UNITED NATIONS RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT

Gender Justice, Development and Rights:
Substantiating Rights in a Disabling Environment

A workshop organized by UNRISD to coincide with the
Special Session of the General Assembly
"Women 2000: Gender Equality, Development and Peace for the 21st Century"

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Background Note

Introduction

The 1990s have seen major changes in thinking about development policy. Consequently the June 2000 Special Session of the General Assembly entitled **Women 2000: Gender Equality, Development and Peace for the 21st Century** takes place in a markedly different policy environment from that of the Fourth World Conference on Women in Beijing. Neo-liberalism is probably more contested today than it was at Beijing, and even more so than in the pre-Beijing years. A vocal trans-national women's movement has joined in the calls for increasing transparency and accountability from the governments and the inter-governmental bodies setting the pattern and pace of globalization. Processes of democratization at the national level place elected governments under pressure to manoeuvre their way out of unpopular and unsustainable macro-economic policies. At the same time, human rights are seen as an inseparable part of the quest for stable democratic rule and a commitment to observe them has been entered into by most of the world's governments. These political changes, and the establishment of new legal instruments, have provided an opportunity for civil society organizations to press for the implementation of formally acquired rights; this has also led to a shift in the priorities and practices of many NGOs. One indication of this shift has been the widespread adoption of rights-based strategies and discourses, including in the latter case, a concern with ideas of citizenship. This *enabling* ideological environment is one of the major gains of the 1990s. It presents new opportunities and challenges to all those working in the development field – especially those working to promote greater gender justice.

In order to explore both the consequences of this shift and the diverse ways in which rights-based strategies for women are being understood and made operational in different national contexts, UNRISD is organizing a one-day event to coincide with the Special Session of the General Assembly in New York. This document highlights some of the questions and issues to be explored by the panellists in the three

proposed sessions on the following themes: **"Basic Needs" and "Social Rights": the Changing Face of Social Service Provisioning**; **Women in Contemporary Democratization**; and **Multiculturalism and Universalism**.

Background to the workshop themes: Citizenship in Context

Despite the advances that have occurred in the domain of political rights, a number of persistent problems limit the degree to which these rights can result in tangible gains. In the first place, formal rights have not been matched by substantive rights, or by an improvement in the quality of life of the majority. Recurrent economic crises have stalked the 1990s and the growing gap between rich and poor countries and peoples casts a shadow over the achievements and visions of the decade. Secondly, although women's civil society organizations (CSOs) have shown their collective ability to win recognition of gender perspectives and human rights in international rhetoric and policy, they have also come up against harsh limits on their power in a *disabling* environment not of their own making. Cultural and social conservatism persistently blocks the implementation of hard-won rights. Thirdly, despite the recent wave of democratization, authoritarian features persist in the political regimes of many formal democracies: political parties remain elitist and fragmented; civil society is weak, disorganized and poorly embedded in society; and civic rights are persistently violated. Fourth, given the elitist character of democratic transitions in many countries, a good proportion of the emerging democracies have also failed to make any significant impact in the area of social development, a condition of meaningful citizen participation.[1] As the recent debates about civil society organizations make clear, the proliferation of CSOs' activity in recent years has produced its own pitfalls. The scaling up of CSOs' involvement in the delivery of social services on behalf of official aid agencies may in some contexts detract from their ability to undertake advocacy work. It can also bolster the neo-liberal project of "privatizing"[2] social services, while the state assumes a minimalist role and fails to provide the much-needed overall policy framework. Interestingly, this is occurring at a time when the emphasis on responsibilities of citizenship, as opposed to "mere" rights, is taking root as an important ideological linchpin of policy. A fifth and perhaps the most politically sensitive of issues surrounding rights-based strategies has been that of whether and how such strategies might find a universal application but without denying cultural specificity. While the language of rights and citizenship has a broad appeal and is politically acceptable and effective in some countries, other governments or peoples may respond to it with suspicion. There are also significant differences in how a rights-based approach is understood. For some, the priority is to establish international consensus on basic human rights; others place the emphasis on the promotion of a usable legal system to enforce contracts and property rights, while still others challenge liberal individualist conceptions of rights through the revival of Marshallian social rights. Citizenship is itself a contested concept, and one with many different political/legal definitions. Not only do different state forms imply different types of citizenship - being a citizen of a welfare state is a significantly different proposition from being a citizen of an emerging neo-liberal state - but there are also changes that occur within distinct state forms *over time*. Issues of context are therefore important as they govern the receptivity or otherwise of the premises on which rights-based development practice is based. These then are the issues that we hope to explore in the three sessions, outlined in more detail below.

