, 1982:6). Following the implementation of the Poona Pact, socially progressive legislation outlawing discrimination against Dalits was slowly adopted in many of India's provinces. The culmination of these developments was the adoption of the 1950 Constitution. Article 17 of the 1950 Constitution specifically abolishes 'untouchability' and classifies 'the enforcement of any disability arising out of 'Untouchability' as an offence punishable by law. Article 15 also clearly states that:

- 1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth.
- (2) No citizen shall, on ground only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to -

- (a) access to shops, public restaurants, hotels and places of public entertainment; or
- (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained whole or partly out of State funds or dedicated to the use of general public.(1950 Constitution, Article 15)

In accordance with India's new Constitution, an affirmative action program that reserved spaces for Dalits in educational institutions, government jobs, and state and national legislatures was implemented (Bob, 2007: 172).

These government-initiated measures have helped to improve the situation of a small percentage of the Dalit community. However, the vast majority of the Dalit continue to suffer from discrimination and social exclusion. Dalit advocates blame the government for not ensuring that these laws are implemented properly. Equally to blame is the historically and socially entrenched view that Dalits deserve less respect and fewer rights than other groups of people within the Indian community (Bob, 2006 169). While the legislation may have been altered to reflect the human rights principles of equality and non-discrimination, alone it has done little to encourage people to adopt more egalitarian views.

In addition to pursuing structural and legislative changes, the Dalit movement was also active at the grassroots level. A large number of Dalit civil society organizations (CSOs) began appearing in the 1980s and early 1990s. Their primary objectives were to 'raise consciousness, support individuals, and communities in their day-to-day socio-economic struggles, and encourage attempts to vindicate Constitutional and legal rights' (Bob, 2007:74).

Lawsuits, media campaigns and non-violent acts of civil disobedience are just some of the wide range of advocacy tactics employed by these grassroots groups; however, with little coordination between the various groups, most of these actions failed to yield any significant results (Bob,2007:74). At this time, international NGOs also began establishing a presence in India. Their principle concerns were with socio-economic problems such as poverty, child labor, landlessness and violence against women. Rarely did any of them examine or address the connection between caste-discrimination and these various social ills.

A few local CSOs attempted to internationalize the Dalit rights movement during the 1980s and 1990s. They contacted international media representatives, human rights organizations and foreign govern-

ment offices in hopes of raising awareness of the continuing impact of caste-based discrimination in India. Unfortunately their success was limited. Although they managed to gain access to a wide range of international NGOs, they were unable to convince them to view caste-based discrimination as a human rights concern. The most significant impediment to internationalization; however, was the failure of Human Rights Watch (HRW) and Amnesty International to adopt the issue (Bob, 2007:176). Within the international human rights arena, these two organizations act as gatekeepers; their support provides credibility and greater access to key media, governmental and NGO actors.

Until the mid 1990s, the Dalit rights movement experienced limited success within India and made very little progress internationally. All this began to change in the late 1990s. The U.N. Committee on the Elimination of Racial Discrimination (CERD) provided the Dalit rights movement with its first major international achievement. CERD is charged with evaluating periodic reports submitted by states party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Article 1 of the ICERD defines racial discrimination as:

Any distinction exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, or human rights and fundamental freedoms in the political economic, social, cultural, or any other field of public life.

The Indian government had long upheld that caste discrimination was not subject to ICERD. They maintained that article 1's reference to 'descent' only referred to racial descent; caste being a social class or grouping was thus not included within the article's scope (Bob,). In 1996; however, CERD, in response to India's periodic report, concluded that 'the term 'descent' mentioned in article 1 of the Convention does not solely refer to race [and] that the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention' (CERD: India, article 14). This clearly established a legal obligation on India, as a signatory of ICERD, to undertake steps to eliminate all forms of discrimination against the Dalit population.

CERD's conclusion brought the Dalit human rights situation to the world's attention. It helped to capture the attention of HRW, which finally took up the Dalit cause and in 1999 produced a report entitled 'Broken People: Caste Violence against India's Untouchables.' The re-

port gained considerable international attention, most significantly from the Ford Foundation, which agreed to issue HRW a small planning grant if it could link up with local Indian organizations focusing on the same issues (Bob,). HRW succeeded in establishing partner organizations and with the Ford Foundation's grant, HRW and its partner organizations helped to develop an India-based organization network, the National Campaign on Dalit Human Rights (NCDHR). The establishment of the NCDHR marked a new organizational era in the Dalit rights movement. It has consolidated the efforts of the various Dalit organizations spread throughout India and has helped to link the national Dalit rights movement to the international arena. The NCDHR distinguished itself from previous Dalit organizations by employing more innovative methods of advocacy. They coordinate with international events, such as World Human Rights Day and have used the language of international human rights to frame their cause (Smith, 2005: 19). This has helped to emphasize the international relevance of the Dalit rights movement while identifying the principle duty holders and rights bearers. NCDHR has also established an extensive monitoring system to keep track of local human rights violations. Any violations committed against the Dalit community are investigated and details of the cases are released to the media. In this way, the NCDHR ensures that the Dalit situation is constantly in the public eye.

In 2000, NCDHR further strengthened the *global* Dalit rights movement by playing a formative role in the establishment of the International Dalit Solidarity Network (IDSN). While the NCDHR is a national organization that supports an international campaign, the IDSN's focus is solely international. Based in Copenhagen, Denmark, the IDSN is composed of three networks: international human rights organizations, national Dalit Solidarity Networks and national advocacy groups (Smith, 2005:21). The IDSN provides loose coordination, while helping to facilitate information sharing between the different member organizations. This form of transnational advocacy has helped to bypass domestic resistance to the movement and kept the cause on the global human rights agenda.

The UN Human Rights Commission's Sub-commission for the Promotion and Protection of Human Rights provided the Dalit with their next substantial victory. In 2000, the sub-commission issued a resolution stating that 'discrimination based on work and descent is a form of dis-

crimination prohibited by international human rights law' (UNHCHR, point 1). Although the resolution does not explicitly mention caste, CERD's earlier conclusion clearly places caste-based discrimination within the scope of the resolution. The resolution also calls on States to 'ensure that all necessary constitutional, legislative, and administrative measures, including forms of affirmative action, are in place to prohibit and address discrimination on the basis of work and descent' (UNHCHR, point 2). This statement is significant as it identifies a clear duty on behalf of the state to not merely abolish discriminatory laws but to ensure that anti-discrimination legislation actually benefits the people it is targeting. In addition it gives external parties such as HRW, foreign governments and the UN legitimate grounds on which to scrutinize the operation and implementation of Indian legislation.

Prior to the late 1990s, the Dalit rights movement was characterized by limited successes and very little international visibility. Today, the Dalit cause is articulated by dynamic national, international and transnational networks of individuals, NGOs, States and multilateral organizations. How can this sudden success be explained? What kept caste-based discrimination off the international human rights agenda for so many years?

The progress of the contemporary Dalit rights movement can be explained by examining strategic changes to the organizational structure and rhetorical approach of the Dalit's human rights campaign, both domestically and internationally (Bob, 2007: 187). The small but plentiful Dalit CSOs established in the 1980s played a significant role in pressuring CERD to recognize caste-based discrimination as a form of discrimination covered by article 1 of the ICERD. However, the absence of a nationwide Dalit organization within India severely hampered the movement's lobbying power (Bob, 2007:188). The establishment of the NCDHR in 1998 strengthened the voice of Dalit rights advocates and created a united, democratically significant force within India. Its coordinated advocacy efforts also helped to make the campaign more visible at the international level as a legitimate human rights concern. The NCHDR's push to get caste-based discrimination on the international human rights agenda, most notably its role in establishing the IDSN also had a tremendous influence on the movement at the domestic and international level. Domestically, one of the major obstacles facing Dalits is

the resistance of both the government and general public towards ideas of equal rights for Dalits. As articulated by the NCDHR on its website,

dominant caste values, prejudice and vested interests prevalent across all levels of government and society so seriously debilitate the political will to implement and enforce these [anti-discrimination] laws that they have been emasculated and reduced to the status of mere paper tigers (www.dalits.org/CasteRaceandWCAR.html)

By expanding the movement internationally, Dalit advocates circumvented the domestic resistance that had for so long kept their cause in check. In addition to adapting its organizational structure, the Dalit rights movement adopted several crucial rhetorical changes. The NCDHR made a concerted effort to frame their struggle within a human rights framework. By adopting human rights language the NCDHR capitalized off of the much publicized decision of CERD to include caste under article 1 of the ICERD. Moreover, it helped to clarify the legal obligations of the Indian state to not only respect Dalit rights, but to actively protect and fulfill these rights – thus providing the Movement with greater leverage to exert pressure on the state. The pragmatic decision to accept that caste-based discrimination is included within the UN's broader terminology of 'work and descent discrimination' was another politically savvy move on behalf of the national campaign. By refraining from making direct reference to the caste system, the NCDHR avoided domestic criticism that the Dalit rights movement was simply an attack on Hinduism. Similarly, by linking up with populations suffering from similar forms for discrimination (for example, the *Burakumin* of Japan, the *Para-gyoon* of Myanmar or the *Osu* of Nigeria) the IDSN helped to counter national resistance by demonstrating that the Dalit rights movement was not a politically motivated attack on India, but a human rights issue in a wide variety of societies (Bob, 2002:192).

The close relationship between the NCDHR and the IDSN is yet another notable strength of the Dalit rights movement. By cooperating with one another, the two organizations have maximized their effectiveness. The IDSN facilitates the flow of material resources, expertise and skills into India while the NCDHR ensures that external organizations obtain important information concerning local conditions, thereby improving their ability to advocate on behalf of the Dalit cause (Burgerman, 1998).

The evolution of India's Dalit rights movement illustrates the complex political and structural realities of contemporary human rights organizing. In today's continually globalizing world, it is beneficial for domestic rights campaigns to consolidate their efforts and cooperate with similar international movements. This form of transnational networking gives rights activists access to a larger pool of resources, increasing their maneuverability within the human rights system. Furthermore, the political context in which rights campaigns are executed cannot be underestimated. As demonstrated above, religious, social and historical contexts can determine how a rights movement and its related claims are received. Such forms of opposition are not necessarily insurmountable; however, acknowledging their existence can help rights activists to better frame their position. Finally, the international human rights legal system can provide a highly enabling foundation on which to build a rights movement. International human rights law can provide a rights movement with international legitimacy. It can assist in identifying key duty holders and can help to hold States accountable to their human rights obligations. Thus, the successes and failures of the Dalit rights movements serve to as reminders of the importance of organizational and rhetorical factors in achieving human rights objectives. Although there remains much to be done, human rights activists can be proud of the progress the Dalit rights movement has made. The insights it provides into the best practice of transnational rights-based advocacy must also be appreciated and seen as one of the Movement's significant contributions.

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**THE PRICE OF GLOBAL PARTNERSHIP:
AID FOR TRADE AND MILLENNIUM DEVELOPMENT
GOAL 8****LYNN JULIA ZEBEDA****ABSTRACT**

This paper assesses the Aid-for-Trade (A4T) programme to see whether it adequately addresses the disadvantaged position of developing countries in international trade. Numerous issues surround A4T that diminish its potential. First, A4T is not likely to come out of new money and will thus divert parts of existing aid budgets away from other areas. A4T will be far from sufficient. Third, deliverance of A4T through the Integrated Framework (IF) is inefficient and ineffective. Smaller NGOs are more effective, but lack coordination between donors. Fourth, donors may use A4T as a bargaining chip in the Doha Development Round. Fifth, the direct and donor-driven link between A4T and an acceleration in trade liberalization is likely to have a negative impact on developing countries in the form of costly effects on already strained economies, irresponsiveness to country differences, plus it is binding under the WTO, while A4T is not. Finally, less visible costs may include reduced trade policy space for recipient countries. From this follows a selection of policy recommendations for donor countries. First, the IF could either be reformed to become more responsive to recipient countries' needs or NGOs and INGOs could install a coordinating body to register and harmonize their efforts. A4T will need to be predictable and sustained. When it is not possible to use additional funds, a temporary diversion of funds from a different sector should be carefully considered against possible future growth. Moreover, rapid trade liberalization should not be forced upon developing countries, but rather be based on domestic policy choices and development objectives that may prioritize other issues. In addition, A4T needs a well-developed system of monitoring and evaluation. Lastly, A4T cannot be seen as a substitute for fairer trade rules— a development-friendly outcome of the Doha Development Round should still be prioritized.

ACRONYMS

A4T	Aid for Trade
IFI	International Financial Institutions (WB and IMF)
MDG	Millennium Development Goal
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development

1. INTRODUCTION

Millennium Development Goal 8 (MDG 8) strives for a Global Partnership for Development. Different from the other seven goals, MDG 8 not only seek internal progress in the global South, but rather presses for reforms in global economic relationships - demanding a real effort from developed countries to reduce global inequality. One of the main targets of MDG 8 is to 'develop further an open, rule-based, predictable, non-discriminatory trading and financial system' (Quibria 2004). One such effort of the developed countries that has been advanced in support of MDG 8 is the Aid for Trade (A4T) programme. Aid for trade is not a new idea: already in the 1990's, donor countries linked aid to trade by making recipients use aid to import their products, thereby strengthening the *donors'* own trade positions (Tarnoff and Nowels 1993). In contrast, however, the A4T programme - currently a 'work in progress' - is designed to improve the aid *recipients'* trade capacity. As defined by the IMF and World Bank, A4T constitutes the 'provision of assistance by the international community to help countries address supply-side constraints to their participation in international markets and to cope with transitional adjustment costs from liberalization' (IMF and WB 2005: 3).

The policy problem that A4T is supposed to address is that international trade is currently failing to help many poor countries achieve economic development, in the form of sustained growth and poverty reduction. This essay will assess to what extent donor countries can contribute to a solution through A4T, and thereafter, it will put forward policy recommendations to better orient the programme to achieve development goals. The recommendations will specifically address the donor countries and institutions, because they are the architects of the A4T programme.

