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Center for American Progress

SPECIAL PRESENTATION

**SAMUEL DASH CONFERENCE ON HUMAN RIGHTS:
THE FUTURE OF HUMAN RIGHTS**

**“INTRODUCING SOCIAL AND ECONOMIC RIGHTS
INTO U.S. POLICY”**

MODERATED BY:

**JANE STROMSETH, PROFESSOR OF LAW AND DIRECTOR OF
THE HUMAN RIGHTS INSTITUTE, GEORGETOWN UNIVERSITY
LAW CENTER**

FEATURED PANELISTS:

RAYMOND OFFENHEISER, PRESIDENT, OXFAM AMERICA

**LEONARD RUBENSTEIN, PRESIDENT, PHYSICIANS FOR
HUMAN RIGHTS**

**MARGARET ROGGENSACK, POLICY DIRECTOR,
FREE THE SLAVES**

ERIC SCHWARTZ, EXECUTIVE DIRECTOR, CONNECT US

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MR. WILLIAM SCHULZ : The rich and the poor are not equally free to sleep under the bridges of Paris. The rich may do so if they choose, but they generally choose to walk over the Pont Neuf, while the poor sleep under it. It's the same Paris, but its intonations are quite different, depending upon one's sleeping accommodations.

The U.S. government has been chary about recognizing social and economic rights as real rights for many years. But until a few years ago, even major human rights organizations understood themselves to be in the business of securing the poor the right not to be tortured when the police evicted them from under the bridge, but not the right to a decent bed in the first place; the right to a fair trial, but not the right not to starve on the way to the courthouse; the right to a free press, but not the right to be able to read the paper that that free press produced.

Much of that has changed. Human rights are now understood to encompass social and economic rights as well. It only makes sense, after all, because human rights really do encompass the whole person.

The psychiatrist, Robert Coles, tells a wonderful story about a Catholic saint, Dorothy Day – Dorothy Day, a saint in real life, with whom he, Robert Coles, had an appointment at a settlement house where he worked. When Coles arrived, Day was in deep conversation with another woman whom he immediately recognized as mentally disturbed, disheveled, incoherent, alcoholic, but Day was completely engrossed in what the woman was saying. And when Coles finally made his presence known, Day looked up to him and she said, “Oh, hello, Robert. Did you wish to speak to one of us?” Did you wish to speak to one of us? Cole said later that he never learned anything at Harvard more valuable than that.

Here to moderate a discussion on how to encourage the government to incorporate social and economic rights into its future policy agenda is Georgetown's Professor of Law Jane Stromseth.

MS. JANE STROMSETH: Thank you, Bill. Thank you very much. (Applause.) Welcome, everyone, to this panel on introducing social and economic rights into U.S. policy. I am Jane Stromseth. I'm a faculty member here and the director of our Human Rights Institute and I'm delighted to be joined on this stage by a truly remarkable group of panelists who will help us work through the question of how social and economic rights should be treated by a new administration.

As most of you know, social and economic rights, such as the right to education, to food, to safe and healthy working conditions, or to the highest attainable state of health, are enshrined in the Universal Declaration of Human Rights, and have been legally recognized by the 157 countries who have ratified the Covenant on Economic

Social and Cultural Rights. Although the U.S. is not a party to this treaty, economic and social rights were at one point a priority of U.S. administrations as well.

Indeed, it is President Franklin Delano Roosevelt, with his emphasis on freedom from want, who is widely credited with having laid the groundwork for including economic and social rights in the Universal Declaration of Human Rights. And with President Truman's support, Eleanor Roosevelt, working on behalf of the United States government, was instrumental in including these rights in the Universal Declaration and also in producing the early drafts of the International Covenant on Economic, Social and Cultural Rights.

A number of subsequent U.S. presidents treated social and economic rights with at least rhetorical support and President Jimmy Carter signed the covenant and submitted it to the Senate for its consideration.