Session One: "Basic Needs" and "Social Rights": the Changing Face of Social Service Provisioning

Civil society organizations have played a decisive role in bringing "rights" into the international limelight. CSOs that focus on women have been particularly active in promoting the rights-based approach, even though Northern groups have had much better access to the international decision-making arena than their Southern counterparts. As a result of the lobbying efforts of these groups, the strengthening of human rights has now become a crosscutting focus of the United Nations. Secretary-General Kofi Annan states: "the rights-based approach to development describes situations not simply in terms of human needs, or of development requirements, but in terms of society's obligation to respond to the inalienable rights of individuals. It empowers people to demand justice as a right, not as charity, and gives communities a moral basis from which to claim international assistance where needed."[3]

But the shift in development priorities from needs/welfare to one of rights/empowerment evokes many questions. What factors lie behind this change in rhetoric? What does a "rights-based strategy" mean to its different proponents (across the political spectrum)? What are the arguments both for and against the shift to rights-based discourses ("rights don't fill empty stomachs")? Are gender issues better tackled through needs-based or rights-based approaches? Is it necessary - or even desirable - to view "needs" and "rights" as mutually exclusive? To what extent and in what ways does the delivery of social welfare at the turn of the century reflect a "rights-based" approach?

Needs versus Rights?

A central issue that this session will explore is that of the implications of the shift from needs to rights in development practice. This is an issue that calls for a re-consideration of the Basic Needs strategies of the 1970s. Moving away from the "trickle down" hypothesis, the Basic Needs approach aimed to design policies that were explicitly geared to poverty elimination and meeting basic human needs. There have been many important criticisms of Basic Needs as they were originally defined and theorized. One important contribution has been to question the equation of "wants" and "needs", and to establish an approach that transcends subjective preferences and commodity consumption, toward a broader understanding of universal need.[4] Another significant development has been to broaden the definition of human need beyond a purely materialist one, in order to include the non-tangible dimensions of what constitutes a "good life". The capabilities approach, pioneered by Amartya Sen, considers both physiological needs, such as freedom from disease and malnutrition, as well as more complex capabilities such as freedom to determine one's life, dignity and self-respect. The **Human Development Report** elaborates a similar understanding of human well-being. This bears positively on the gender analysis of poverty, since deprivation in agency constitutes not only an important dimension of female disadvantage in itself, but also lack of agency (or "political deficit" as it is sometimes called) in turn shapes the kinds of claims and entitlements which women can mobilize.

It is sometimes argued by its proponents that the discourse of human rights creates a crucial space for the consideration of concerns that are less tangible than material interests and basic needs. But in this case, it is legitimate to ask whether the rights-based approach offers any insights *over and above* what a human development, or capability, framework has to offer. And if yes, then what are those insights and from a practical point of view what is their "added value"?[5]

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A rather different set of concerns has also been raised in relation to needs. Criticisms have been directed at the alleged top-down and bureaucratic style in which needs have been defined and administered (both in the era of state planning and by development agencies). The identification of needs, such as nutritional requirements, (who needs what nutrients and in what quantities?), children's needs, or housing needs, is considered to be the purview of nutritionists, urban planners and others with expert knowledge and administrative responsibilities. As such the idiom of "needs" is considered to be about planning and administering, as opposed to the more agency-led language of rights, which empowers people to analyze their own situations, ascribe responsibility and strive to make social changes. Seen in this light, human rights are not only a language with which to represent demands, they are also a mechanism for thinking strategically. They encourage active, rather than passive, citizenship enabling actors to make claims on the state and other centres of power, and demanding that rights be given effect.

The emphasis on rights also coincides with the various participatory approaches that the NGO sector in particular has used for the formulation and implementation of development interventions; these approaches often strive to give voice to the marginalized and the poor in processes of development planning and decision-making. But how effectively do such strategies work in practice: how do "communities" come to identify and prioritize their demands? Whose voices are elicited and heard? It is also important to know how effectively CSOs are using the language of rights to strengthen people's demands vis-à-vis the state. In what contexts can such strategies mature into an ability to question and confront the state's role as economic and political regulator? Moreover, what happens to the advocacy work of the CSOs when they themselves are drawn into the delivery of social services (as we will see below, this is a growing concern in many parts of the world)?