In what follows, I will first portray the background of A4T by briefly describing the failure of the WTO Doha Development Round and do-

mestic constraints to trade, and place A4T in this context. In section three, I will critically assess several important aspects of A4T- including sufficiency, deliverance, motives, the link to trade liberalization, and consequences. Based hereon, section four, will put forward policy recommendations that focus on what donors can do to improve the program as it stands now, to truly contribute to achieving MDG 8. These recommendations relate to the delivery mechanisms of A4T, the link to rapid trade liberalization, the lack of monitoring mechanisms and fairer trade rules.

2 SITUATING A4T

In this section, I will situate A4T by describing both international and domestic obstacles that developing countries face in benefiting from trade, in order to enhance understanding of what role A4T can play.

2.1 Doha Disaster

The A4T programme gained prominence in December 2005 at the WTO ministerial in Hong Kong, in the context of the Doha Development Round. The Doha Round of WTO negotiations, which started in 2001 in Qatar, aims at lowering the barriers to global trade in agricultural products, manufactured goods, and services and intellectual property rights (WTO 2007). However, progress on these Doha Round talks has been tormentingly slow. Subsequent meetings in Geneva, Paris, Cancún, and Hong Kong offered no solution, while the latest attempt in Potsdam in June 2007 ended in an impasse between the US, EU, India, and Brazil over opening up agricultural and industrial markets in developing countries and cutting agricultural subsidies in developed countries. While developed countries argue that the intent of the round is to make the rules of international trade fairer for developing countries, the latter assert that the Doha round actually represents the trade agenda of the developed world, interferes with their policy space, and has nothing to do with development. Vague commitments about market access have not materialized, yet developing countries are expected to make binding commitments on the same issue. Trade barriers against developing country exports and producer subsidies remain high - especially in sectors like agriculture and textiles where developing countries have a greater competitive advantage - while at the same time, developing countries are

pressured into full liberalization of trade. Developing countries have limited political and economic capacity to negotiate, resist or retaliate, resulting in rules that are biased towards the interests of the rich. Hence, while trade can be an important force for growth and poverty reduction - by offering access to markets, new technologies, and new employment and investment opportunities - the one-sided trade liberalization under the Doha discussions is more likely to bring costs relating to loss of tariff revenue and the erosion of preferential treatment (Oxfam-International 2002).

2.2 Domestic Difficulties

Developing countries are frustrated not only by biased international trade rules but also by 'behind-the-border' policy failures and weak productive capacity. In Mali, for example, cotton producers face many domestic obstacles to increasing their productivity. They face high transport costs due to Mali's landlocked position and poor exporting infrastructure. Further, farmers' lack access to credit and technical assistance (WTO 1998). Other domestic issues that can prevent developing countries from benefiting from trade are a lack of tradable surpluses and incomplete knowledge about market access possibilities, or the inability to meet technical and sanitary standards that prevail in global markets (South Centre 2005). Hence, if domestic resource mobilization is not sufficient to provide funds to enhance trade capacity, technical and financial trade-related assistance can form a potential complement (UN-Millennium Project 2005).

2.2 Aid for Trade

Against the background of the current state of affairs in international trade, the IMF and World Bank put forward the A4T programme as 'an essential element of a successful, pro-development Doha package' (IMF and WB 2005: 7). The two main objectives of A4T are to address supply side constraints and to assist countries in coping with the adjustment costs of trade liberalization. Notably, acceleration of trade liberalization is an integral part of the A4T package as it is now planned: Without liberalization, there will be no A4T.

The first objective can be further divided into demand-side assistance, such as enhancement of the negotiation capacity of developing country trade officials (UNDP 2006: 33), and supply side assistance, including

capacity building, institutional reform, and investment in trade-related infrastructure. The second objective represents assistance to alleviate adjustment costs of trade liberalization, such as loss of government revenue due to a reduction in import tariffs (IMF and WB 2005).

An A4T Task Force was set up within the WTO in 2005. This working group consists of 13 WTO members (among them Brazil, China, Japan, the EU, and the US), together with coordinators of the ACP- African and LDC groups. It provided general recommendations on the operationalization, scope and future of A4T in July 2006. However, the A4T programme remains 'in the making', with many aspects still debated over. The following section will critically assess several of these aspects, with an eye to their contributions to economic development.

3 POLICY ISSUES: ASPECTS OF A4T

In this section, I will critically look at six aspects of A4T: origin, sufficiency, deliverance, motives, and the link to trade liberalization and possible consequences. This will lay the basis for the recommendations for donor countries put forward in the next section.

3.1 A4T: Where will it come from?

In their report, the Aid for Trade Task Force rightly emphasises that it is important for A4T funds to be additional to already agreed upon aid budgets, and to install 'appropriate measures' to measure this additionally (Taskforce 2006). The current aid budgets of donor countries and multi-lateral institutions have already been reserved for other pressing matters - such as disease prevention and debt relief - that cannot be put on hold until trade capacity has been built. Moreover, as described above, trade reforms would bring about considerable new costs, calling for new aid money.

However justified a call for additional funds may be, the prospects for fulfilling that goal are not promising. Most donor countries do not accept the developing countries' claim that A4T should come out of new aid budgets (Page 2007). Moreover, the majority of donor countries have so far not even fulfilled the already agreed-upon goal of 0.7% of GNP budget of Official Development Assistance (ODA). Real ODA in 2006 amounted to only 0.30% of the OECD members' combined GNP. This 2006 figure was 5.1% less than the amount collected in 2005, and

that figure is expected to fall again in 2007 (OECD 2007). Therefore, recipient countries' hope that aid-for-trade would be added to existing aid budgets seems unlikely to materialize.

3.2 A4T: Is it sufficient?

Notwithstanding the general downward trend in official aid to developing countries, the international financial institutions (IFIs) report very optimistically on the financing of A4T. According to the World Bank Global Monitoring report, significant, progress was made on A4T in 2006 (2007: 180). Some impressive figures are presented to back up this claim: Trade policy assistance grew to \$905 million, and trade development activities even reached \$2.17 billion in 2006. In addition, \$12.1 billion was spent on 'economic infrastructure essential for international trade' (ibid). The World Bank's own spending on trade-related projects in 2006 was \$1.61 billion, an amount three times higher than it spent in 2003, and this augmented level of spending is expected to be sustained (World Bank 2007: 180). In a similarly cheerful tone, the OECD asserts that trade-related aid, including supply-side contributions and adjustment compensation (but excepting debt relief) has averaged 24% of total ODA over the past several years (OECD, 2006: 13).

However, this positive spin needs to be critically nuanced. First, most of the money allocated to trade reforms comes out of already existing aid budgets, not supplementary funding. For example, of the \$2 billion that the EU announced to make available by 2010, half is supposed come out of the 0.7%-of-GDP norm of ODA (to which the majority of member states do not even adhere), while the other half is to come from the European Commission – which has not as yet confirmed its official co-operation with the program (Page 2007: 3). The US, for its part, has promised to spend \$2.7 billion on A4T by 2010, but is also not explicit about how much of this funding will be in addition to the already-existing aid budget. Japan, for example, will most likely make its promised \$10 billion available in the forms of loans, rather than grants-like the majority of World Bank assistance for A4T (UNDP 2006:3).

Second, it is not specified what these donations have been spent on. If a new road is financed that leads to a harbour, this is likely to fall under the category of aid-for-trade. But how far can the road have to be from the harbour and still fall under A4T? Specifying these details and

the amount allocated to genuinely ‘trade-related’ projects would possibly lead to much lower effective amounts of A4T spending.

Finally and crucially, while the billions of dollars in A4T cited by the IFIs seem impressive, the funding is far from sufficient to meet the needs of the developing countries. For instance, estimates show that A4T for trade infrastructure alone in Africa would need to be around \$10 billion a year, expanding to \$20 billion a year after 2010 because of an increased capacity to absorb aid. Even this figure is probably underestimated, as it does not take into account the dynamic costs that may arise due to increased liberalization. In contrast, OECD estimates reveal that infrastructure aid actually allocated to Africa in 2005 was only around \$1.5 billion (Page, 2007: 3). Existing projects of technical and financial aid for customs reform confirm that the current amounts of A4T are not likely to be able to cover the enormous costs of trade facilitation measures. In Bolivia, for instance, a five-year project of customs modernization that began in 1999 cost \$38 million. Of this amount, \$25 million was spent on improving institutional procedures, and \$9 million on installing a computerized system. Projects like these cost much time to set up, and possibly even more time before the investments pay off in terms of increased trade flows. It is therefore crucial that aid be sufficient, predictable, and long-term (Oxfam-International, 2005).

3.3 A4T: How is it channelled?

The IFIs point to the Integrated Framework for Trade-Related Technical Assistance (IF) as the appropriate channel for delivery of A4T. This IF consists of the main multilateral agencies (IMF, WB, ITC, UNCTAD, UNDP, and WTO) together with bilateral and multilateral donors. It was initially set up in 1996 to assist developing countries to identify barriers to trade, mobilise additional funding, and mainstream trade-related capacity building into their development strategies (IMF and WB 2005). IF claims to enhance recipient-country ownership, transparency, civil society, and donor-recipient partnerships (UNDP 2006: 34).

In reality, however, the IF has failed to deliver as promised. First, a mere €8 million has been spent on projects for building trade capacity. In addition, the IF has no mandate or mechanism to ensure that its stated principles, such as national ownership of a development strategy, are followed. For example, a study of the Policy and Operations Evaluation Department of the Dutch Ministry of Foreign Affairs reveals that the IF

process in Ethiopia was ineffective and inefficient (Liebrechts and Wijmenga, 2004). The IFs began activities in Ethiopia in 2002 – at the request of the country itself. Their work (with a budget of €350,000) consisted of a study of trade liberalization needs followed by a plan for integration. Donors and implementing committees met only a few times, while representatives from the private sector and civil society were barely consulted in the analysis of the local situation. Moreover, the analysis of the trade situation took almost two years and was incomplete – recent data, new policy measures, and new policy documents were not taken into account. The recommendations themselves were too general to implement. As a result, the impact of the IF project in Ethiopia has been very limited. Because customs authorities were not involved in the process, they were not convinced of the importance of trade liberalization. Trade officials did not gain increased capacity to negotiate and implement trade agreements. The only positive aspect mentioned in the report is that coordination among the donors was good – although it was at times dominated by the World Bank (Liebrechts and Wijmenga, 2004). Finally, in addition to the inefficiency, ineffectiveness, and failure to allow country ownership mentioned above, donors have also not been transparent about which criteria are applied in assessing a country's eligibility for participating in the IF (Oxfam-International 2005).

In sharp contrast to the functioning of the IF, small international NGOs and INGOs (Inter-Governmental Organization) have been far more efficient and effective than large multilateral organizations in providing accessible information, training, and country-specific trade-related assistance to the aid recipient. This success is often attributed to these organizations' thematic focus and demand-driven approach –that is, taking the concerns of clients as the basis of aid provision (IOB, 2005: 11). On the negative side, however, A4T that is channelled through smaller organizations lacks the coordination, coherence, and general oversight of A4T allocation that the IF can provide.

3.4 A4T: What are the motives?

While the IFIs assert that A4T is meant to finance development by stimulating competitiveness and growth and reducing poverty, critics point to elements of donors' self-interest embedded in the program. First, it is feared that the money will be used as a 'bargaining chip' to get developing countries to make further concessions in the Doha Devel-

opment Rounds. Concessions could include tariff cuts in industrial and agricultural products, changes in the rules of negotiations of trade in services, disadvantageous terms of trade, and erosion of preferential trading partner status, to the benefit of donor countries (Hormeku 2005; South-Centre 2005: 3). A related point is that the developed countries are likely to use A4T as a replacement for fairer trade rules; A4T would be considered to pay sufficient attention to issues of development and poverty (Oxfam-International 2005).

Already, developing countries have suffered burdensome adjustment costs in implementing previous WTO agreements that required opening up developing country markets, while northern markets are allowed to remain closed or highly protected by non-trade barriers (Oxfam-International, 2005). It follows, then, that A4T would also be subject to the litmus test of the interests of advanced countries and multinational corporations--which would benefit from measures such as improved infrastructure in developing countries and easy market access (SouthCentre, 2005: 3). Advanced countries would also enjoy direct financial benefits from aid for trade, because the program demands recipient countries' accelerated trade liberalization and integration into the world economy. Thus, the advanced countries would have to pay lower tariffs on developing countries' industrialized goods, and they would also profit from reducing the preferential market access allocated to some developing countries (Evenett, 2005: 2).

3.5 A4T: Accelerated trade liberalization as conditionality?

The A4T programme as planned now has been tightly linked to accelerated trade liberalization. While this programme, as illustrated above, clearly benefits the donors themselves, the OECD, IFIs and WTO also cite many advantages for recipient countries. These actors argue that accelerated trade liberalization would lead to faster economic growth and development, and that—with the help of A4T--developing countries' export competitiveness would be increased as they would remove constraints to liberalization.

On the other side of the table, there are Northern and Southern NGOs, recipient country governments, producers, and civil society actors who would prefer not to create a direct link between A4T and rapid trade liberalization. These actors are principally concerned about the negative and costly effects that rapid trade liberalization would have on

already strained economies. Such costs could include labour dislocation, deindustrialization, balance of payments issues, loss of preferential market access, and insufficiently compensated tariff revenue losses, which would reduce countries' ability to foster local industries. In addition, qualitative losses such as reduced policy space and increased dependence on donor money cannot be balanced by a quantitative compensation (Hormeku 2005).