Yet, in more recent years, the United States has often been reluctant to embrace economic and social rights as rights. In many instances, U.S. officials have characterized these rights as separate from, and less important than, civil and political rights, arguing that economic and social rights lack clear, substantive content and are merely aspirational.

Some U.S. concerns about social and economic rights may have their roots in the sometimes complex and challenging nature of these rights. For one thing, the Covenant on Economic and Social Rights provides that these rights may be realized progressively and to the maximum of a state's available resources, a different standard than that which applies to civil and political rights.

And even many states that are parties to the covenant do not provide for the full justiciability of economic and social rights in their domestic courts. But despite these potential challenges, many of the world's poor and hungry, those striving for freedom from want, look to economic and social rights as the foundation for a better future.

And so as we await the inauguration of a new president early next year, we have an opportunity to reexamine our policies with respect to economic and social rights. It's time to ask a number of, I think, important questions. For instance, is it time to build on the policies of earlier administrations and refocus greater attention to economic and social rights? Would greater attention to these rights be in the interest of the United States?

For instance, would it help us to address problems such as global poverty and HIV/AIDS more effectively? What does the United States have to gain or lose by recognizing or not recognizing these rights? And as a matter of public policy, can the United States legitimately and credibly criticize those states who regularly violate economic and social rights, if we do not recognize the importance of these rights ourselves?

To help answer some of these questions, we are joined by four distinguished panelists, all of whom have engaged in important work regarding economic and social rights, including in the fields of development, health, HIV/AIDS, anti-slavery and humanitarian relief. They have seen up close urgent human need and can provide perspective on the potential for strategies based on economic and social rights to address those needs. The full bios of our panelists are in your program so I'll say just a few words about each of them.

Ray Offenheiser is the president of Oxfam America, a leading non-profit international development and relief agency and the U.S. affiliate of Oxfam International. Before joining Oxfam America thirteen years ago, Mr. Offenheiser served as Ford Foundation representative in Bangladesh and, prior to that, in the Andean and Southern Cone regions of South America. He's also directed programs for the Inter-American Foundation in both Brazil and Colombia, and worked for Save the Children Federation in Mexico. He serves as a board member and advisor to a number of organizations and he's a frequent commentator in the media on issues such as foreign aid, international debt, human rights and global trade practices.

Meg Roggensack is the policy director for Free the Slaves, a non-governmental organization dedicated to eradicating modern-day slavery through community-based and multi-stakeholder partnerships, advocacy and education. Free the Slaves is the sister organization of Anti-Slavery International, the world's oldest human rights organization. Prior to joining Free the Slaves, Ms. Roggensack practiced law with Hogan & Hartson, chairing the firm's Latin American practice group, and she has advised many private and quasi-governmental organizations. And I'm happy to say that next fall, she'll be co-teaching a course here at Georgetown Law on Human Rights at the Intersection of Trade and Corporate Responsibility. Sign up, if you haven't already.

Len Rubenstein is president of the Physicians for Human Rights, an organization that mobilizes health professionals to advance human rights. For thirty years he has been an advocate for human rights and health domestically and internationally. He has led human rights investigations throughout the world and in recent years his work has encompassed global HIV/AIDS, human rights and health systems development, gender inequality in health and human rights dimensions of U.S. anti-terror policies and practices. He's written extensively about the relationship between human rights and health, including the role of human rights organizations in advancing economic and social and cultural rights. And in addition to servicing on a number of boards, he's been an adjunct professor here at Georgetown.

Eric Schwartz is executive director of Connect US Fund, a grant-making body designed to foster collaboration among non-governmental organizations active in foreign policy issues in order to advance a vision for responsible U.S. global engagement. Previously, Mr. Schwartz served as the UN secretary general's deputy special envoy for tsunami recovery, as a lead expert for the congressionally mandated Mitchell/Gingrich Task Force on United Nations Reform and as the second ranking official in the office of the UN high commissioner for human rights. In addition, Mr. Schwartz also served as

senior director and special assistant to the president for multilateral and humanitarian affairs, where he managed administration responses on a range of peacekeeping, humanitarian and refugee issues, worked on rule of law in human rights. And he also initiated and oversaw the review process at the White House that led to the U.S. signing the Rome Statute of the International Criminal Court. He served in the Hill as staff consultant to the U.S. House of Representatives Foreign Affairs Subcommittee on Asian and Pacific Affairs and he's also served as Washington director of the human rights organization, Asia Watch, also now known as Human Rights Watch Asia.