But at a more abstract level, should needs and rights be seen as diametrically opposed? Are needs always determined in a top-down manner, without contestation and public debate? While the rather abstract assertion of the need for food or shelter may appear to be clear, well-defined and uncontroversial, the substantive content of the elements required to meet such needs are very often subject to specific, contextual, political debate between different social groups. Similarly, far from being static and top-down, new needs are constantly formulated by civil society and pushed onto the public agenda, such as the need for childcare facilities or elderly care in contemporary welfare states.[6]

If the definition of needs is contested, so is the interpretation of rights. Although the inclusion of women's rights within the conventional rights framework has been the result of a long-fought battle, activists and theorists are not always comfortable with the mainstream (liberal) interpretation. Feminists have criticized the liberal notion of rights for its double standard with respect to the rules and values that govern in the public and the private realms. They argue that a liberal understanding of rights excludes significant areas of social life (the intra-household arena) from scrutiny, and thereby actively sustains an unequal distribution of power and resources between men and women. Women's work very often includes a significant amount of "care" work, which is neither recognized, nor remunerated, nor subject to international treaties on labour rights which are derived from the specific context of wage work and participation in formal labour markets.[7] Seen in this light, the mainstream understanding of rights and of citizenship has been male-biased, one-sided and inadequate. Full citizenship for women thus depends upon equality and justice within the home as well as outside it.[8]

Another problem with the liberal interpretation of rights has been the tendency to consider some rights to be more important than others. Traditionally, especially in the Cold War era, rights were separated into different "generations". This is a controversial metaphor because it suggests a hierarchy in the importance of various forms of rights.[9] The positions taken in this debate were often along regional and philosophical divides, with Western liberal democracies favouring the first generation of civil and political rights (CP), while socialist states and some developing countries advocated second generation economic, social and cultural rights (ESC). Many observers, however, argued that such prioritizing was problematic because in practice rights are intimately linked and thus indivisible. Reproductive rights, for example, require legal recognition and protection in the courts, freedom from repressive religious and traditional codes that constrain choice, and freedom from domestic violence and forced pregnancy, which are all CP issues. But at the same time, reproductive rights also require reliable and affordable maternal and child health services, and access to safe contraception, counselling and follow-up care, not to mention adequate nutrition to avoid a wide range of risks, which are ESC issues.[10]

Such an appreciation of the indivisibility of rights also helps bring needs and rights together. Rights can then be usefully seen as the codification of needs, reformulating them as ethical and legal norms and thus implying a duty on the part of those in power to provide all the means necessary to make sure those needs are met. In other words, the language of rights provides a political vision whereby individuals or social groups can make official claims in defence of their needs.[11]

In an acknowledgment of the limitations of the rights hierarchy, the Vienna World Conference on Human Rights, held in the wake of the end of the Cold War (1993), endorsed the principle of indivisibility among the different kinds of rights and their respective international conventions. The United Nations now officially advocates the *universality* and *indivisibility* of rights. This means that officially, rights are to be applied equally to all persons and one type of right is not to be regarded as more important. For example, the right to clean water is no less important than the right to security of person. But can we rest assured that the rhetoric of universality is more than symbolic policy?

As many have argued, the crucial question regarding human rights is how to make them operational. Rights without remedies are ephemeral. To ask how to create an appropriate space where legitimate claims could be acknowledged and acted upon is very much to the point.[12] If ESC rights are really legitimate, how can they be made operational? What criteria can be used to measure implementation of ESC rights? *And who has the responsibility to protect and fulfil those rights: the state, the NGOs or the private sector?* This question is in fact one of the most contentious issues at the present juncture. The neo-liberal agenda on poverty alleviation ("new poverty agenda") limits the role of the state to the provision of selected social services, such as *basic* health and education, and "safety nets" for the particularly vulnerable who cannot take part in regular labour markets. But there is no consensus on this, and others see a much more substantive role for the state in designing and implementing social policy. Such practical and pragmatic questions must go in tandem with any discussion of what constitutes rights and their promotion as an integral part of development agendas.