A second argument against linking A4T to rapid trade liberalization is that the programme would not be responsive to the vast differences among developing countries' needs and priorities. Some countries might first need to build up their capacity to competitively produce and deliver goods to the international market, while others might face transitional adjustment costs that effectively prevent liberalization in the short term (Oxfam-International 2005; SouthCentre 2005).

As a final precaution, it should be noted that recipient countries are legally bound under WTO agreements to live up to trade liberalization commitments and would thus be sanctioned through Dispute Settlement if they would fail. In contrast, donors' aid commitments are non-binding, and donors face no consequences if they do not match promised contributions. Hence, donor countries could at any point shut down A4T funds, while developing countries would still be obliged to go through with their rapid trade liberalization.

3.6 A4T: Hidden consequences?

Apart from the consequences mentioned above, which would follow from accelerated trade liberalization, A4T could carry also some less visible costs. Given the breadth of the current plans, and the largely unspecified number of areas that are considered more or less to be related to trade, A4T could significantly increase the influence of donor countries represented by the World Bank's and IMF's trade- and trade-related policy (SouthCentre, 2005). This would reduce the bargaining space for recipient countries to make autonomous decisions that affect their own economies and populations.

4 POLICY RECOMMENDATIONS

Taking the concerns above as a point of departure, this section will put forward a selection of policy recommendations for donor countries to

follow. It goes without saying that the A4T process is complicated by the fact that ‘trade reform is extremely sensitive to political economy constraints [in recipient countries], and in many countries, vested interests are often unwilling to promote the reforms needed’ (OECD 2006: 14). Nonetheless, these recommendations will target the donor countries and institutions, as they are the chief architects of the current A4T plans.

4.1 Delivering effective A4T

Effective delivery of A4T demands the coordination and research capacity of the IF and the efficiency and effectiveness currently exhibited by NGOs and INGOs. Two broad policy options come to mind: First, the IF could be drastically overhauled to form sub-groups – according to recipient countries’ geographic location or capacity for integration – that could respond to these countries’ needs and offer country- or region-specific aid and implementation services. Alternatively, NGOs and INGOs could continue to deliver their effective services, but they could be formed into an additional umbrella body, under which all related projects would be registered and monitored, to harmonize and coordinate the efforts of different NGOs.

In either scenario, effectively delivering A4T requires that funding be adequate and predictable, so that countries can rely on financial support in their long-term trade policy plans. Grants would more greatly contribute to sustainability than loans, because otherwise, an increase in exports due to A4T would merely be met by an increase in foreign debt. Ideally, A4T should be added to existing funds, rather than diverting ODA from other priority humanitarian issues. When this is not possible, however, a temporary diversion from a less vital sector – such as non-trade related infrastructure – should be carefully considered in the light of possible future growth flowing from effective A4T.

4.2 Trade liberalization as conditionality

For the reasons mentioned above, accelerating trade liberalization in the recipient country should not be a conditionality for receiving A4T. Because A4T has been put forward as an instrument for reaching development and North-South partnership, the programme must be open to jointly defined conditionalities, and it must respect the policy choices and needs of ‘partner countries,’ in terms of the pace and scope of liberalization. Given that the costs of fast liberalization are felt immediately, while

the potential benefits take longer to materialize, the A4T conditionalities must be in line with recipient countries' long-term, national development objectives. In that sense, rather than accelerating trade liberalization, a country might choose to use A4T funding first to improve its domestic productive capacity and investment climate (supporting promising sectors and improving infrastructure), enabling an increase in domestic economic activities, from which an increase in trade could follow (IOB 2005: 13). This type of graduated trade liberalization would generate more stable and robust development and poverty reduction. It would allow capital accumulation, leave policy space for the inclusion of marginalized groups, and focus on improving exports until a point when both imports and debt interest payments could be financed with export earnings (UNCTAD 2004).

4.3 Monitoring and evaluation

A4T still needs a well-developed system of monitoring and evaluation in order to make improvements to the programme as it is being implemented. Comparing the trade performance of countries that received A4T with those that did not is not particularly informative, since all other factors that could have influenced trade performance – including external terms of trade, investment climate, harvests, etc – are not considered, or are treated as exogenous (Pronk 2007). Instead, evaluation should be based on in-depth, quality analysis of individual countries and sectors within countries. Evaluations should study conditions before and after the A4T program, and should take note of other (policy) conditions that relate to trade performance. In line with a programme of demanded, phased-in trade liberalization policies, interim evaluations should be performed by recipient-country stakeholders to determine whether A4T is successful in transforming internal and external trade structures, and whether the expected benefits of liberalization and A4T are worth the costs and adjustments made.

4.4 Beyond A4T: Fairer trade rules

A4T cannot be seen as a replacement for fairer trade rules and regulations within the framework of the WTO. Without fair rules, A4T will not be able to lift developing countries anywhere near the level of their 'partners' in the developed countries. What is needed is a genuinely development-friendly outcome of the Doha Round, which strengthens

SDT measures where necessary, calls for fair prices of commodities, exempts developing countries from inappropriate domestic institutional requirements and, once again, calls for phased-in, demand-led programmes of trade liberalization rather than rapid prying open of developing markets (Abbott, 2003; Hormeku, 2005).

5 CONCLUSION

This paper has assessed the Aid-for-Trade (A4T) programme to see whether it adequately addresses the disadvantaged position of developing countries in international trade. For a large part, this disadvantaged position is determined by international trade rules and regulations that are biased towards serving rich countries' interest. The current state of trade affairs places disproportionate adjustment burdens on developing countries, and the situation is not likely to improve under the Doha Development Round. At the same time, while a fair trading system could bring benefits like export earnings and employment creation, there remain many domestic obstacles to improved trade, including weak productive capacity, poor infrastructure, and inability to meet technical standards. Hence, A4T is essential to helping developing countries overcome these domestic constraints.

However, there remain numerous issues surrounding A4T that diminish its potential usefulness. First, implementing A4T is not likely to bring in new aid money; it will instead tend to divert existing aid away from other vital areas of development. Second, judging from past patterns of ODA commitment, the amount of A4T funding allocated will be far from sufficient. Third, delivering A4T through the Integrated Framework (IF), as the IFI envision, is inefficient and ineffective. Smaller NGOs are more effective than the IF, but they lack coordination and harmonization of goals. Fourth, donors' motives for funding A4T are likely to be self-interested: not only would donors themselves enjoy direct financial benefits from A4T as it is currently planned, but they may use A4T as a bargaining chip to secure the agenda of the developed countries in the Doha Round. Fifth, the direct, donor-driven link between A4T and accelerated trade liberalization is likely to have a negative impact on developing countries. Too-rapid liberalization can have negative and costly effects on already strained economies. Such a programme is not responsive to country differences, yet liberalization is binding under WTO agreements, while donors' commitments to A4T are purely

voluntary. Finally, less visible costs of A4T may include reduced trade policy space for recipient countries to negotiate for their needs.

Overall, Aid For Trade has great potential as one of the supporting instruments of achieving MDG 8. However, for global partnership toward poverty reduction, equality in trade regulations cannot achieve equity. In other words, to compete as equal trading partners, developing countries need additional support to reach the starting level of their advanced country counterparts. To fulfil its goal of equity, however, A4T needs to undergo some fundamental improvements to ensure that assistance is effectively delivered, demand-driven, and closely monitored and evaluated. In addition, it must again be emphasized that A4T cannot be the sole or prime instrument for improving a country's trade performance; however, it remains an important tool that could improve the country's potential to take advantage of international trade. From the perspective of the advanced countries, supporting an improved version of A4T could potentially be their greatest contribution to financing the MDGs and achieving true partnership in trade and development.

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AGENCIFICATION OF THE NATIONAL THEATRE
OF KOREA: HALF SUCCESS AND HALF FAILURE?*AHN MIRAN*

INTRODUCTION

Agencification is one of the New Public Management (NPM) doctrines introduced in order to increase efficiency and provide high quality public services. Most of OECD countries have tried to realize small but strong and competitive governments, and agencification has been a major public sector reform package for those countries. However, without careful understanding of each country's political and cultural context, application of other governments' reform strategy does not necessarily lead to successful outcomes. As Pollitt (2001) argued, 'agencification' is like a fever or a fashion that some governments model upon another governments' transformation without deep insight of contextual mainstreaming.

In Korea, public sector reforms date back to 1998 during the Kim Dae-Jung presidential period. From the initial stage of Kim's presidential period in 1998, public sector reforms have accompanied a wide scope of society including the business, finance and labour sectors. Large scale government restructuring was implemented in 1998 and 1999. Systems and ideas like 'open selection of high civil service,' 'performance-based remuneration,' and 'management-by-object' have been introduced to increase the efficiency of government function. Agencification has also been embarked on for the purpose of efficient management of government structure and function (Seo, 2001).

Since agencification of public bodies has been executed, 23 public organizations have been administered under the name of 'agency' and more than 5,500 employees are working for those organizations. Within

the legal framework of '*Law about creating and operating agencies*,' agencies are divided into two different kinds of public bodies based on budgetary dependence rates: administrative agency and entrepreneur agency.¹ 'The National Theatre of Korea' and 'The National Modern Art Gallery' are agencified subordinated to the Ministry of Culture and Tourism (MOCT) as entrepreneur agencies.

Agencification in Korea has come into effect mainly due to responding to needs arising from high demands of public services. However, some civil society organizations claim that it is merely a loss of publicity in providing public services. Some agencified organizations still depend on mother ministries in terms of budget and autonomies allowed to them, and have not exercised as much as they intended with regard to personnel and organizational structuring. The relevance of agencification as an alternative to public sector reform strategy has faced considerable questions. Accordingly, this paper will present the case of agencification of the National Theatre of Korea to ascertain whether agencification was a right answer in response to demands of public sector reforms.

After an examination and analysis of pre- and post-agencification, efforts will be made to find out problems that come to light during those periods and search for complementary suggestions to such an extent in which the agencification can fully play a role as an alternative of public sector reform strategy.

Therefore, questions of this paper will be: What is agencification and what are common characteristics; how has agencification been introduced to the Theatre; what are overall outcomes after the transformation of the Theatre; is agencification a proper answer as an alternative to public sector reforms; what are suggestions to post-agencified organizations? To solve these questions, comparative examination of pre- and post-agencified outcomes will be employed. Methods of analyzing the annual report and on-line interviews with staffs of the theatre will be utilized.

¹ Administrative agency: the percentage of grants from ministry is less than 50% of expenditure. Entrepreneur agency: the percentage of grants from ministry is over 50% of expenditure.

‘AGENCY’ AND ‘AGENCIFICATION’

‘Agencification’ refers to the transformation of government departments and organizations into semi-autonomous and specialized public bodies (agencies), which are supposed to serve a cheaper and higher quality of public services. (van Donge, 2002:315) Although, there is no agreed upon definition of agencification, it is apparently a part of a wider trend towards decentralization and autonomization within public sectors (Moynihan, 2006). Therefore, agencification is a kind of change notion, as Osborne and Gaebler (1992) said, that strives to attain catalytic, empowering and competitive government.

According to Pollitt (2001:277), ‘agency’ has come into play grounded on some basic assumptions; 1) it is a specialization of function; 2) it will improve motivation of employees; 3) it is a means of distancing from political intervention; 4) it allows for a more flexible, tailor-made system of recruitment, training and promotion; 5) it will bring about greater transparency; 6) it is a way of being closer to the consumer.

Downs (1967, in Yesilkagit, 2004) summed up how new bureaucratic agency comes into life. First, an agency serves the interests of those who are affected by a social problem and have pressured for the agency’s creation. Second, an agency could be split off from its mother organization when it has become too large in size and function. Finally, an agency can be created through entrepreneurship (Yesilkagit, 2004:530).

Agencification can also have a different possible formation and Talbot (2004:6) offers three central elements to the idea of the NPM version of agencies; 1) Structural desegregation and/or the creation of task specific organization; 2) Performance ‘contracting’—some form of performance target setting, monitoring and reporting; 3) Deregulation (or more properly re-regulation) of controls over personnel, finance and other management matters.

Pollitt (2001:274) defined agencies as those bodies that have most of the following characteristics;

- At arm’s length from the main hierarchical spines of ministries, i.e., there is a degree of structural desegregation
- Carry out public tasks at a national level (service provision, regulation, adjudication, certification)
- Core staff are public servants
- Financed, in principle at least, by the state budget

- Subject to at least some administrative law

The idea of arms-length, executive type agencies is very old one. Sweden and the federal government of the US have long been these kinds of organizations. But, even where ‘agencies’ is an old concept, new approaches have been developed. Examples are the ‘performance-based’ organizations at the federal level and ‘charter agencies’ at state level in the US. Countries like the UK and New Zealand have seen much more radical and all-encompassing changes (Talbot, 2004:4). According to Talbot, agency family can be distinguished between quasi-autonomous agencies within departments or the civil service, for example, Next step agencies in the UK and those outside departments or the civil service, Independent Administrative Institutions (IAIs) in Japan; Non-Departmental Public Bodies (NDPBs) in the UK; and Zelf-standige bestuursorganen (ZBOs) in the Netherlands (Talbot, 2004:5). The main differences are to do with the formal status of the bodies and their staff, yet publicly funded, staffed and tasked organizations, largely directed by ministerial decision and accountable in similar ways.

One basic idea of aggressive agencification of public bodies is ‘making managers manage,’ especially in the UK and New Zealand. ‘Making managers manage’ seeks to give managers great freedom in solving administrative problems. With the aim of improving government performance, they changed the incentives of government managers by subjecting them to market forces. The other approach could be found in contracts that specify goals and performance standards based on outcome-based measurement (Kettl, 1997:448). In other words, agencies would be more efficient because of a formal separation with the centre of government that allows them to specialize in service delivery and give them greater control over management decisions, while being held accountable via formalized contracts and performance standards. Therefore, the value of agency is that of giving great flexibility to managers with incentives and measuring performances on the outcome basis.

