

RIGHTS-BASED DEVELOPMENT

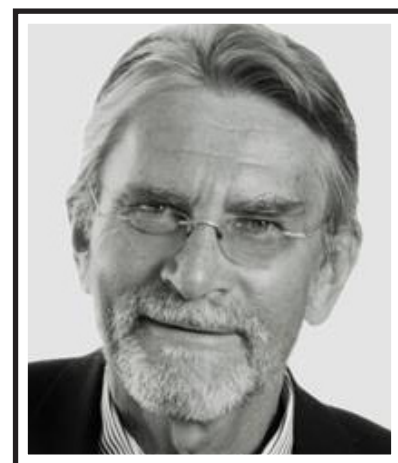


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Reflections on the foundations of NORCODE's work

Translated from Norwegian by Roger Greenwald

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In broad perspective, the idea of working to promote rights-based development relies on the theory that sensible development can arise from all the sets of rights included in the Universal Declaration of Human Rights. Such an idea forms the basis for the way the Indian Nobel laureate in economics Amartya Sen, among others, theorizes about and analyzes what development entails.¹ It also implies a new view of practical work in development: it introduces an emphasis on organizing and on making it possible for various groups in society to exert power and advance their own interests.² This approach assumes that development consists of more than supplying people with services and turning them into clients. To have one's needs met for access to education, health care, clean water, etc. is a right, not something one should receive as a form of charity.

CATEGORIES OF RIGHTS

In our thinking about rights it is necessary to distinguish in principle between two categories of rights. One category comprises the rights that we have by virtue of being human. These are codified in various declarations of human rights, but such declarations are legally binding only to the extent

that they are ratified and incorporated into signatory states' constitutions and statutes. The second category comprises the rights that we have by virtue of being citizens of a state. In this connection we must note that in our present era of globalization and mass migrations, there are millions of people who do not benefit from rights in this category, because they find themselves in a form of stateless limbo.

The evolution and codification of rights have taken place over a relatively long historical period and have been achieved at different times in different societies. One condition for the principled application of these rights is that they embrace a special defense of the rights of minorities. Furthermore, rights are not bestowed once and for all, but rather must be created and secured through work and struggle.

It is possible to divide rights into four main types: civil, political, social, and cultural.

Civil rights include people's rights to be treated equally, to hold property, to have due process of law, to enjoy freedom of speech and religion, and to have their privacy protected. Citizens have these rights by virtue

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of being autonomous individuals. In western societies such rights were developed mainly in the 1700s and were codified in the United States Constitution and by the French Revolution.

Political rights concern the right to vote, to run for public office, and to organize politically and socially. These rights are a result of the work of political movements in the 19th century.

Social rights include such benefits to well-being as the right to health, education, and a social safety net. These rights were fought for and won mainly by organized-labor movements and were entrenched by the welfare states in the second half of the 20th century. They are still a contentious matter for neo-liberal ideology.

Cultural rights include the right to participate in and enjoy a wide range of cultural expression. These rights have become especially relevant in the new multicultural societies that are now developing.³

Rights connected to creative work — which extend beyond copyright by covering, among other things, the author's moral rights — encompass rights of all four main types. In working to strengthen these rights within the context of development, one must

build on a broad foundation and not isolate this particular form of aid and cultural cooperation from the task of securing other rights as well. For that reason I am going to set out some of the basic principles that underlie a rights-based approach to development.⁴

PRINCIPLES

To this way of thinking, a central question is how to *fight poverty*. One must see that the poverty syndrome concerns the society as a whole and not just the poor. Societies in which the majority of the population finds itself under the poverty line are characterized by a form of underdevelopment that also affects those sectors that are not harmed by poverty directly. Strategies for rights-based development must therefore be grounded in comprehensive analyses of both the causes and the symptoms of poverty.

Such analyses require an understanding of *the connections among power, politics, and human and social relationships*. The bases for change do not lie in a narrow focus on one or a few fields but in collaboration among many actors, especially those players engaged in organizing in the civil society and in social movements. Cooperation with the state must be clearly defined so as to proceed on the premise that civil organizations have their proper tasks and governmental bodies have theirs.

One consequence of this argument is that *the building of organizations* must be central in strategies for aid and development. Organizations must seek to promote those interests that arise from various groups' needs and rights. Good examples of this are organizations that promote women's rights and organizations that work to defend human rights. In the present context the organizing undertaken by artists' groups is also relevant. It is the goal of such groups to strengthen not only the artists' own rights but the population's opportunities to participate in cultural activities.

The last example also indicates that rights-based development strategies must not instill passivity, but must *build on active initiatives* taken by

the concerned parties. In short, such strategies must build on creative forces. Their tactics must also focus on which rights the citizens of a given society have. They must point out and present for open discussion various models for development, thereby encouraging participation and democratic means of decision-making. They must put development for distinct groups in the larger context of development for the society as a whole.