Gender, Citizenship and Social Service Provisioning

A second issue to be explored in this first session concerns the role of NGOs in social service provisioning and the gender implications of that provision. In recent

years, the NGO sector has played a crucial and growing role in assisting poor communities and vulnerable groups to cope with economic hardship and calamity. Nowhere has this been more evident than in conflict situations where the capacity of the state to deliver even basic social services has been decimated. In other contexts, as part of a wider effort to reform and restructure the public sector, NGOs have been increasingly drawn into the delivery of social services. In some contexts, such as in India and in much of Latin America, the state has retained its position as the main provider of social services, but elsewhere (some parts of Africa) CSOs appear to have taken over as the main provider in certain sectors.

But regional variations notwithstanding, the NGO sector on the whole remains excessively dependent on external (donor) funding. This raises questions about the sustainability of its programmes, as well as about its capacity to set priorities reflecting the perceived needs of the communities it serves. Moreover, the NGO sector remains prone to many problems such as lack of long-term planning, over-concentration in some regions, sectors and on some social groups, duplication of effort, high staff turnover, lack of effective management systems, and so on. There needs to be a much better appreciation of the circumstances under which the NGO sector can deliver social services more effectively and efficiently. For example, it has been argued that the NGO sector often functions more effectively where the state provides an overall policy framework, and where an open democratic space exists enabling different actors (the government, donors, international agencies, other civil society organizations and public opinion) to monitor and evaluate the work of different NGOs.[13]

Returning to the question of rights and citizenship, although people often have a strong sense that government structures should be accountable to them (demanding services from the government), it is not clear whether the same can be said about NGOs. On what basis can people make demands on an NGO and hold it accountable? So it seems appropriate to ask: where are the "rights" of citizens and in what sense are women appearing as "right-bearers" in the emerging models of social service delivery? Another crucial issue concerns the implications for those who are drawn into the NGO workforce: what are the emerging patterns of this workforce (in terms of class and gender)? Despite their contribution to the survival of poor families in many poor urban neighbourhoods, recent experience suggests that the approach of NGOs to urban services can in some contexts accentuate the sexual division of labour, leaving the female workforce overworked and underpaid in various voluntary, flexible and badly paid jobs. How does the configuration of the NGO workforce in turn impact on the efficiency and effectiveness of the services that are offered?

Ironically, the models of social service delivery that are currently in vogue reflect a distinctly residualist approach, focused as they are on "targeting" given resources to the needy - "the poorest of the poor" - who are assumed to be politically passive. How legitimate is it to privilege some (such as female heads of households) and not others in a context of generalized poverty and lack of opportunities? On what basis do NGOs identify their beneficiary communities, and have they been able to target their services to the poorest as the current rhetoric suggests?

Moreover it is important to underline the fact that the residualist approach carries important long-term implications for citizenship. Although recipients may retain the right to vote and hold national passports, in the broader sense of citizenship they often occupy a *de facto* secondary societal position, regarded by fellow citizens as non-contributing and even parasitic (receiving "gifts" from NGOs). The rehearsed argument against a universalist model of social policy is that resources are finite and

limited and so must be targeted to the truly needy, and not captured by the well-off whose needs can be met through the private sector. But this defence does not deal with the relationship between targeting and the political economy of resource mobilization; indeed, it is premised on the problem being that of disbursement of external resources (from donors).[14] The experience in developed and middle-income countries is that universal access is one of the most effective ways to ensure political support by the middle class of taxes to finance welfare programmes.

While the NGO sector has played, and continues to play, a useful role in the delivery of social services, it cannot be expected to replace the state. The state has a clear mandate from its citizens for the provisioning of social welfare – it needs to be pressurized, monitored and reformed in order to fulfil that mandate (and CSOs have a very useful role to play in this process), but not bypassed.

Session Two: Women in Contemporary Democratization

Over the past two decades authoritarian regimes in many parts of the developing world, as well as in East/Central Europe, have been replaced by democracies. For some, the progress made in transforming authoritarian regimes into democratic ones corroborates the superiority of liberal democracy over other forms of government, as well as being a harbinger of social development. Others, however, argue that the faith in democracy as a framework for solving the world's social problems needs to be placed alongside the uneven trends and slow evolution of democratization across different regions.[15]

In this session, we want to look at the issue of democratization from a gender perspective. While many of the problems afflicting the "new democracies" (such as the elitist character of political parties, the failure of the state to guarantee civil and political rights, etc.) affect all citizens, they are manifested and experienced in gender-specific ways. Women's persistent exclusion from formal politics, in particular, presents a number of specific questions on how to reform democratic institutions, since these institutions are not automatically gender-equitable. Yet the representation of women's interests in the structures of governance presents daunting dilemmas, since women are not homogeneous and do not speak with one voice.