AGENCIFICATION OF THE NATIONAL THEATRE OF KOREA

The National Theatre of Korea (NTOK) was established in 1950 and has been a leading performance actor promoting the nation’s performing arts. The theatre strives to globalize Korean traditional arts and re-create it with a modern interpretation (<http://www.ntok.go.kr/english/index>).

jsp). The objectives of the NTOK are that the theatre will play a leading role in improving the level of enjoyment of the arts of all citizens with harmonization of such measures such as art, publicity, and efficiency.

Under the umbrella of President Shin Sun-Hui, there are four departments with eleven operating teams employing seventy-five public servants. The NTOK also comprises its four resident companies: the National Drama Company of Korea, the National *Chang-geuk* Company of Korea (Korean traditional opera), the National Dance Company of Korea, and the National Orchestra of Korea.

The employees consist of 75 public servants of the MOCT and 210 resident companies' employees. Most of the public employees are supporting staff and most of the professionals of the resident companies are non-governmental employees who have a specialization in those fields they are working in. There is a department within the NTOK that supervises and coordinates resident companies. Thus, even if the resident companies are not subordinated to a hierarchy of the NTOK organizational structure, they are still coordinated by the authority of the NTOK and induced to a keen cooperation.

The theatre serves two main areas: performance and cultural events that are schemed and performed by the theatre itself and lending services to provide venues for individual and private companies. First, the performance and cultural events services are mainly designed to spread high quality performances to the young generation and remote-area residents free of charge or at low cost. These programs intend to expand opportunities of enjoying the arts to those who have few chances to encounter such occasions. Second, there is a space rental service for individuals or company with certain qualifications that want to hold performances at the theatre. The rental service charge is one of the primary sources of revenue that is designated to cover financial balances.

Agencification in Korea had been prepared by the Ministry of Government Administration and Home Affairs (MOGAHA) since January 1999 and has come into effect since 2000 on the basis of the '*Law about creating and operating agencies.*' The NTOK was the only organization that was subordinated to the Ministry of Culture and Tourism when it was transformed into an agency. The reasons why the theatre had been categorized as an agency are the functions of the theatre should maintain publicity while the mechanism that it operates should be injected with output oriented incentives and rewards.

According to the ‘*Law about creating and operating agencies,*’ agencies could be created under which tasks are administrative in nature, performances are possible to be measured, indicators to measure performances are easily identifiable and revenues could be at least partly met to operate agencies. Based on the classification by Talbot, the NTOK is a semi-autonomous body within a government ministry while it has been granted flexibility in terms of personnel and budget operating.

HALF SUCCESS AND HALF FAILURE?

After agencification, with the aim of delivering high quality performances and increasing opportunities enjoyed by the public, the NTOK has devoted itself to expand service delivery. For example, it has increased the frequency of performances and achieved approximately 40% higher performance revenues compared to pre-agencification periods. However, it has disclosed some serious problems arising from management and relation with political arena. It will be necessary to be clear that I have tried to find out problems after agencification rather than achievements.

TABLE 1
Performances and revenues

Year	Number	Frequency	Number of Audience			Revenues (T. Won)
			Charged	Invited	Total	
1998	246	569	121,226	450,401	571,627	555,256
1999	254	598	123,363	321,858	445,221	760,396
2000	251	578	114,355	316,737	431,092	1,073,215
2001	262	877	176,360	248,302	424,662	1,376,254
2002	222	1,027	244,029	277,891	521,920	1,780,685
2003	272	1,164	348,460	349,241	697,701	1,327,066
2004	172	784	136,120	158,439	294,559	1,309,354
2005	244	1,019	169,652	304,524	474,176	1,052,149
2006	176	951	274,602	225,270	499,872	1,591,293

- T. Won = 1 thousand won = 1 US dollar
- ‘Number’ indicates ‘number of performances’ and ‘Frequency’ indicates ‘frequency of all performances held’
- The year 2000 is when the Theatre was launched as an agency

1. Higher revenues but a standstill audience

As Table 1 indicates, after the shifting into an agency, it has showed significant increase in performance revenues. Yet, this remarkable increase is mainly due to a higher rate of admission charges rather than increased number of audiences. Furthermore, the number of performances shows an irregular array pattern partly due to the renovation of buildings and stages which made performances impossible to take place.

Table 2 presents percentages of stage operation days within a year. Since 2003, the percentage has slightly increased compare to the last five years. This can be attributed to a new teachers' training program undertaken by the Theatre from the year 2003. Days of training on the stages have been taken into account so that the percentage shows a little upward change.

TABLE 2
Percentages of stage operation

Year	Stage Operation Rate
1998	79 %
1999	80 %
2000	86 %
2001	75 %
2002	84 %
2003	92 %
2004	88 %
2005	91 %
2006	84 %

2. Not free from political interference

The appointment of an agency's manager is supposed to be the result of open and fair competition and selection. However, the appointment of the second and present president of the NTOK gave rise to ceaseless critique on both the process of appointment and the manager's competence. The ability and competence of the director Shin has been questioned by the fact that she is the sister of a politician of the ruling *Open Uri-Party*.

Some progressive groups strongly denounced the appointment of Shin. They insisted Shin had been criticized long before the appointment, since she resumed office as a director of Seoul Art Company three times continuously over the last seven years. They also pointed out that the appointment had not proved that Shin had specialized qualification and enough experience required to sustain the reform of the NTOK after agencification. This controversy expanded to raise a debate about the uselessness of the ‘open selection and appointment’ of managers of agencies.

(<http://www.donga.com/fbin/output?sfrm=1&n=200601060123>)

(http://www.jabo.co.kr/sub_read.html?section=section4§ion2=&uid=13812)

Whether Shin is qualified to be the president of the NTOK or not is not an issue of this paper. However, the experience reminds us again that the principle of NPM, policies should be separated from management, could not necessarily be applied to the real practice of policy arenas. The appointment of agency managers is inherently a highly political process that remains quite open to adversarial controversy.

3. Problems regarding autonomy of personnel and budget

Inefficient human resource management

In spite of autonomy regarding employment below fourth degree² public officials given to the president of the Theatre, the rotation of employees are not active enough to provide a fresh work atmosphere. Research conducted by the Ministry of Government and Home Affairs shows that a majority of public servants who are working at agencies estimate that their status has been downgraded since their employment is in the hands of a manager rather than the Minister.

After agencification, the NTOK has become one of the most unpopular departments in the MOCT since it is regarded as a somehow different part of the public body remote from the core of the mother ministry. This position of the NTOK within the Ministry hinders it from ensuring capacity of organization in terms of human resources.

² Korean career civil service consists of nine degrees of positional levels and the employment of people below the fourth degree is delegated to the manager under the ‘*Law about creating and operating agencies*’.

Heavy budgetary dependence

Increased performance revenues are not enough to cover budgetary balance; nearly 50% of expenditure on performances still comes from the mother ministry. As Table 3 illustrates, expenditure on performances during 2006 reaches T.Won 2,830,849 while the revenue was T.Won 1,591,293 (56.2%). Unfortunately, I could not acquire information about the total expenditure including wages and operating costs. Yet, it is apparent that the total dependency rate will be much greater than that of performance budget.

TABLE 3
Revenue versus expenditure on performances

Year	Expenditure (T. Won)	Revenues (T. Won)
1998	3,627,096	555,256
1999	4,100,285	760,396
2000	2,252,055	1,073,215
2001	3,025,560	1,376,254
2002	4,019,679	1,780,685
2003	2,673,988	1,327,066
2004	2,097,673	1,309,354
2005	1,985,558	1,052,149
2006	2,830,849	1,591,293

TABLE 4
Total revenues compared to subsidies

2000 year		2001 year	
Total revenue (Million Won)	Subsidy (percentage)	Total revenue (Million Won)	Subsidy (percentage)
18,900	17,767(94%)	17,863	15,493(86.7)

If we look at a broader picture of the revenue budget of the NTOK, among total revenue of 18,900 million Won, a subsidy of 17,767 Million Won comprises 94% of the total revenue in 2000. Nearly the whole

revenue budget comes from the ministry resulting in no space for budgetary and accounting autonomy on the part of the agency.

No incentives but loaded responsibility

A standing characteristic of 'agency' is that it allows accrual accounting. (van Donge, 2002) This means that surplus can be used as incentives to attract more eligible employees and provide them inducement to intensified commitment towards the organization. However, the NTOK have not produced any surplus to date. Instead, as we see from Table 3, its budget dependence rate is over 90%. In other words, there are no incentives other than general incentives granted within the frame of public employment that are the same as other public officials working at other departments.

Staff routinely complains that there are no incentives to induce commitment to the organization. Rather, the employees feel heavy burdens that their outputs should be directly related to evaluation, affecting whether the contract will be renewed or not. They say that agencification had loaded much responsibility without incentives to make them work harder.

STILL A LONG ROAD AHEAD

Despite the shortcomings revealed after agencification, its intention to increase performances and accountability in public service delivery could not be underestimated. Once an organization is established, it is difficult to close down the system because of resistance from existing interests. Therefore, it is necessary to find some possible remedies within the framework of agency.

1. Letting managers manage

During these early stages, we need to concentrate on the fundamental value of agency. It is important to let managers concentrate on managing by giving them more freedom in organizational operation and control of the environment free from external political interventions. I would like to place much weight on 'let the manager manage' rather than 'make managers manage.' At present, in the Korean context, it is hard to differentiate the incentive system greatly from other public organization or departments.

Another urgent problem is that the open and competitive selection of managers must be sustained. Experienced managers with strong and efficient leadership will be the most crucial factor to success of the agency. Unlike other administrative department directors, agency managers are required to have managerial knowledge and skills, and entrepreneurship. Thereby, a fresh injection from private sector CEO-like businessmanship will be helpful to pursue economic efficiency and high performance achievements.

2. Develop diverse sources of revenue and deliver incentives

The NTOK has showed great dependence for its budget on the mother ministry. It is urgently necessary to raise revenues by developing various sources. It is desirable that this be accompanied by institutional backup to allow incentives to search out revenue resources. The most severe problem regarding incentives is that, until present, the agency could not deliver on its economic incentive promises to employees. This is primarily because of the lack of surplus revenues. However, we can invent some systematic devices to induce more motivation from employees, such as the allocation of a certain proportion of revenue to economic incentives for employees.

3. Practical freedom in human resource management

Weak human resource capacity of the NTOK compared to the mother ministry and other institutions within the ministry has emerged mainly due to the traditional transferring system within the new managerial mechanism. Therefore, traditional personnel transferring mechanisms are required to reconsider itself to certain degree. One possible suggestion is an appropriate mixture of public servants and self-recruited employees in supporting departments.³ This will inspire refreshment of the static organization and make workers compete with each other in developmental matters.

³ Currently, Korean civil service recruitment is administered by the Ministry of Government and Home Affairs with an open and competitive examination in nine, seven and five degrees of civil servants.

CONCLUDING REMARKS

Agencification in Korea has been introduced in more or less a radical way without careful consideration of the indigenous political and historical context. From a certain point of view, the current picture of the NTOK since agencification seems not merely a renaming of traditional organization frame. After agencification, seven years would not be sufficient to judge whether it has been a successful transformation or not. However, we can safely say that the agencification in the NTOK has been accompanied by some problems with regard to raising revenues and freedom allowed to managers. It has showed a great gap between revenue and expenditure so that the NTOK is heavily dependent on the mother ministry. Furthermore, the pursuits of managerial efficiency and high quality of performances with more flexible and accountable means have not been accomplished as much as expected.

Policy adoption in a particular place and time provides opportunities to create experiential learning for others whether positive or negative (Moynihan, 2006:1030). In Korea, agencification was launched aggressively and implemented without enough time to consider its effects and results. For Moynihan, context matters to policy selection. He emphasizes how ambiguity of doctrine and experimental information are interpreted and matched with the characteristics of very different settings (Moynihan, 2006:1031). Therefore, policy makers should pay more attention to appreciate their own cultural and political reality and be careful to interpret the domestic context.

This, nevertheless, will not be the ultimate pursuit of agencification. We have to find solutions so that agencies can settle their roots down in the Korean context with wider support and understanding. To realize these conditions, firstly, it is required to create environments for managers and agencies to perform better allowing more practical freedom to let managers manage. Secondly, an institutional basis of fair distribution of incentives should be guaranteed so that commitment of components of agencies could be induced. Agencies are now ubiquitous in the Korean government, constantly working to increase public service delivery efficiency. To make them work, policy reformers have to allow them more freedom to make it better and watch them carefully not to sleep upon their duties.

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15

THE FUTURE OF DEVELOPMENT AID

VEENA FOX PAREKH

INTRODUCTION

There is much reflection in academic circles about the current role of development aid; what it has accomplished after more than fifty years of development work, its effectiveness, and prospects for the future. Perspectives on these questions are as diverse as their proposed solutions. Assessments range from claims that development aid has had quite limited success (Easterly, 2006); that it serves to promulgate the neo-mercantilist proclivities of the West (Petras and Veltmeyer, 2002); or, that while being modestly successful, a reframing of purpose and goals is now in order to match the needs of a changing world (Van Rooy, 2000; Fowler, 2000, Sen, 2006). What many scholars do agree on, however, is that the current aid paradigm is on the cusp of change. It is thus an interesting and timely pursuit to examine what the different perspectives are regarding the kinds of changes afoot in the structure of aid and development co-operation, and possible directions for the future.

In order to elucidate these debates, this essay will provide a brief assessment of the current literature on this subject. The first section will provide a conceptual framework for the key terms used in this paper in order to narrow the scope of their meaning. The second section will outline the current exchanges about the direction of development aid. I will draw from sources chosen for their timely contributions as well as representative positions at different poles of the debate. The third section of this paper will define key recommendations for the future of development aid.