Now we'd like to run this in a discussion format, so I'll put some questions to the panelists. And after we've had what I'm sure will be a lively conversation, we will open it up and take questions from the floor. So I'll begin with Eric Schwartz, and my question to you, Eric, is, drawing on your experience at the White House, on the Hill, and internationally, what in your view are the benefits of focusing more attention on economic and social rights as part of the human rights strategy for the United States?

MR. ERIC SCHWARTZ: Well, first, thank you, Jane, and it's a pleasure to be here. I want to thank the conference organizers for asking me to participate.

I guess I think there are probably three benefits to embracing the notion of economic, social and cultural rights. The first is, it will help to blunt the worldwide perception of American arrogance, the perception that we see international law as a vehicle to promote our interests when it is convenient for the United States, and when it's not, we discard it.

There is a growing consensus, happily, among the presidential candidates, I think, certainly among the American body politic, that we're not doing so well in the world in terms of the way other governments and other people perceive our role, and I think an awareness that it's not simply costing us in terms of our likeability factor, but it is having the perception of the United States as being arrogant is having an impact on our ability to affect influence around the world, however we want to do that.

So I think – I don't want to overstate the impact-- but I think the first of kind of three observations I'd make would be that I think it would help in a modest way to convince, or to begin to reverse the perception, that we don't care what the rest of the world thinks and that international standards are valuable when they serve our interests, and discardable when they don't and I think that positive impact would have – both with respect to governments and with respect to people around the world.

The second value would be a simple – will simply increase our capacity to participate and influence issues and progress in areas that we, as a country, we as a people, care deeply about. And why shouldn't we care about this area? If you look at it, much of – when you look at the International Covenant on Economic, Social and Cultural Rights, and documents that are seen as relating to economic, social and cultural rights, what you really see in many cases are what conventional, international, civil and political rights advocates have identified as kind of black-letter, negative rights. Throughout

economic and social rights documents, you see references to issues like nondiscrimination, equal treatment. So conceptually, those are not real stretches for a government like ours. They are very similar to the negative rights to which Bill was referring.

Secondly, even a lot of the positive rights, a lot of the rights that are considered economic, social and cultural, which have – are also very closely linked to rights in the civil and political sphere, and if we don't want to play in this general area, we kind of are shooting ourselves in the foot. I'm thinking, for example, the right to form trade unions, the right to strike. Those are – are those economic, social and cultural rights or are they international civil and political rights?

Thirdly, there are a lot of affirmative obligations in international rights law that would be in the, I guess, probably in the economic, social and cultural rights bailiwick, because they're affirmative obligations upon states to essentially restrict the behavior of private individuals. But they look very much like civil and political rights. I'm talking about the right against child labor, provisions relating to human trafficking, where essentially, states are being asked to impose standards largely on private entities. And we don't want to walk away from those issues about which we care.

And I would even go so far as to say in areas that are clearly kind of on the – as you go from the continuum of civil and political rights to economic, social and cultural rights, more on the economic, social and cultural rights side, they are nonetheless – and they're affirmative obligations on states – but they really are bedrock obligations that Americans would hold very dear. And it's not clear to me that we lose anything by playing on these issues internationally, like the right to primary education or the rights of people with disabilities.

So my second point is, if we're not engaged in these issues in a meaningful way, we lose out on our ability to influence in areas that we, as a society, care greatly about.