Representing Women?

In a democratic polity, citizens are presumed to have equal rights, opportunities and voice in the governance of the public domain. All versions of liberal democracy link the right to vote with the right to stand for office. Yet women are hugely under-represented in national assemblies and governments. Women's political invisibility is particularly striking in those countries where women's political mobilization contributed to the demise of authoritarianism and the transition to democracy.

Deeply entrenched barriers continue to exclude women from participating in political parties in meaningful ways, where they are habitually relegated to "women's wings" performing "cheer-leading" roles. Globally, the figures for female representation in national and local polities have been remarkably consistent and, with the exception of the Scandinavian countries, low. The world average still stands at only 12 per cent and less than half that figure represents those in positions at the apex of political power. The masculine construction of political authority makes it extremely difficult

for women to be elected into office without some form of electoral engineering, such as through quota systems or reserved seats.[16]

It is widely argued that feminism had an undeniable impact on the political agenda of transition in Latin America and elsewhere, thanks to the visible role that the national women's movements had played in the opposition to authoritarian rule.[17] Women's issues appeared in a variety of party platforms. Women - albeit only a handful - were chosen as candidates by political parties in the "founding" elections. Within public administration "women's machineries" were set up, initially at least staffed by feminists with an organic link to women's movements. And policies were occasionally adopted which it was felt would appeal to women voters. The transition period thus appears to have presented openings for some of the participants of women's movements to enter the political mainstream. Yet, the extent to which the polity has opened up to women has been uneven across countries, and even in the best of cases has provided only a toehold for women in the world of institutional politics.

Besides the issue of political equality and democratic justice, the argument for increasing women's representation in decision-making bodies also hinges very often on an implicit assumption that women can, more effectively than men, contribute to the formulation of woman-friendly policies because they are somehow better able to represent women's interests. In many countries women's organizations and female members of political parties have vigorously lobbied to increase women's representation, through quotas in particular. This pursuit of numerical representation ("getting women in") does, of course, beg many further questions. Are the "representatives" accountable to their constituents? Who are their constituents? Are the representatives effective in promoting gender-equitable change? While some women representatives may have neither the ability nor the inclination to address gender inequalities, their cumulative weight does seem to impact on deliberations in national assemblies. Moreover in some countries where women have registered electoral gains, the initial concern with women's numerical representation has matured into concerns about the *quality* of women's representation, and about representatives' accountability to women's interests. [18]

An interesting development is the increasing decentralization of power. In many of the emerging democracies there have been efforts to decentralize power from central governments to the lower levels of authority. The pressures underpinning these reforms have been complex. On the one hand, democratization was linked with calls from various social groups for better forms of representation and more accountable government; the decentralization of power is considered to facilitate better accountability of government to its citizens. On the other hand, in the arguments, policies and guidance for public sector reforms that the World Bank in particular has offered to developing countries, decentralization figures as an important reform proposal, often alongside downsizing, transparency and privatization of the public sector, as a way of dealing with the bloated and inefficient state.

Does decentralization bode well for the representation of women's interests within the policy-making process? Some have argued that local politics are more accessible to women and easier to combine with domestic and childcare responsibilities, which contrasts with women's absence from party political meetings and parliamentary sessions which are held at anti-social hours and do not lend themselves to being compatible with family life.[19] But the argument that women are far more effective at local/community levels than at the macro level needs to be tested more rigorously by examining the role of women's movements in the wide-ranging decentralization processes that have been under way in many developing countries.

The most impressive example comes from India's *Panchayati Raj* institutions, where 30 per cent of all seats in the institutions of local governance have been reserved for women. One million women, it has been estimated, have been elected to the *panchayats*. Since 1998, Uganda has also embarked on a similar path, where 30 per cent *more* seats have been added to the District-level Local Councils for women (this differs from the Indian PRI which gives women 30 per cent of the existing seats). But it is interesting to note that in both cases women's entry into local politics has been guaranteed through reserved seats, and the overwhelming perception of feminists, in India at least, remains that "without reservation for women, power structures [even at the local level] will remain male bastions".[20]

A rather different illustration of how women's presence can be institutionalized in decision-making bodies comes from Brazil. There has been an unparalleled degree of institutionalization of the women's health movement in Brazil, through representation on a wide range of commissions to oversee health policy at various governmental levels. It seems important therefore to examine in more detail the role that women are playing in the ongoing processes of decentralization, and the extent to which financial resources are also decentralized to make participation in decision-making at the local level meaningful.