DEVELOPMENT AID DEFINED

Development aid (often used interchangeably with development cooperation) is a term used frequently in this paper, and one that has many different dimensions of use. Riddell (2007) refers to three predominant ‘aid worlds:’ aid provided by official government agencies, aid provided by NGOs, and humanitarian/emergency aid provided by both official agencies and NGOs. In practice, the definitions are not so distinct. Much official aid is nowadays channelled through NGOs, and private and corporate foundations are playing a growing role in development aid projects. These interrelationships are significant as they can affect the direction and character of aid.

According to Riddell, ‘development aid’ as the total amount of resources—money, skills, goods, grants or loans—directed toward developing and transition countries by official, NGO, and philanthropic sources for development purposes, i.e. to ‘contribute to human welfare, poverty reduction, or development’ (2007:17).

The OECD’s Development Assistance Committee defines the part of aid given by donor governments to developing and transition countries as Overseas Development Assistance (ODA). By their definition, ODA consists of

Grants or Loans to countries and territories on Part I of the DAC List of Aid Recipients (developing countries) which are: (a) undertaken by the official sector; (b) with promotion of economic development and welfare as the main objective; (c) at concessional financial terms (if a loan, having a Grant Element of at least 25 per cent)...financial flows, Technical Co-operation...is included in aid. Grants, Loans and credits for military purposes are excluded.

This essay will use Riddell’s general definition of development aid, and refer to the definition of ODA to refer to all aid for development purposes coming from donor government sources and going to developing countries within the above framework. Primarily two types of aid will be referred to in this essay: resources and programs coming from ODA and resources and programs coming from Northern development NGOs.

CURRENT PERSPECTIVES ON THE DEVELOPMENT AID PARADIGM

Easterly (2006) offers a strident critique of the mainstream development aid paradigm and what he calls the ‘Big Plan’ approach to development. He outlines a dichotomy between ‘Planners’ and ‘Searchers.’ Planners are expert elites and policy makers in donor countries; Searchers can be anyone with a good, testable idea. Easterly contends that the problem with development assistance is that it has been dominated by the visions and policy prescriptions of Planners. Development goals have not been reached because Planners look for the Big Solution to the world’s big problems, thus setting unattainable goals whose successes along the way cannot be adequately measured and for whose failures no one is really accountable. Searchers, on the other hand, find many small solutions to localized problems. Planner solutions are top-down and control-oriented, with no accountability. Searcher solutions are homegrown, feedback oriented, accountable to those they intend to help, and often also to market forces.

To illustrate the Planner-Searcher dichotomy, Easterly offers the experience of Population Services International (PSI) and their successful plan to get malaria-preventing bed nets to poor children in Malawi. PSI sold bed nets for 50 cents a piece through rural antenatal clinics. The nurse who distributed them got 9 cents from the sale, ensuring that the nets were kept in stock. The low cost of the nets was supplemented by sales of the same nets to wealthier Malawians in urban areas for 5 dollars per net. So the highest risk groups for malaria—pregnant women and small children—received the nets; the nurses had incentives to keep an adequate supply of them around; since the mothers had to pay something for them they were less likely to end up on the black market or used for things other than bed nets; and the cost of the program is paid for by the differentiated pricing scheme. This is contrasted by failed programs in Tanzania to deliver bed nets to the poor: nets were given out for free to every household regardless of demand. Nets were chronically out of stock in clinics, and many of the nets wound up either on the black market or used for different purposes.

Parfitt (2007) makes a similar critique of ‘development as Grand Theory.’ He argues that the majority of development narratives until now outline something of a singular ultimate path to development, highlighting the same processes and the same end goal. He is critical of the Grand Theories as utopian projects and eschatologies—delineating some future

end point of development and thus being forever elusive goals. There is a point of agreement here between Parfitt and Easterly in that the Grand Plans by nature do not enforce adequate accountability for their success. Indeed, this is Easterly's primary critique—they offer feel-good, simple solutions that constituents in the North like to hear but that Northern politicians are unaccountable for when they do not succeed.

While Easterly criticizes the plans of the government aid agencies and large international financial institutions, Amartya Sen asserts that Easterly's conclusions about the 'well-intentioned doers of great harm' (Sen, 2006) is overblown and ignores the complexity and nuance that are inherent in the problems of development. However, Sen agrees that a reasoned critique of grand plans is critical to moving the development agenda forward. Sen points out in a recent review of Easterly's book that many of the Searcher inspired programs Easterly pays lip service to are in fact projects that germinated in those official agencies; one example is *Voices of the Poor*, a World Bank funded project. It is relevant to further point out that many of Easterly's examples of Searcher success stories were conceived of by almost equally large NGOs—Bangladesh Rural Assistance Committee (BRAC), one example hailed by Easterly as a homegrown Searcher success story, is now larger than many government ministries in Bangladesh and is facing similar accountability criticisms. Easterly may contend that it is not the size of the organization that counts, but the fundamental spirit motivating its search for development solutions—whether it is creative, flexible, and tested, or rigid, ideological, and unaccountable. Nevertheless, there is an inherent contradiction in Easterly's promotion of local, micro-solutions when his unit of analysis (the actor) often remains at the macro level. Critique aside, Sen stresses that Easterly's focus on the need to promote more of a Searcher mentality—innovative, local solutions to local problems, and homegrown, piecemeal reform—is an important one.

Petras and Veltmeyer (2002) take a highly critical view of what Easterly calls the well-meaning but ill-conceived Planner mentality. Far from being well intentioned, Petras and Veltmeyer view development aid as no less than imperialism in an altruist's clothing. They contend that a political-realist approach has dominated aid giving. In this conception, aid is given with the explicit intention to meet the political ends of the donors: they call this 'reverse aid.' In particular, development aid is often contingent on compliance with a neo-mercantilist agenda—opening markets,

reducing subsidies and barriers to trade. They give the example of Latin America, where aid and development loans from International Financial Institutions (IFIs) have long been conditional on market liberalization, while the U.S. (a primary donor to the IFIs and major trading partner with Latin America) maintains its subsidy system and protects American producers. They contend that development aid has historically undermined indigenous development attempts, and encouraged 'bad governance' and democratic deficit in an attempt to implement the widespread adoption of neo-liberal free market policies. In Petras and Veltmeyer's conception, development aid is part of a long historical process beginning with colonialism, intended to secure benefits to Euro-American hegemonic powers. However, Petras and Veltmeyer conclude their assessment by stating that 'the issue is not aid or no aid, but aid under what conditions and in what socio-historical and political context' (2002:292).

Van Rooy (2000) looks more specifically at the world of Northern NGO-led development assistance, much of which is funded by ODA. She takes a markedly more positive position and congratulates NGO development assistance as gaining some important successes. First, NGOs have succeeded in putting the issue of equitable globalization firmly on the agenda of global leaders, the IFIs, and multilateral institutions like the G8. Secondly, the quality of ODA has improved. The amount of tied aid is less today than in the past; environmental impact assessments are common procedure before projects can be approved; and the idea that development is a gendered process—and gender must be taken into account—is also commonly addressed. Furthermore, there are many more Southern organizations that are doing effective work in their home countries today than in the past, in part due to support from Northern NGOs.

However, for all of these achievements, Northern development NGOs have had some failings. For example, they have not succeeded in raising broad awareness of global issues and support for international development assistance among the Northern public. Referring to Canadian support for international development cooperation, Van Rooy quotes Ian Smillie in saying that 'public support in Canada is 'a mile wide but an inch deep'' (Van Rooy 2000:312). The Zedillo Report also echoes this sentiment. They assert that the public in the North, particularly the U.S., is grossly underinformed about global issues and the moral imperatives for development assistance (Zedillo, 2001:17).

Another critique of development NGO's stems from the increasing number that receive funding from official state sources. She refers to this as 'project myopia': NGOs have gotten stuck in carrying out services and projects, ignoring other forms of development that can be equally as important. Other scholars also remark on this, pointing out that by becoming tied to government funding, international development NGOs have lost their historical edge as innovators, bringers of social change, and voices critical to the established development orthodoxy.

Finally, Van Rooy asserts that it is increasingly critical for NGOs to get involved in the global capital debate. Economic policies relating to FDI and capital flows, for example, are becoming extremely relevant to the outcomes of development programs. International development NGOs can play an important role in monitoring actions of individual companies, currency regulations, and FDI policies, although few have been willing to do so (Van Rooy, 2000:313). It is based on examples like this that Van Rooy asserts her main contention: Northern NGOs have 'worked themselves out of a job' because they are not keeping pace with the changing environment in which they work, as well as because of their afore mentioned successes. This asks an important question dealt with in the next section of this essay: What then, are the key recommendations for the future of development cooperation?

RECOMMENDATIONS FOR THE FUTURE

As highlighted above, Van Rooy depicts the future for Northern NGOs as limited unless they can adapt to new demands and new roles. Interestingly, many of her recommendations point to the emergence of Southern networks and social movements as the important movers and shakers of the coming decades. It seems the time has come for Northern NGOs to relinquish the helm to other emergent actors. However, this does not mean that they have to become obsolete. There are two main areas that Van Rooy highlights where Northern NGOs can make an important contribution.

One important role is in 'networking, brokering, and facilitating relationships among domestic and international players' (Van Rooy, 2007:314). The number of networks and umbrella groups is growing and Northern NGO's can have an important role in facilitating some of these relationships. One way this could be especially effective is in brokering North-South cooperation between domestic activists seeking

similar goals at the international level. This can also take the form of private sector mediation, interpretation, and negotiation (Van Rooy, 2007:314).

The second major area that Van Rooy highlights as a possible future for Northern NGOs was touched upon above; the global economic arena. Because of the pre-eminence of economic policies to the development agenda, NGOs need to strengthen their capability and credibility as ‘macro-economic policy activists.’ This can be done by expanding their work with think tanks, unions, and universities. Their focus would shift from a project-oriented one to a research and activist base—in some ways a ‘returning to the roots’ process for NGOs. This can also mean shifting perspective to take on more of a ‘watch-dogging’ role monitoring global capital and corporate social responsibility.

The Zedillo Report, commissioned in 2001 by the Secretary-General of the UN, argues that more work must be done to raise awareness of international development assistance among Northern constituencies.

In most industrial countries, and predominantly in the United States, the public has little awareness of the moral issues or the dictates of self-interest in alleviating poverty elsewhere in the world...and they have little idea of how meagre is the actual record of foreign aid giving...polls show that the public greatly overestimates what that country contributes in aid (Zedillo 2001:15).

Indeed, an educated and compassionate Northern public forms the cornerstone of what Edwards (1999) terms ‘constituencies for change,’ a critical mass of people in the North that can provide the political and ethical pressure needed to make international cooperation a priority for state and business actors. This is done through education, ‘nurturing new solidarities’ between people and across borders, and breaking down the psychological barriers between what is perceived of as ‘us’ and ‘them.’

In particular, Edwards sites the importance of building ‘cultures of concern’ in the North. To do this, work must begin with the inequalities that exist in the North. People who are fighting their own poverty can hardly be expected to spend the time to create more sustainable and globally ethical lifestyles (Edwards, 1999:189). Here, Edwards calls upon the experience of Scandinavian countries with progressive social policies in which ‘attitudes for helping abroad are intimately related to attitudes toward helping at home’ (1999:190). Indeed, the Scandinavian countries (and The Netherlands) are the only developed countries that have met

the UN/OECD aid target for developed countries of 0.07% of GNP. Thus, Edwards closely correlates the fostering of active local citizenship and domestic 'cultures of concern' with the ability of a population to extend this sense of care and responsibility to the global arena. Programs that encourage local citizen action and care may eventually have reverberating effects on international development cooperation.

Schulpen and others remain sceptical that these new 'constituents' are truly able or willing to push for a more progressive agenda than that which is promoted by government development policy or the large aid organizations (interview, Schulpen). Even if they are willing, just because people are 'educated' about development gives no indication of how they perceive development can be best carried out, and no guarantee that their perspectives will be more 'progressive' or better than dominant development policies.

The Zedillo Report (2001) offers an innovative recommendation for the future of development aid that deserves mention here. It states that 'aid should be voluntarily and prudently shifted to a common pool basis that would finance the recipient's announced development strategy' (Zedillo, 2001:16). This would take the current trend of donor harmonization schemes to the next level. Donors would pool all money going to a particular country in a common pot. That money would fund a development strategy conceived of and implemented by the recipient country, with input from its people. This would effectively eliminate tied aid and reduce donor coordination problems, and has the potential to increase the recipient country's sense of ownership of its own development, as well as accountability for its success.

Taking this idea a few steps farther, Conyers (2007) provocatively asserts that the solution may be to put an end entirely to development aid as we know it, and instead create a kind of international welfare/transfer system in which all development assistance is put into a common pool and allocations are made to countries based on need. Riddell (2007) fleshes out this idea further, while taking a slightly more control-oriented approach. He advocates for the creation of a new International Aid Office (IAO) that will oversee an International Development Aid Fund, financed by mandatory contributions from the wealthiest countries. If the IAO determined that the country's government had 'sufficient commitment, competency, and capacity to use the aid funds effectively' (Riddell, 2007:392), the allotted funds would be given directly to the govern-

ment. If not, the funds would be allocated to ‘national implementation agency’ for use and distribution (Riddell, 2007). There are still important questions about this idea that require clarification. For example, who would run this International Aid Office? Judging by the dominance of OECD countries in international fora, could we expect something different in this context? It would not only institutionally, but also ideologically have to be based in an ethics of trust and equity, disentangled from paternalistic overtones.

CONCLUSION

The various critiques of development aid presented here have some important themes in common. First, they are anti Big Plans, highlighting the need for more diversity of strategy and localized, homegrown solutions. Second they all point to the relinquishing of Northern control over Southern development agendas in different capacities, from increasing recipient country’s control over how their aid is spent, to moving aside to allow Southern organizations to take the wheel. The big question, of course, is how can these changes be brought about?