And then I guess my final point is that I think it's a practical and it's a tactical matter. If we're prepared to move in a positive direction on these economic, social and cultural rights, I think we're going to enhance our ability to promote a whole range of other human rights objectives, because both with our allies, all of whom have endorsed – and all of the NATO countries have acceded to the International Covenant on Economic, Social and Cultural Rights; 157 countries have ratified the document. So I think we would enhance our capacity diplomatically to promote diplomatic objectives generally, when we're not seen as the holdout in this particular area.

MS. STROMSETH: Just as a follow-up, Eric, you've made a strong case for the benefits of greater U.S. support for these rights, but why have past administrations been so reluctant to embrace them, and what are the obstacles that might face a future administration in embracing them more fully?

MR. SCHWARTZ: Okay. First of all, I was within five minutes on that one, so I'll stay within five minutes on this one. Well, first of all, I think that – you shouldn't overstate the reluctance of administrations, if by administrations, you mean the president and the people who he or she brings into office. In the Clinton administration, we were party to – we endorsed the Vienna Declaration on Human Rights, which talks about the right to development. It talks about economic, social and cultural rights and puts them on an even par, and the administration, the Clinton administration, endorsed that, and that was after some considerable internal discussion. But I don't think the call would have gone the other way.

In addition, the administration, as I recall, signed the Convention on the Rights of the Child. I think we did, right, yes. I was deeply involved in that decision, but as you get older, you literally just forget. So I wouldn't overstate the reluctance. I think a lot of the reluctance, at least with the administration in our case, was the perception of the Congress. And also, I would also say some of the gnomes at the Department of State, without trying to cast aspersions on people who I have a great deal of respect for, although I just did cast aspersions. (Laughter.)

But let me start by talking about the high-minded opposition, and I'm starting with that, because I don't think the high-minded opposition is really the major cause of opposition to economic, social and cultural rights, but I think it informs it in a kind of an intangible way. The high-minded opposition to which Bill alluded is that rights have got to be enforceable and justiciable; otherwise, they're not rights. And affirmative, when you're dealing with – and so essentially, the clearest case is freedom from government restrictions, which are enforceable and justiciable.

And affirmative obligations of states is a little murkier, because it involves questions of resources; whether the state has adequate resources to vindicate the right; different strategies when you're assessing whether a right is being vindicated; can you also pass judgment on different strategies in doing it; a free market strategy versus more of a social democratic strategy. So it's harder to enforce. And that's kind of what I would say is the traditional theoretical objection to the notion of these elements as rights.

The problem with that, of course, is number one, it kind of ignores the whole notion of the progressive realization of these rights, and governments and others – governments in particular jump to, okay, even though they say progressive realization, they're going to haul us into court. But it ignores the fact that these are rights that really would be evaluated in a bit of a different way.

Number two, often, it's not so clear. The line between a negative right and a positive right sometimes is a little vague. For example, everyone thinks that the right of peaceful assembly is a negative right. You can't restrict people from assembling peacefully. Well, what happens if you have demonstrators and then private entities come out and basically bust up the demonstration? I think most folks would say a government has an affirmative obligation to permit that to happen. So does that turn a negative right into a positive right?

Similarly, disability, the right of equal treatment for people with disabilities, that seems on one level to be a negative right, but on the other hand, governments have to commit resources to the task to permit equality of treatment. So I think this line between negative and positive rights can also sometimes be a little cloudy. So that's the high-minded resistance.

Then, in my thirty seconds, the other two elements that I think are really what's much more at play in the political environment. Number one is I'm not sure – a lot of the opposition to economic and social and cultural rights in the political environment is really an opposition to international human rights being applied to Americans generally. The Congress is very nervous about – has a general resistance about those foreigners telling us what we need to do. And I think you see that with any international human rights convention, and maybe you see it a little bit more with the Convention on the Rights of the Child than you do with the convention against racism, but I'm not sure how much – it think it's all part of the piece.

So that would be my second reason for the resistance. And my third, to the extent that we're really talking about economic, social and cultural rights, I think there is a concern among some about are these provisions going to mandate redistribution of wealth in the United States and to force the state to play that kind of role? I think that element is probably there as well, but when we get to it, I think all of these issues are manageable.