But the emphasis on localism can also carry serious pitfalls, most importantly an ambivalence towards the state (even at the local level) and the need to democratize it. While it is of utmost importance that women's movements encourage political activity at the local/grassroots level, it is equally necessary that the political limitation of such activity be recognized. What concerns us here in particular is how discourses celebrating women's activism at the local/community level can be used to perpetuate and legitimize a dualistic view of politics that relegates women to the local/community level of grassroots activism, while the world of institutional politics is left to men.

Democracy and Rights

The second requirement of democracy in its modern form is the guarantee of basic civil and political rights – such as those of expression, organization and assembly – to enable citizens to hold their representatives accountable to the public good. But the liberal notion of rights, as was noted above, excludes significant areas of social life from democratic scrutiny. This has effectively allowed the state, for instance, to distance itself from the injustices that go on within the walls of the family, the issue of domestic violence being a case in point. Partly under the impact of women's movements, some of the new democracies are beginning to legitimize state regulation of sexual violence (though perhaps not the recognition of rape within marriage) and broach taboo subjects such as reproductive rights (though not legalising abortion). But even where these rights have been legislated, like other civil rights, they are not universally protected across the national territory. Individual and civil rights have remained vastly underdeveloped in many of the emerging democracies, together with the justice system that is, in principle, in charge of assuring them.

It has been even more difficult for the women on the "inside" to make any meaningful impact on public expenditure decisions, and other economic policy initiatives that shape women's work burdens and quality of life. Questions are thus being raised as to why the growing presence of women in politics is not translating into substantive change in the content of policies that can impact positively on the lives of ordinary women and enhance their social and economic rights.

This is in part due to the lack of effective pressure from an organized women's constituency (noted above) that can articulate a coherent set of issues and priorities for policy attention, and monitor its adoption and implementation by state agencies. It is also due to the *dis*abling environment in which these women bureaucrats find themselves. What needs to be taken into account here is the increasing technocratic style of policy-making associated with the integration of countries into the global economy. Globalization and pressures for sound finance increasingly mean that governments must restrict economic policy-making to experts in such key institutions as central banks and ministries of finance. While gender bureaucrats well-versed in economic analytical skills may be able to contribute to what goes on inside these insulated technocracies (in ministries of finance, for example), this can hardly substitute for a more open public debate which enables women's groups and networks, along with other social groups, to scrutinize economic decisions and policies that affect the well-being of their constituents.

Session Three: Multiculturalism and Universalism

As ideas of citizenship have gained wider political currency, debates over its founding principles have led to a rethinking of its core assumptions. From the perspective of gender, citizenship has been criticized for being founded on masculine assumptions. And from the point of view of those who assert the validity and desirability of cultural and hence legal pluralism, citizenship is seen to operate in exclusionary ways, which privilege certain ethnic groups and norms. Citizenship, it is argued, needs to accommodate difference and to respond to the demands for a more pluralized set of legal and social norms. Despite the force of such arguments, they raise serious issues of principle. Most important is that of whether and how citizenship can accommodate the principle of difference without sacrificing equality? This is the theme of the third session. It examines, from a gender perspective, both the theoretical issues at stake, and considers some concrete examples of how issues of difference and equality are played out in practice, and what state and legal forms are most appropriate for seeking a resolution of the tensions between the claims of difference and equality.

Universal Rights and Cultural Particularism: Transcending Dichotomies
Liberal political theory is grounded in the twin principles of universal and individual rights – ones guaranteed by the rule of law. Such principles were determined in opposition to arbitrary and particularistic rights that were for example invested in castes and estates, or in ethnic groups as in South Africa or colonial Latin America. The principles of universalism and of rights held by individuals served as a guarantee against certain abuses of authority and as a way of ensuring equal treatment before the law.