It appears that whatever the changes to occur, there will need to be support from citizens in both North and South. Addressing the lack of awareness surrounding international development cooperation imperatives among Northern constituents can be important. As Edwards elsewhere points out, ‘a strong constituency in the industrialized world is a prerequisite for the success of more equitable global regimes, new forms of governance, and the sacrifices required to alter global patterns of consumption and trade’ (Edwards, 2001:10). It seems like a good place for Northern NGOs to start is right in their own back yards—educating their home constituents and creating broad bases of support for more progressive development and economic policies.

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16

NEW DEMOCRATIC SPACES FOR PARTICIPATION IN DEVELOPMENT: CAN THEY LIVE UP TO THEIR PROMISES?

LARISSA BARBOSA DA COSTA

INTRODUCTION

Since the 1990s, democratization and decentralization have been changing the conventional model of political participation worldwide (Cornwall, 2004). A new architecture of governance generated a mosaic of new spaces for citizen engagement (Cornwall and Coelho, 2006). These new democratic spaces for participation are intermediate arenas, between the State and society, which create opportunities for peoples to engage in governance, to influence policies and discourses or to join other stakeholders deliberating over allocation of resources, services and other issues that might affect their lives (Cornwall, 2004, Gaventa 2005, Webster 2002)

The creation of such spaces implies new forms of interaction between citizens and the State. Underlying these processes rests the belief that gathering government and people in participatory spaces can make for better citizens, better policies and enhance democracy (Cornwall and Coelho 2006).

The assumption behind this popular idea is ‘that citizens are ready to participate and share their political agendas with bureaucrats as long as they are offered appropriate opportunities – and the bureaucrats are willing to listen and respond’. However, the distance between idea and reality makes it necessary to discuss further the links between participation, democracy and development (Cornwall and Coelho, 2006: 5).

Gaventa (2004) observes that the debate around deepening democratic governance is divided into two strands. One concerns how to enhance the processes of citizen participation, and the other focuses on how to build accountability and responsiveness from state side. However, it is becoming clearer that there is a need to ‘work on both sides of the equation’ (Gaventa, 2004: 2-3). Moreover, it challenges us to understand and ‘discuss the mechanism and conditions through which they intersect and interact’ (Gaventa, 2004: 2-3).

Participatory governance and new forms of interaction between state and citizens suggest the need to review the concept of participation and citizenship. If in the liberal tradition, citizenship is translated as a set of rights and responsibilities recognized and granted by the state, new approaches propose new concepts of citizenship more ‘as practised rather than given’ (Gaventa, 2004: 4); in other words, citizens move ‘from users and choosers to makers and shapers’ (Cornwall and Gaventa, 2001). In addition, ‘extending the concept of participation to one of citizenship also re-cast participation as a right, not simply an invitation offered to beneficiaries of development’ (Gaventa, 2004: 4). Thus, participatory spaces become places where people, especially marginalized groups, exercise voice and citizenship rights.

However, even though there may be good intentions about participatory governance, it is necessary to recognize that they pose a series of challenges. On one side, they promise to bring positive results in connecting people and governments, increasing transparency and accountability, creating opportunities for people to exercise citizen rights and shape policies, develop participatory skills and generate change (Cornwall, 2002; Fung and Wright, 2003; Gaventa, 2004). On the other side, there is also the risk that the new spaces for participation are not truly democratic, do not facilitate the participation of excluded groups, have little power to make decisions, or simply serve to legitimize decisions that have been taken in higher governmental levels (Cornwall 2002). In such cases, they become spaces where current unequal power relations are simply reproduced and do not generate any meaningful change in terms of social transformation and inclusion (Cornwall, 2002; Gaventa, 2004).

This essay aims to investigate the rise of new democratic spaces for participation as well as their transformational potential. My intention is

to look at what they are, how they emerge, possible risks and pitfalls, and if they are likely to meet their promises.

In the first part, I will explore the notion of spaces. Then, I will discuss the political process and agenda that bring up these new democratic spaces for participation, drawing attention to its contradictions. I will argue that this process opens room for a delicate reconfiguration of relationship between State and Civil Society. Section three and four will examine the pitfalls and conditions in which new democratic spaces for participation are more likely to make a difference. A few considerations and conclusions will close the paper.

PART I: WHAT ARE SPACES?

In the last years a series of spatial metaphors, coming especially from the field of geography, have been incorporated into social science language and discourses (Cornwall, 2004). In development, such metaphors express the notion 'in and out' and 'opened and closed.' It relates to creating opportunities for those hitherto excluded to 'come in' or 'levering open arenas once closed off to citizen's voice' (Cornwall, 2004: 75).

For Webster and Engberg, space refers to 'political space,' or more precisely, as 'channels through which policy formulation and implementation can be accessed, controlled, or contested by the poor' (2002: 8). Its main objective is to pursue poverty reduction and redistribution of resources. In this sense, all opportunities for exercising influence over processes of policy making and implementation such as consultations, hearings, elections, assemblies, councils, committees and others are considered 'spaces' (Webster and Engberg, 2002).

A different definition is proposed by Cornwall. She draws on the idea of spaces as 'democratic spaces' - arenas in which citizens engage to claim citizenship and affect governance. Cornwall's concept of space was built on Lefebvre and Foucault's works. From that comes the understanding that spaces are not neutral but rather the social product of dynamic power relations. Yet, Cornwall draws attention to the fact that spaces do not exist alone. On the contrary, they are permeated by a complex web of powers and relationships established beyond the space (Cornwall, 2004).

Looking at how, why and by whom spaces are created as well as the terms of engagement, Gaventa classifies spaces as: *closed* (decisions are

made by a set of actors behind closed doors), *invited* (people are invited to participate by authorities, governments, NGOs and others) and *created* (organic spaces which emerge from common concerns or identification as a result of popular mobilization) (Gaventa 2005: 12). Here, the main difference relates to spaces that are *independent*—serving people’s own interests and needs—and spaces that are *provided* by external actors for different purposes (Gaventa 2005: 12).

Dealing with spaces requires ‘understanding their production, the actors, policies and interests that brought them up, and the configuration of other spaces surrounding them is critical in making sense of their democratic potential’ (Cornwall, 2004: 78). Looking deeply at the way spaces are shaped and operated allows us to assess its potential contributions for expanding citizen participation, democratic practice, inclusion and development.

PART II:

WHICH STATE? WHICH CIVIL SOCIETY? WHO IS THERE IN NEW DEMOCRATIC SPACES FOR PARTICIPATION?

The process that brings up the idea of participatory governance is a complex and ambiguous one. The end of the Cold War and the success of the neoliberal policies in the 1980s led to a significant change in the roles of state and civil society. In the post World War II era, the state was considered the main actor in development while both market and civil society were secondary actors. However, during the international recession and debt crisis of the 1980s, the state came to be seen as ‘part of the problem’ and responsible for failing to bring about development (Howell and Pearce, 2001). From that period forward, the state suffered constant attacks. From the side of the market, the state was corrupt and inefficient. From the side of civil society it was authoritarian and unresponsive (Howell and Pearce, 2001).

The emergence of a new political agenda involved beliefs in two sets of ideas: 1) neoliberal economics, which considers the market and private sector to be more efficient than the state in generating economic growth and providing services to people; 2) liberal democratic theory that defends the idea that healthy democracies require strong civil societies (Hulme and Edwards, 1995).

The combination of these ideas drove the process of shrinking the state. On one side, decentralization was one of the strategies aimed at

reducing the power of central governments and bringing governments closer to people. On the other, democratization advocated for the role of civil society in holding the State accountable as well as in contributing to policy making. Moreover, both processes reserve a key place and role for civil society to participate in development.

The irony is that those processes gathered two different kinds of aspirations: the neoliberal agenda, and also the energy of civil society, who genuinely desired democracy and the chance to participate in shaping their own development, and struggling against authoritarian and oppressive regimes.

This paradoxical process is described by Cornwall (2004), citing Dagnino:

Evelina Dagnino highlights a ‘perverse confluence’ between two versions of participation in contemporary debates on governance. On one side, participation is cast as a project constructed around the extension of citizenship and deepening democracy. On the other, participation has come to be associated to the shrinking state responsibilities and the progressive exemption of the state from the role of guarantor of rights, making the market what Dagnino has called a ‘surrogate arena of citizenship’ (2005:159). In this logic, citizens as ‘users’ become self-providers as well as consumers of services (Cornwall and Gaventa, 2001). The paradox, Dagnino observes is that both processes require an active, indeed proactive, civil society (Cornwall and Coelho, 2004:5).

The ‘emergence’ of civil society as an important actor in development through an ambiguous process has obscured its meanings. Policy makers, activists, academics, grassroots movements, local NGOs, International Development Agencies, and others use the term frequently. But are they talking about the same thing? Howell and Pearce (2001) bring an essential contribution aimed at rescuing the meanings of civil society. Carrying out a genealogy of civil society, they talk about the ‘encounter of two concepts of civil society,’ which reflect two very different ideas about the relationship between individuals, society and the state and ways to bring about development that involve tackling inequality, poverty, promoting social inclusion, citizenship and rights as well as environmental sustainability (Howell and Pearce, 2001).

The mainstream approach to civil society is based on the liberal tradition and in values that came to predominate with the rise of capitalism. It suggests that development can be achieved through partnership and con-

sensus building among civil society, state and market. Setting the right set of policies is seen to be key. This problem-solving agenda targets rules and regulations, security, economic growth, social cohesion, socially responsible capitalism, cooperation, trust and social capital. Civil society is seen as a universal model as well; it is homogeneous and harmonious. Partnership and consensus building are key elements (Howell and Pearce, 2001:17).

The alternative approach to civil society is based on values that critique the global economy. In this perspective development is only possible if it is based on different values and priorities. 'Rather than partnership, this approach seeks to reveal the embedded power relations and inequalities that make development an often conflictive rather than consensual process' (Howell and Pearce, 2001:17). Under this approach, civil society is a plural arena in which actors challenge and contest structures of power. Thus, the relation between civil society, state and market is much more conflictive (Howell and Pearce, 2001).

After identifying the two genealogies of thinking about civil society and development, Howell and Pearce argue that they implicate distinct visions of how society should be organized. In one vision, state-market-civil society become 'partners' in a capitalist project and mainstream development in which the main role of civil society is to counterbalance the power of the state. On the other, state-market-civil society are locked in a conflictive relationship, where the role of civil society is to challenge the capitalist project, envisioning and struggling for alternative forms of development (Howell and Pearce, 2001).

Howell and Pearce warn that in reality, these two visions are not sharp or coherent, but rather populated by a variety of discourse and gradations. They shed light on different possible interpretations of the role of civil society in development. The issues open room for a reconfiguration of the relationship between state, market and civil society, and, I would argue, have great implications for the analysis of spaces for participation in development.

Immersed in this broad political process, such spaces are being created in large numbers, and many of them gather a great diversity of actors. Thus, it is important to map what is really going on: what is there in those spaces? What state is present? What civil society? What development? Are the spaces shaped as problem solving and consensus building

or is there space for contestation? Is collaboration possible or desirable, and for whom? Will marginalized groups benefit?

Space for participation gathers different actors around common issues; this might create the sense that they are all working together toward the same goals. However, what is much more likely to happen is that the various actors have divergent objectives and perceptions about the problems and solutions for development. Understanding this complexity is essential to assess the potential of new spaces for participation in development.

PART III:

NEW DEMOCRATIC SPACES FOR PARTICIPATION: SOME PITFALLS

Spaces for participation have become quite a popular idea in development. Their virtues are by most of the different actors from the World Bank to local communities, through NGOs and International Aid Agencies. However, are these spaces likely to meet their promises of connecting people and governments, generating transparency and accountability, opportunities for people to exercise citizenship rights, shape policies, and develop participatory skills in order to generate change (Cornwall 2002, Fung and Wright 2003, Gaventa 2004)? Having presented the idea and concepts of spaces for participation in section I as well as the underlying processes which informed their creation—decentralization and democratization—it is also necessary to point to some of the critiques and limits of such spaces.

A first point of the critique relates to what Kohn states as: ‘far from providing an arena in which voices are equally raised and heard, deliberative spaces are constituted in a way that permit only particular voices and versions to enter into the debate’ (Margaret Kohn, 2000). Here, the question is: can official spaces that bring together civil society representatives with state and other non-state stakeholders, potentially help citizens to engage meaningfully in shaping public policies? Or, are the forms of exclusion that operate within and around these spaces so potent that they are simply pseudo-democratic instruments with which authorities can legitimize already taken policy decisions (Cornwall, 2004)?

Cornwall (2004) was attentive to this challenge when she said that invited spaces bring together a very heterogeneous set of actors, who may have significant differences in status. The actors interacting in these arenas would probably never be together in other spaces, though it is valid

to say that differences in status, power, knowledge, gender, or class can set boundaries within a space that suppress completely the possibility of meaningful participation. In a case in India, Ranjita Mohanty (2004) describes how men treat women participating in the watershed committees with a humiliating indifference because they think women do not know what to say in a meeting. Many times, language itself becomes a strong barrier. Cornwall quoted a wise idea from Paulo Freire: those 'who spent life receiving prejudice may have so internalized the discourse of discrimination that they are barely able to imagine themselves as actors' (Cornwall, 2004:82). From that we can conclude that inequality is one of the highest barriers preventing such spaces to function. It is necessary to break the circle of exclusion.

Spaces for participation created by decentralization processes show a similar story. They were lauded as the key state reform and solution for popular empowerment and poverty reduction. However, accounts of empirical cases have shown that such processes are rarely able to overcome inequality and socio economic disparities, and are unlikely to avoid elite capture and informal relations of patronage that nullify their transformative potential (Hickey and Mohan, 2005). Yet, immersed in the good governance agenda that advocates the shrinking of the state, these processes have often generated big losses of rights and services for the most poor (Hickey and Mohan, 2005).