MS. STROMSETH: Great. Thank you. Len, I'm interested in your thought about whether taking a human rights approach to health provides more power to advocacy in your experience working for Physicians for Human Rights.

MR. LEONARD RUBENSTEIN: Yes. Next question? (Laughter.)

MS. STROMSETH: Can you explain a little bit how and why it helps?

MR. RUBENSTEIN: Perhaps little more. Let me say first that we've already made progress today. I really think Jane and Bill, the other organizers, really deserve credit for even putting this on the agenda, because this is never on the agenda, much less the agenda of the future of human rights discussed in one day. So we're already getting there.

Taking health as an example of social and economic rights, but I think you could express this with other rights as well, I can put it very starkly. The right to health is to global health as political and civil rights are to the promotion of democracy. What do I mean by that? This morning in the panel, the panelists emphasized that elections alone are not sufficient as a basis to establish democracy anywhere in the world.

To have a legitimate democracy, you need to protect human rights, you need the rule of law, you need a free press, you need mechanisms of accountability, you need protection of minority rights. It's similar in health. You can't end the catastrophe of

millions upon millions of people dying preventable deaths, of people living only into their 30s now in some countries in Africa, unless you take a human rights approach to health.

And I'll briefly give you five reasons why. First, it puts health as a matter of value and principle in the same way that free speech is a matter of value and principle. It's a matter in U.S. and other governmental policy of prioritizing health, ending poverty, ending displacement, surviving in giving birth, and other social and economic rights, as having special obligations as they are under these covenants.

So there's an overarching sense of value and principle which gives it power. And it also affects how we make decisions in foreign policy. Just as we talked this morning, that there will be times when there will be tension between human rights goals and other foreign policy objectives, that will also be true with health or any other economic or social right, but putting it on a rights basis gives it a stature and an ability to fight for some priority that it wouldn't otherwise have. So that's the first sense in which it's a matter of power.

Second, and this is really getting to how you achieve health, fulfilling health is not a matter of establishing a good health program. We can have all the PEPFARs [President's Emergency Plan for AIDS Relief] in the world and we can very happily and joyfully put \$50 billion into AIDS, malaria and TB, and that's terrific. But that's not going to solve the problems because we know that health is a product not just of health services, but determinants of health. And those determinants run from everything from education to clean water to vaccinations to protection of the environment to social determinants, which may be even more powerful, and in some countries, are a more powerful predictor: the subordination of women; the discrimination against indigenous groups, which both affect their health and deny them access to health services. So without taking a human rights approach, we don't even have a hope of helping people end the tragedy and injustice of ill health.

Third, the human rights infrastructure gives us standards and obligations. It does so as much for social and economic rights as political and civil rights. It is really a myth-- it's a very powerful myth but it is a myth--that these rights are indefinite, they're indeterminate, they're not capable of enforcement, they're not even capable of standards. That's all untrue.

In health, in particular, for example, there are obligations to have comprehensiveness, to reach vulnerable groups, to assure the participation of affected communities, to have mechanisms of accountability, and on and on. And we know that once you have those standards, you have a basis to enforce those standards, and so that every health program, every time we're seeking to improve health, we need to incorporate those standards, so we don't have perverse effects, as well as promoting good effects.

I'll give you an example of a perverse effect. In vertical programs – that is, disease-based programs like AIDS – it's terrific that our government and other governments are making commitments to prevent and treat AIDS but when you do that, it has impacts on your health system that can be harmful. For example, in many countries, because of the availability of PEPFAR money on the one hand, and the terribly weak infrastructure and lack of health workers on the other, the AIDS program has the effect of kicking people out of primary care to get more money from NGOs or government-operating AIDS programs.

A human rights approach simply disallows that because a human rights approach says you must be comprehensive and you must meet standards to make sure healthcare is available to all, that health workers are available to all, and that you don't prioritize one disease over another.