Recently, however, there has been greater recognition within the liberal tradition of the need to accommodate group interests and group rights, while the current practices of consociational democracy (or "power-sharing") provide institutional mechanisms for the representation of communities in ethnically segmented societies. This raises many questions regarding the relation between individual and group rights, how these are to be distinguished and how clashes between individual and group rights are to be reconciled. What happens when cultural practices and group rights contradict the rights of women, or minorities, to live without fear and with dignity? And what should be the response of the international community when states pick and choose which rights to prioritize?

Liberal individualism has been criticized by communitarians for its privileging of individual rights over social responsibilities. More recent critiques from the "new" communitarians seek to ground the exercise of law and political power within society and thus challenge ideas of universal rights. Such rights are argued to abstract struggles for equality and freedom from the particularities that surround them, making it difficult to respond to the challenges of multicultural environments. Instead of universal norms of justice they argue for justice that is relative to social meanings it has within a given community. Indeed this view seems to accept only limited outside criticism of a society's norms.

The limitations of this approach, as many have argued, lie in its failure to address the issue of difference and diversity *within* the "community", nation or group within the nation, as in multicultural contexts. There is considerable sympathy for the idea of greater tolerance of diversity within a broadly multicultural global, sometimes national, environment. There are, however, also problems in the concept of multiculturalism as it is often used. While at its best multiculturalism can publicly highlight the fact that the political community is a complex cultural and ethnic aggregation of indigenous groups and immigrant settlers, it can also reify cultural communities as internally homogeneous.[21] It is paradoxical that while the notion of group rights can challenge state hegemony it can also restrict individual freedoms by reifying cultural communities as internally homogeneous entities bound together by sometimes problematic notions of "cultural difference". Women have often served as the signifiers of cultural difference and as the guardians of traditional cultural practices. Where this infringes on their rights and contradicts their self-identity, tensions have arisen between those who define such cultural practices as necessary and primordial and those who are expected to comply. What traditions then are essential to preserve the integrity and sovereignty of nations and cultures and is there some way of reconciling such traditions with a quest for equality?

Another difficulty with the conventional definition of multiculturalism is that the idea of culture is often reduced to religion. For instance, religious authorities become the spokesmen (and they usually are men) for an ethnic community and questions of the rights of individuals within a particular tradition are left to them. There is also a tendency in this approach to "freeze" individuals into one of their identities. But people's identities very often include a wide range of influences (ethnic, class, gender, profession, religion, etc.). The focus of identities often shifts depending on the contexts in which people find themselves. Different historical situations can enforce some individual and collective identities, and thus promote certain ethnic projects more than others. One Bosnian woman refugee recently explained how Islam, from being a virtually non-significant "if quaint" element in her background had become, through the recent war, her primary identity.[22]

In today's increasingly globalized world, it is difficult if not impossible to find a hermetically sealed culture; perhaps it was always so, and perhaps the notion of one culture or one homeland that defines us is simply imagined.[23] The challenge at the core of debates about human rights and multiculturalism is how to acknowledge and respect "difference" without reifying it as perpetual, closed and unchanging.[24] How does one negotiate the difference between cherished ideals of equality and cross-cultural differences?

In the context of immense inequalities of power between countries, it is not difficult to understand why caution is warranted against the outside imposition of "rights" on the weaker members of the world community. Indeed, the recent imposition of policy conditionalities by the multilateral financial institutions on many Southern indebted

countries has made any discussion of human rights in multilateral settings extremely difficult.[25] This was clearly demonstrated in the recent attempts by the International Labour Organization to open a debate on the "social clause" in world trade agreements. The impasse within the ILO, and the limited capacity of other UN agencies to put their weight behind comprehensive social policies, is illustrative of the constraints that the multilateral system is up against. Cultural diversity has, for example, been used to justify a different moral and social policy agenda for Islamic societies. It has also been used to argue that social policy reforms being suggested for the social security and social assistance schemes in China are likely to founder on the rock of Confucian indifference to the concept of rights granted by states to citizens. In response, some critics have argued that the so-called "Asian values" often serve the expedient needs of authoritarian rulers and elites in the area. But could there be norms and values idiosyncratic to different civilisations that can be utilized differently in order to obtain socially desirable outcomes? Is it possible, for example, to articulate the communitarian norms in East Asia in such a way as to highlight social rights?[26]

Although conceptions of citizenship and democracy originated in the West and it is these liberal constructs that predominate in rights discourse, it is crucial that genuine universality is obtained through a sustained intra-cultural and cross-cultural dialogue that can draw on norms and values identified with different civilisations. Moreover, if rights-based approaches to development are to become meaningful to people's lives, it is also crucial that the discourse is brought down to the ground where economic and political inequalities, persistent social hierarchies and entrenched cultural norms relentlessly block the implementation of hard-won rights. How such tensions can be reconciled in theory and practice will be discussed in this workshop.