Another problem relates to the central and local governments who hold power for themselves. In such cases, participation is used to legitimize the government but does not lead to access to decision-making power. One interesting example from Cabo de Santo Agostinho, in Brazil, is reported by Cornwall (2006).

A different issue relates to the apparent image of harmony within some spaces. As spaces for participation gather different actors around common issues, this might create the sense that they are all working together toward the same goals. In such cases, divergent and contradicting agendas are obscured and the risk of co-optation of less powerful actors is very high.

A few last points refer to something that can be called 'engineering participation.' This has to do with the way some government officials, NGOs, and others pursue improving participation in spaces. A visible current trend in spaces for participation is to fall into the temptation to 'engineer' them. Much energy has been put into improving participatory

methods, capacity building, and the 're-design' the spaces in order to create opportunities for better interaction and learning. Additionally, work has been done in connecting these spaces for participation with other spaces through networks. It is important not to diminish the importance of these efforts. Some of them are truly relevant and able to generate improvements. Rather, I would like to draw attention to the issue of 'technification.' Efforts to engineer participation seem to overlook the most important element: why is it so difficult to make participation to work and to generate social transformation? Approaches that treat participation as a technique may be missing the point. Instead, it may be necessary to repoliticize the debate and look at the issues of power and politics (Hickey and Mohan, 2004).

My assumption is that 'participatory engineering' is just a palliative. Generating social transformation is more complex than to understand how people interact in a certain space. Thus, what generates transformation cannot be confined inside the space, but rather is part of broader social and political processes. In these sense, to look only at the spaces of participation is very limited.

PART IV:

SPACES ARE LIKELY TO BE TRANSFORMATIVE IF...

Can official spaces that bring together civil society representatives with state and other non-state stakeholders potentially help citizens to engage meaningfully in shaping public policies and exclusion? This section aims to examine the conditions in which spaces are likely to make a difference in development for the excluded.

Hickey and Mohan argue that it is important to depoliticize the debate about participation and participatory governance 'going beyond the simple search for technical fixes and demonstrably moving towards more structural transformation' (Hickey and Mohan, 2004:238). Moreover, they affirm that to 'pursue participation as citizenship is not only bring people into the political process but also to transform and democratize the political process in ways that progressively alter the 'immanent' process of inclusion and exclusion that operate within particular communities and which governs the opportunities for individual and groups to claim their rights to participation and resources' (Hickey and Mohan, 2005:251).

Despite many pitfalls, some democratic spaces for participation have been and are successful and transformative. Cases such as the participatory budgeting in Porto Alegre, Brazil, or decentralization in Kerala, India are good examples. The reasons why those processes generated transformation related to the fact that they were part of a broader radical political project, such as the Worker's Party in Brazil, in the Porto Alegre example. Those experiences took the issue of redistribution of resources and policies that had pro poor outcomes seriously. They also battled the abuses of political power by local elites and widened political spaces for the poor both within and beyond the formal institutions of state power. (Hickey and Mohan, 2005).

Hickey and Mohan (2005) provide some directions for how to identify and to develop transformative participation:

1. Focus on issues of power and politics:
Being part of a broader project that is at once political and radical; directly challenging power relations rather than simply working around them for more technically efficient service delivery.
2. Pursue participation as citizenship:
Not only bring people into the political process but also transform and democratize the political process in way that alter 'immanent' processes of inclusion and exclusion which governs the opportunities for individuals and groups to claim rights; participation as a means to demand and expand the boundary of citizenship
3. Close engagement with underlying processes of development instead of working within specific policy process or interventions:
Going beyond immediate problems; engagement that reveals issues of subordination and domination; generating critical understanding of reality and development; criticizing mainstream development; changing patterns of exclusion.

Looking at the limitations within the spaces, Cornwall (2004) argues that more attention must be paid to differences and challenges for inclusion in such spaces. Marginalized groups have little chance to have a voice if their special condition is not recognized. Spaces tend to be occupied first by the ones who have better skills. Thus it is necessary that spaces commit and prepare themselves to address the needs of these groups.

Cornwall (2004), also provides some ideas:

1. Innovation in institutional design: Moving away from large-scale deliberative events to participatory advisory panels that meet regularly.
2. Use of participatory methodologies that facilitate and allow participants to engage with reframing debates and articulate their own perspectives and experiences.
3. Enhance capabilities: Popular education, building argumentation skills, informing people about rights and policies, etc.
4. Effective participation in the public sphere may come to depend on access to other spaces (created spaces) from which marginalized actors are able to define problems themselves and then act on them.

PART V: FINAL CONSIDERATIONS

Since the 1990s, democratization and decentralization have been changing the conventional model of political participation worldwide (Cornwall, 2004). A new architecture of governance generated a mosaic of new spaces for citizen engagement (Cornwall and Coellho, 2006).

The processes giving rise to these new democratic spaces for participation and participatory governance are complex and ambiguous. Since the 1980s, a combination of two ideas—neoliberal economics and liberal democracy—has guided the process of shrinking of state. On one side, decentralization was one of the strategies aimed at reducing the power of central governments and bringing governments closer to people. On the other, democratization advocated for the role of civil society in holding the state accountable as well as in contributing to policy making. Moreover, both processes reserve a key place and role for civil society in development.

As a result of the new agenda, a deep reconfiguration of the relations between state and society, took place and civil society emerged as an important actor. But, which state, which civil society? How should they interact?

Immersed in this broad political process, democratic spaces for participation are being created in large numbers and many of them gather a great diversity of actors. Thus, it is important to map what is really going on: who is present in such spaces? Are the spaces shaped as problem solving and consensus building or is there space for contestation?

In terms of development and transformation, it is possible to say that the new spaces for participation have rarely been able to live up to their

promises. Real opportunities for the marginalized and the poor to have a voice and meaningfully participate in decision making is often not achieved, nor have the spaces been able to create better policies that correct current states of social exclusion and injustice.

Hickey and Mohan remarked that the failures demonstrate the need to go beyond the simple search for technical fixes and move towards more structural transformation. Just to bring people into the political process is not enough. The key issue is 'to transform and democratize the political processes that govern inclusion and exclusion and the opportunities for individuals and groups to claim their rights' (Hickey and Mohan, 2005).

Is there a way out? It is hard to say yes or no. But a few experiences have been successful in creating a transformation in dominant power relations and improving the experience of marginalized and excluded groups. In these cases, these important elements were present: 1) A focus on issues of power and politics; 2) The pursuit of participation as citizenship; 3) Close engagement with underlying processes of development instead of working within specific policy processes or interventions.

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17

**ALLEVIATING URBAN POVERTY:
A MATTER OF PARTICIPATION?*****ROCIO RAMIREZ BALLIVIAN***

Any meaningful attempt to save participatory development requires a sincere acceptance of the possibility that it should not be saved. (Bill Cooke and Uma Kothari 2001:15)

INTRODUCTION

Participatory development is conventionally represented as emerging out of the shortcomings of top-down development approaches (Cook and Khotari, 2001:5); therefore it was intended to promote a ‘development from below’ approach, in which poor, vulnerable people would be empowered and would become the protagonists of the change. As seductive as this statement appears, evidence has shown that such interventions seldom improve poor people’s well being. This is partly because of the contradictions and assumptions within the participatory discourse and implementation itself, and partly (this being the more relevant in my opinion) because participatory approaches are not only usually depoliticized but also born within an unequal power structure and therefore unable to escape from its influence.

Instead of accepting the surface impression that ‘participation’ gives, we should try to ‘identify a more nuanced set of understandings of the working of power as being necessary, in order to uncover its varied and subtle manifestations in the very discourse of participation’ (Cook and Khotari, 2001:14). This does not mean that the notions of participation and empowerment are not valuable, just that in order to understand and analyze their processes and validity in practice, we need to be aware of

where they come from, who supports them, and why. This essay explores the pitfalls and weaknesses (and maybe the impossibility) inherent in using participatory development to alleviate urban poverty, and for that matter to generate real sustainable changes.

FROM GOVERNMENT TO GOVERNANCE

The rationale given to explain the shift from Government to Governance is supported by three arguments. First, the process of globalization has reduced the economic and political capacity of nation states by eroding the foundations of the Keynesian welfare state (Yeates, 2001; Taylor, 2006); second, the inefficiency of states in social and economic management is explained by high levels of corruptions as well as by disenchantment with the market forces outcomes; and last but not least, the necessity of opening up the decision making to greater participation reduces the centralization of decision power (Taylor, 2006). What was basically pursued is a vertical and horizontal decentralization, where relationships were reconfigured and responsibilities renegotiated among different actors (global and local institutions). This transfer to local (community and individuals) responsibilities has not been accompanied by a re-assignment of power and resources.

The withdrawal of the state can thus be deciphered as a technique for government, shifting the costs and responsibilities of the state into communities and 'responsible and rational individuals', thus absolving the state of its own responsibility for addressing social injustice. (Taylor, 2006:301-2)

Convincing as these arguments sound, it is important to go deeper into a more historical analysis and find out where such explanations come from. The change mentioned above was not just a natural response to the globalization process but was also influenced by shifts in global economic thought and (re)created by the International Monetary Fund (IMF) and World Bank (WB). The crises of the oil shock in the 1970s brought with it, first, a disillusion with the Keynesian model and therefore a reestablishment of the belief in the inefficiency of the state, and second the reduction of the developing countries' capacity to buy imported goods, which forced them to incrementally increase their loans (Messkoub, 1992; Toye, 1994). It is then that IMF and WB 'become instruments of the international capitalist revolution promoted by Reagan, Thatcher and Kohl regimes' (Davis, 2006:153), introducing loan condi-

tionalities through Structural Adjustment Programmes (SAPs) and in this way shaping the new world of the so-called Washington Consensus (Davis, 2006b). Even though it is said that the adjustments had some positive effects on macroeconomic variables, they showed the opposite impact on the levels of poverty and inequality (Ocampo, 2004). As Davis explains 'Third World cities, especially, were trapped in a vicious circle of increasing immigration, decreasing formal employment, falling wages, and collapsing revenues' (Davis, 2006:155). The impacts on women were especially notable, since women were the ones who, as a result of the increasing levels of unemployment, underemployment and labour informalization, had to work harder and in worse conditions both inside and outside the household to try to maintain their living standards. Children also suffered greatly as a result of the changes that SAP generated. They, as well as women, had to leave the household to look for a job, or increase their participation in intra-household tasks to allow both parents to work in the market labour; therefore the levels of education declined. Children's health was also affected by the privatization of basic services, and consequently an urban poverty circle began (Messkoub, 1992).

As a response to these outcomes, and to the small importance given to social development and to the traditional top-down western model, criticisms at every level (global, national, academic, and local) began to gain strength and started to be heard by (or at least generated troublesomeness for) the IMF and WB. This is the moment when (as an outcome of globalization) 'governance' was replaced by 'government', and when words such as participation, self-help, upgrading and empowerment started to dominate the development discourse. The IMF and WB launched Poverty Reduction Strategies Papers (PRSPs) as a proof of their commitment to change, change that was enthusiastically embraced by the population in general, by the academic world and by most governing states. Nonetheless, 'although proclaimed as having a new degree of local control and poverty focus, the PRSPs could be seen by critics as no more than a route to buy off criticism for the Bank and the Fund' (Whaites, 2000: 26).

THE ROMANTICIZED COMMUNITY

With the blossoming of the community-centered approach to development projects, an almost blind faith in community participation as the main solution to poverty and inequality masked the conflicts, power ine-

qualities, resource constraints and problems of representation and accountability within 'communities', becoming, this way 'an obstacle to the proper examination of local power systems' (Berner and Phillips, 2005:23).

Communities, contrary to what these policies seem to assume, are not homogenous entities composed of similar people with shared interests and a common aim (Korten, 1983; Cleaver, 1999; Botes and Van Rensburg, 2000; Berner and Phillipos, 2005). Communities are formed by a heterogeneous population differentiated by gender, age, levels of educations and training, and even class and ethnic groups. In the same community there will exist different and usually conflicting interests where, more often than not, personal benefit (and not communal well-being) determines peoples' behaviour and relationships.

Since population are heterogeneous, individual relationships are not horizontal; they are established on a power basis, where the less poor (usually more educated or with political contacts) tend to have more bargaining power and are the ones who benefit the most from projects and other social developments. These power differences are hardly recognized – or conveniently step-sided – by development interventions, because 'for development policy purposes, the existence of a definable community is desirable, preferably one whose shape is coterminous with administrative boundaries, and for it to be characterized by consensual cooperation' (Cleaver, 1999:604).

Why is so little debate about these tensions seen in the development literature? Is it that development practitioners fear criticizing local practices and being seen as the professionals? Is there not a danger of swinging from the untenable position ('we know best') to an equally untenable and damaging one ('they know best')? (Cleaver, 1999: 605)

The myth of the resourceful community (see Cleaver, 1999) is challenged when one realizes the resource constraints that communities face. The constraints are no so much in terms of money (which is usually provided by the international organizations or NGOs), but in terms of time. It is believed that because people are poor, they do not have anything to offer, that they are quietly waiting in their homes for someone who saves them. However, poor people have to work more and in worse conditions than the rest, just to satisfy their basic living standards; therefore their time is highly valued and a decision not to participate in development project meetings could be a rational one from their perspective. Time is

not the only constraint they suffer; lack of technical and organizational skills (Korten, 1983) could become a reason for an unsuccessful project. Moreover, if we expand the definition of resources to land control, perhaps inflation in land costs and property speculation become one of the most important restraints to urban poverty alleviation.

Other important questions that should be asked when communities become the focus of development projects are: 'Who' is the community? With whom do the development agencies make contact? Most importantly, who participates in the community? The answer to all these questions is the same: the most powerful of the communities, who as we said, happen to be the most educated, those with better political connections, who usually need the help the least. Therefore, if we accept the thesis proposed above about conflicting interests within the community, then the poorest and the most vulnerable are usually excluded and barely represented in the negotiations between 'community' and development agencies.