“International collaboration in rights-based development must be based on solidarity.”

This means that *local ownership of issues* is important. One must realize that development is a long-term project, in which one cannot expect immediate results on the basis of narrowly focused efforts. Development builds on experience and knowledge that are accumulated and assimilated. It involves many different groups and aspects. International collaboration in rights-based development must be based on *solidarity*.

VALUES

The principles outlined above rest on some fundamental values, which can be summarized by the following keywords:

Justice. Rights-based development must aim at creating a just society, both domestically within each country and internationally. Efforts to secure the rights of creators must therefore find ways of distributing their work that ensure a fair sharing of remuneration. But such efforts should not have the obtaining of remuneration as their only goal; they should also contribute to making work created in a society accessible to the groups that compose that society. This leads to the next fundamental value:

Equality. Concepts of human and civil rights rest on the value of equality. This is not the same as uniformity; rather, it entails equal opportunities and equal rights. In relation to

creators' rights this is important in view of the unequal opportunities for distribution and use that are a feature of the multinational culture industry. A rights-based model of development for the cultural sector, if it is to rest on the value of equality, must contribute to strengthening national and local cultural industries and to securing their rights.

Respect. Strategies for development that are not built on a foundation of respect for the people concerned are doomed to fail. This value requires that the actors in the process of development be regarded as participants, not as the objects of a form of social engineering. The underlying attitude here

is that people must meet as subjects in a reciprocal relation to one another. For rights-based development in cultural fields, respect demands that we recognize differences in forms of cultural expression.

Participation. Closely connected to the value of respect is the premise that those who are subjects in the processes of development must also be participants. This idea derives from the emphasis placed on organizing in the rights-based model of development. In the cultural sector this means that one must build organizations of cultural workers on the basis of two closely related rights: the right to free expression and the right to receive reasonable payment for the creative work they put into making their cultural products.

Dignity (autonomy). In connection with this value it makes sense to return to the first main type of right, civil rights. These rights have their basis in the lines of thought about autonomy that Immanuel Kant pursued. Now, obviously it may seem a bit forced to bring an Enlightenment philosopher from the 1700s into a discussion of our day's policies on development, but those lines of thought in fact underlie all later understandings of rights. Autonomy entails the ability to use one's reason without supervision. Thus development is not a form of instruction in which Others are informed how they should behave. Knowledge about

development must not be imposed from without, but must grow from within as a form of enlightenment. This process requires a discussion of a society's development that takes place in a public sphere inhabited by autonomous individuals as well as representatives of various social interest groups, and further requires that the discussion respect freedom of speech. The significance of such a process for right-based development is evident.

Transparency and oversight. This value arises from the preceding one. Rights-based development requires that decision-making processes be transparent and that they can be debated in such a way that the decision-makers can be held accountable. Unfortunately, the situation in much development work is that decisions are taken without sufficient openness, often by organizations that shield themselves from external oversight. It is an important element of rights-based cultural work to support the creation of a critical and free public sphere.

Democracy. The six values outlined above point toward the last one, namely the significance of democracy. Development processes must be based on good governance. Work on cultural development must build on a fundamental democratic understanding of the role that democratic processes play in ensuring the diversity of cultural and artistic expression. To organize in the field of cultural rights means to strengthen democracy. Democracy as a value in turn requires that there be a reciprocal relation between civil society on the one hand and the state and its institutions on the other. Rights must be established in law and justified politically, and they must be respected and enforced.

NORCODE'S WORK.

The principles and values I have outlined above should in my view have the following three consequences for NORCODE's activities.

1. Our work must be directed towards developing countries in such a way that initiatives for collaboration come

primarily from organizations in such countries, in collaboration with international organizations when feasible.

2. Our work must be organization-based, but not in such a way that northern initiatives set up partners that lack roots in local activities and communities of interest. The organizational initiatives should not come from NORCODE, but from NORCODE's member organizations (Kopinor, BONO, TONO, GRAMO, and Norwaco) or the Norwegian rights-holder associations that they represent, in partnership with rights-holder organizations in the developing countries.

3. NORCODE should function as a facilitator, a disseminator of knowledge, and an organizational resource.

REFERENCES

- 1: See, e.g., Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999)
- 2: For a discussion of what such an approach implies for practical work in the areas of aid and development, see Britha Mikkelsen, *Methods for Development Work and Research: A New Guide for Practitioners* (London, New York, New Delhi: Sage, 2005).
- 3: This way of thinking about rights was introduced by the British sociologist T. H. Marshall in the 1950s and 60s. See Marshall, *Class, Citizenship, and Social Development* (New York: Doubleday, 1964).
- 4: I rely here on Jennifer Chapman et al., "Rights-Based Development: The Challenge of Change and Power" (Global Poverty Research Group, 2005. Working Paper GPRG-WPS-027. <http://www.gprg.org/pubs/workingpapers/default.htm>)

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