Endnotes

[1] Sorensen, G., **Democratisation and Social Development**, mimeo, UNRISD, Geneva, 1999.

[2] The term privatization is put in quotations because it includes not only the private sector, but also families/households. In other words, domestic units (and specific individuals within them) may now assume responsibility for the provision of services which were hitherto provided by the public sector.

[3] Kofi Annan, Secretary-General of the United Nations, Annual Report on the Work of the Organization 1998, cited in **NGLS Roundup**, November 1998, p. 2.

[4] See Doyal, L. and I. Gough, **A Theory of Human Need**, London: Macmillan, 1991.

[5] This question is raised in ODI Briefing Paper, **What Can We Do with a Rights-Based Approach to Development?,** September 1999, London.

[6] For an analysis of the politics of need interpretation, see Nancy Fraser, **Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory**, Cambridge: Polity Press, 1989.

[7] See Ruth Pearson, **Gender and Economic Rights**, mimeo, UNRISD, Geneva, July 1999.

[8] See Maxine Molyneux, **Gender, Citizenship and Democracy: Reflections on Contemporary Debates**, mimeo, Institute of Latin American Studies, London, 1998.

[9] See Hilary Charlesworth, "What are 'women's international human rights'?" in **Human Rights of Women: National and International Perspectives**, R. Cook (ed.), University of Pennsylvania Press, 1994.

[10] See Rosalind Petchesky, **Reproductive and Sexual Rights, Social Development and Globalization: Charting the Course of Transnational Women's NGOs**, mimeo, UNRISD, 1999.

[11] See Petchesky, op cit.

[12] See Sally Falk Moore, "Changing African land tenure: Reflections on the incapacities of the state", **The European Journal of Development Research**, Vol.10, No.2, December 1998: 33-49.

[13] For an excellent discussion of these issues see Clayton, A., J. Taylor and P. Oakley, **Civil Society Organizations and Service Provision**, mimeo, UNRISD, Geneva, 1999.

[14] See Thandika Mkandawire, **Social Policy in a Development Context**, UNRISD, mimeo, 1999.

[15] See Bangura, Y. and T. Nakamura, **Democratisation and Governance Reforms in Plural Societies**, mimeo, UNRISD, Geneva, 1999.

[16] See Goetz, A.M., "Fiddling with democracy: Translating women's participation in politics in Uganda and South Africa into gender equity in development practice", in White, G. and M. Robinson (eds.), **Democratic Developmental State,** Oxford: OUP, 1998.

[17] See Jaquette, J.S. and Wolchik, S.L. (eds.), **Women and Democracy: Latin America and Central and Eastern Europe**, Baltimore and London: Johns Hopkins University Press, 1998; and Alvarez, S., **Engendering Democracy in Brazil: Women's Movements in Transition Politics**, New Jersey: Princeton University Press, 1990.

[18] See Hassim, S., **The Dual Politics of Representation: Women and Electoral Politics in South Africa**, mimeo, University of Witwatersrand, South Africa, 1999.

[19] See Einhorn, B., **Cinderella Goes to Market**, London: Verso, 1993.

[20] See Mayaram, S., **En-gendering Democratic Governance through the Panchayats in India**, mimeo, UNRISD, Geneva, 1999.

[21] Yuval-Davis, N and P. Werbner (eds.), **Women, Citizenship and Difference**, London: Zed Books, 1999.

[22] Cited in Yuval-Davis, N., **Women, Ethnicity and Empowerment**, ISS Working Paper Series no.151, June 1993.

[23] See Benhabib, S., "Cultural complexity, moral interdependence, and the global dialogical community" in **Women, Culture and Development**, Nussbaum, M. and Glover (eds.), Oxford: Clarendon Press, 1995, pp. 237-245.

[24] See Yuval-Davis and Werbner op cit., p. 9.

[25] See Deacon, B., **Globalization, Social Policy and Social Development Debates at the End of the 1990s**, mimeo, UNRISD, Geneva, 1999.

[26] See Woo-Cumings, M, forthcoming.