If all that has been mentioned is true, then a further question remains to be answered. If the people who form the communities know about these weaknesses (and of course they know), then why have they chosen and demanded an approach that does not recognize their complex reality? The answer is simple, they have not. Community participation is the result of unending meetings between the 'owners' of the knowledge and, of course, the money.

Ironically, the community idealism so beloved by the new populists is a creation of outsiders. Only outsiders would see homogeneity and harmony where there is complexity and conflict. Bottom-up approaches to development need to start from the recognition that exploitation and marginalization also take place inside slums (Berner and Phillips, 2005: 24)

Partnerships and patronage: part of the solution?

As development discourse shifts from a top-down perspective to a self-help approach, the relationships between international organizations, NGOs and communities are supposed to be characterized by a 'shared sense of purpose, mutual respect, and the willingness to negotiate' (De Wit, 2001:3). Moreover they have to be based in mutual trust and in shared responsibilities. This process is said to bring a sense of community ownership, a better match between communal needs and development projects outcomes, and cost reduction. Desirable as this possibility

appears, it is seldom successful. In order for partnerships to work, there not only should be an enabling legal, administrative, political and social environment (De Witt, 2001) (which is usually not the case) but also the readiness of the international organizations and NGOs to really listen (not only in theory) and accept people's demands, and to share power. Moreover the high levels of bureaucracy within many NGOs and the gatekeeper role they play also act to block the success of the partnerships approach. These weaknesses are more than common in formal relations, which because these problems are hardly avoidable and because poor people are socially and politically handicapped (lack of or reduce education, information, political contacts), their access to agency resources and benefits are minimal. Therefore, they have to rely on informal institutions, from where other kind of relationships based in communal norms and values are generated. A mediator, a patron, is the person who acts as an intermediary between the formal institutions and community members; these people receive money or favours in exchange for their services. The patrons usually live in the same slums and share a sense of loyalty and trust. If this analysis would stop here, patronage could become a good example for the traditional social security defenders; but patrons have better accessibility to political and social contacts and benefits, because they are more educated, they have more information and have better communication skills, and so power inequalities are part of the equation. This means that the relationship is not horizontal and is usually unstable because the patron will no doubt have her/his ideas about what to go for, and what to best do. Moreover since patronage relationships are not part of the rule of law, corruption and misuse could appear in the scene (De Wit, 2001). Another issue that is important to take into account is that partnerships and patronage relationships are not as independent and opposite as many may think and proclaim. In practice, the relations that communities and NGOs have are not as horizontal as they should be. What is more, a paternalistic environment is created and the power inequalities do not disappear just because they are noted. If what has been stated before is taken seriously, the advice of Edmundo Werna (2001) of 'think locally and act globally' is strongly challenged, because poor people, even if they acknowledge the importance of such statement, will not have the real possibility to reach and influence the 'broader forums where significant decisions are taken' (Werna, 2001:225).

The contradictions of the participation discourse

Development theory usually classifies participation in two parts: as means and an end. The former portrays participation as a way of reducing costs and achieving better project outcomes, leading to an increase in efficiency; the latter characterizes participation as a way to empower people through a process of enhancement of capabilities and enjoyment of freedom (Cleaver, 1999; Berner and Phillips, 2005).

The success of the development projects (in terms of cost-efficiency, which is pursued by project organizations since it will help assure them the next disbursement) depends on the technical and practical management and efficiency in terms of outcome (obtain what is stated in the logical framework), while the development discourse managed by the same organization that implement the projects (and the ones who fund them) eagerly defend the rhetoric of empowerment (Cleaver, 1999), which is easily supported by the academic world and population in general. In theory, the two sides of participation are not mutually exclusive; nonetheless, while projects are concerned with quantifiable, practical, static outcomes, and look to homogenize and influence a small, concrete part of the population, empowerment is a strategic, flexible process that is constructed differently according to the context while related at the same time with changes in the structure (Cleaver, 1999). While one is worried about outputs the other is concerned about processes, which portrays participation as a de-politicized technical issue in the former and as a political process in the latter. Therefore, getting closer to one of the participation objectives means moving away from the other. Maybe development projects are not the answer, at least in the way they currently are designed and implemented. They do not take into account that the fact that people are insufficiently included in the projects, that inclusion is not inherently good and that people could be included under bad terms; this is something that should be tackled through processes of awareness and empowerment and not by just having your name in a project participant list. Partnership and ownership are terms constantly used in the development discourse as two desired complementary objectives. Nonetheless, there exists a trade-off between them (Jerve, 2002). When development agencies refer to ownership, there is an emphasis on self-help approaches: 'it is time to recognize that poor people know better and are capable of self-sufficient solutions' (Berner and Phillips, 2005) goes the discourse; that statement, as good as it might sound, has been

used (and misused) as a flag to reduce costs, which at the same time has been reflected in a reduction of government, international organizations and NGOs responsibility; poor people should be 'left to their own devices?' Berner would ask. Simultaneously they declare they are an active part of the partnership approach, which requires a joint responsibility (Jerve, 2002), where development agencies should not only share duties but also the costs, moreover partnership approaches open the possibility (which the ownership perspective does not) to consider redistributive measures. 'Strong recipient ownership means less partnership, in the way that donors defined it' (Jerve, 2002:389).

Giving them power or shutting them up?

Active participation of the 'communities' or 'beneficiaries' has been presented as the solution to all the failures in development interventions. It is said that such interventions become sustainable through the empowerment of the population; it is the people themselves who define their needs and have a say in the way the latter are fulfilled. Despite the great support that this allegation holds, there is little evidence of successful participation in the achievement of social change (Cleaver, 1999). One could ask why this would be. In addition to the reasons explained in the previous sections, I would like to put into consideration a kind of cynical – even extreme – explanation, one that portrays participatory development theory not as a way to modify power relationships, but as a tool used by the powerful local and global institutions and organizations (instruments themselves of neoliberalism defenders) to keep reproducing the power inequalities within and between societies and countries, but this time in a way meant to minimize critiques from below by using their very own discourse: people should participate; who would be against it?.

David Mosse in Chapter 2 challenges the populist assumption that attention to 'local knowledge' through participatory learning will redefine the relationship between local communities and development organization. Using project-based illustrations he shows that 'local knowledge' far from determining planning processes and outcomes, is often structured by them. For example what in one case was expressed as a local need was actually shaped by local perceptions of what the agency in question could legitimately and realistically expected to deliver. Indeed, 'participatory planning' may, more accurately, be viewed as the acquisition and manipulation

of a new 'planning knowledge' rather than the incorporation of people's knowledge by projects. (Cook and Khotari, 2001:8)

I will analyze this proposal illustrating the role and intentions of first, the World Bank (WB) and the International Monetary Fund (IMF), second the NGOs and lastly national government.

The World Bank and International Fund for Development have determined the development strategies in the 'Third World' since the Second World War, with reinforcement of such influence from the beginning of the Structural Adjustment Programs to the present.

Between 1972 and 1990 the bank helped finance a total of 116 sites-and-services and/or slum-upgrading schemes in 55 nations. In terms of need, of course this was a mere drop in the bucket, but it gave the Bank tremendous leverage over national urban policies, as well as direct patronage relationships to local slum communities and NGOs; it also allowed the Bank to impose its own theories as worldwide urban policy orthodoxy. (Davis, 2006a:70)

These International Organizations not only pretend to reduce costs, which are the least of their worries, but are looking for keeping the power relations as they are nowadays: unequal. Moreover they have found in the participation discourse an ally that not only helps them to minimize the role of the state and therefore to leave the neoliberal market free, but also diverts attention from the issues which are the relevant ones, namely issues of inequality and power. Moreover this discourse facilitates interventions into the 'Third World' projects without complaint – and possibly even with support – from the organizations below:

There is a risk that current autonomous development orthodoxy may fail to adequately serve the needs of the poor, succumbing to a neoliberal wolf dresses up as a populist sheep. (Berner and Phillips, 2005: 20)

It begins by suggesting that the failure by donors to implement policies on participation is institutionally deep-seated and structural, and that through participatory development, grassroots organizations are in danger of becoming the 'human software through which investments can be made with least local opposition'. (Cook and Khotari, 2001:9)

With the shift in WB and IMF focus from SAP to PRSPs, International Non-Governmental Organizations were created to be the intermediaries between Fund organizations, governments and communities; it was thought that they could be more efficient in reaching the poorest of

the poor and to facilitate their participation. Nonetheless, evidence shows us that poor people are the less benefited of all the partakers.

Although some former critics have hailed the ‘participatory turn’ at the World Bank, the true beneficiaries seem to be big NGOs rather than local people Rita Abrahamsen concludes that ‘rather than empowering civil society, the PRS process has entrenched the position of a small, homogenous ‘iron triangle’ of transnational professionals based in key government ministries (especially finance), multilateral and bilateral development agencies and international NGOs. (Davis, 2006a: 76)

Because NGOs, especially the small, local ones, have to deal with all the stakeholders at the same time, they face three conundrums. First, since they depend on the funding organizations for resources, they have to mould their intervention strategies and areas according to the shifts in the fund organization’s priorities. Second, since they are usually small organizations, they do not have power to influence government’s policies and therefore they depend on them as well. Finally, the horizontal relation that is proudly stated between NGOs and community members barely exists; moreover NGOs tend to handle it from a paternalistic perspective, since existing power relations are not easy to challenge.

On one hand, NGOs ‘pre-empt community-level capacity-building as they take over decision-making and negotiating roles’ while on the other hand, they are constrained by ‘difficulties of managing donor finance, with its emphasis on shorter project funds, on financial accountabilities and on tangible outputs’. (Davis, 2006a: 77)

NGOs can hardly influence decisions on a macro level, and furthermore I would suggest that many middle class NGO workers do not even pretend to do so: they would have too much to lose. NGO middle class workers could have good intentions, but usually, the moment their salaries and therefore their comfortable way of life are in danger, Governments in developing countries are also constrained by their economic dependency (mixed with a dependency on the international trade) on the WB and IMF; even though the discourse talks about government ownership, the WB and IMF conditionalities and development priorities play more than an important role.

Governments are always looking for the best way to reduce costs, and participatory development, especially self-help approach constitute a

good option; 'the shift towards self-help can be seen as a masking defence against calls for redistribution'. (Berner and Phillips, 2005:19).

Moreover, reducing costs is not as important as avoiding redistribution, minimizing in this way pressures from the middle class and elite (there again the self-help approach is a useful instrument). Adding to all this, political unwillingness could be a reflection of the real position some (or maybe most) government officials have in relation to poverty: I will fight against it if your vote is with me.

This explanation pretends that even though desires of participation could have come from 'below' and that the notion of participation itself is unquestionable good, the participatory development approach has been created within an unequal structure, and as long as this structure remains unchallenged, participation projects will just perpetuates these asymmetrical power relationships.

Written into this understanding must be a recognition that participatory development does not have a reified existence 'out there', but is constructed by a cadre of development professionals, be they academics, practitioners and policy makers, whose ability to create and sustain this discourse is indicative of the power they possess. This must be accompanied by a acknowledgement that questions such as 'Whose reality counts?' which suggest that there are contrasting versions of reality, mask the extent to which these development professionals, in their applications of the ideas of participatory development, are actually still engaged in the construction of a particular reality – one that at root is amenable to, and justifies, their existence and intervention within it. (Cook and Khotari, 2001: 15)

In this sense, I would say that it is not that development agencies or government are unaware of the importance of redistribution. It is not a matter of realizing or acknowledging that redistribution is important; they know, and they know well, it is a matter of wanting to do so. Doing so would imply a redistribution of power away from the development agencies (and with them the rich people/countries) to the more vulnerable and poor people, and I believe it is unlikely to happen, at least if we expect the change to depart from the ones who hold the power.

Under these circumstances I would dare to propose that the mainstream development discourse that brings with it buzzwords such as participation, empowerment, slum upgrading, self-help, and so on, are not the solution, and that they might even be part of the problem; they are

part of the status quo. ‘The acceptance of unauthorized settlements’, Phillip Amis points out, ‘is a relatively painless, and potentially profitable, way to appease the urban poor in the Third World’ (Davis, 2006a:81). Similarly,

Gita Verma rails against the World Bank paradigm of slum upgrading that accepts slums as eternal realities, as well as anti-eviction movements that refuse to raise more radical demands. (Davis, 2006a: 78)

Maybe, though I still refuse to believe it, the only way to achieve a real improvement in poor people’s well-being would be to reach bottom. If development projects are just part of the problem, just a way to keep the masses calmed, then, perhaps taking a step aside would be the best option to help poor people to react and demand their right to a better world, which is only possible through a structural change (a system change) that redistributes resources and power. Sometimes real changes are not possible without extreme measures.

CONCLUSION

While I was thinking about participatory development, two questions came to my mind. Is a participation-driven development project the best way to get sustainable changes? And are those changes going to reduce inequality and ‘redistribute power’? If we accept that participation is always constrained (Taylor, 2007), and hides and at the same time perpetuates certain sets of power relations (Cook and Khotari, 2001:11), unfortunately the answer to both questions would be no. We are pretending that poor people will be empowered by those who would lose their power as a result of that process. Something in that equation does not seem to fit, and it is that real changes are not given but demanded. Then it seems that there is nothing that we, the development practitioners, can do except just sit and wait. But (as I suggested before), participation seems to be only an act of faith anyway (Cleaver, 1999). Here is where my cynicism and my dreamy side start to struggle for an answer. At the end my answer would be no, and I know that after all what I have stated I do not have the authority to say so, but if participation (in its pure essence), and for that matter change for ‘good’, is just an act of faith, then I urge to keep believing.

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