Fourth, a human rights approach makes us look at other policies. I'm sure my fellow panelists will discuss this in greater depth. But when we talk about the right to health, we have to talk what U.S. trade policy is and what the impact of trade policy is on health. And just to take the simplest example about patent protection and intellectual property protection for drugs, which have had the impact of raising the cost, sometimes astronomically, of critically needed drugs in the developing world.

And are we to say that intellectual property protection trumps human rights law? Well, no. Even the TRIPS Agreement for Trade says that public health is a priority. The former commissioner on human rights says you have to balance needs for intellectual property protection for drugs with the human right to access to medication. So when we talk about power, we see that we're not looking at the services alone. We're looking at our own conduct and behavior that affects the corporations that are often so important both in fulfilling or undermining health, particularly, as I said, with respect to medication.

And finally, the power of human rights is a power of human rights everywhere. Human rights gives people something to believe in. They give people a sense that they're going to organize around it. It gives them the sense of dignity as human beings, which is the fountain of human rights, and a belief that what happens to them and their own ill health isn't just bad luck, isn't tragedy, isn't circumstance, but is a violation of their human rights. And they can act together, they can act in solidarity in the developing world, in the developed world, to address those violations, and achieve health.

MS. STROMSETH: Great. Thank you. Can you say a little bit about what practical steps you think a new administration could and should take regarding the right to health, and maybe also in answering, say a little bit about what such a right might mean in the context of ongoing commitments like the president's emergency plan for AIDS relief, PEPFAR?

MR. RUBENSTEIN: Eric did a really good job, I think, of laying out some of these issues. Let me just try to supplement a few things. The first thing we have to do is stop undermining these rights. The United States has taken very, very regressive,

retrogressive positions on these rights to do everything it could to make them unenforceable and nothing but aspirational.

In fact, you probably don't know, you have to be an obscurantist to know that the [UN] special rapporteurs submit their reports to the [UN] Human Rights Council and they just routinely accept it--there's nothing not to accept. You just accept it. The United States actually voted against accepting one of the reports that the special rapporteur on the right to health submitted on the grounds that his references to reproductive health were a signal about abortion so they voted actually against. The vote was like sixty to one and they [the US] voted against it. So first is to stop undermining.

The second is to really give more legitimacy to the rights, recognizing, as Eric talked about, and Jane talked about, that these rights have a long tradition in the United States, going back to the New Deal, FDR's State of the Union message, the "freedom from want" that even Bush did affirm these rights in some lofty language, just as he affirmed democracy, but then through policies kind of took the heart out of it. We don't want to undercut the importance of affirmation.

[Third]-- and this is hard, but really important -- we can't really be serious about economic and social rights in our foreign policy unless we're serious about them at home. We still have trouble talking about these rights in our own country, starting with the right to health. We have a political campaign going on right now and everybody has to talk about healthcare.

So I checked out the websites of the three major candidates to see which, if any of them, actually said that healthcare -- not health, which is much broader -- but healthcare is a human right. McCain has nothing; Hillary Clinton has nothing. Barack Obama, about eighty percent into a speech he gave, used the word "right to healthcare," but it was near the end. So even our leading proponents of health reform can't get it out of their mouths, upfront in the first sentence, not the fiftieth sentence, "Healthcare is a human right." We need to be able to articulate that here if we're going to make any progress abroad.

Finally, I think there's some very concrete policy steps we can take. One is to incorporate social and economic rights into State Department human rights reporting, as used to happen. We can make sure that those country reports actually address these issues. And I want to emphasize that these issues are not always affirmative issues. We think of civil rights and political rights as negative and these as affirmative. It's not really true. The protection against forced evictions is a protection to the right to housing. That's a negative: stop hurting people. The elimination of school fees--you can say that's affirmative but it's also protection of the right to education.

So we need to be able to speak out when there are arbitrary evictions or when there's government-induced famine, as there was in North Korea. We spoke out about the repressive government in North Korea but we didn't speak out and say, "Their food policy is violating your people's right to health or right to food." We have to be able to speak on those issues. And finally, it means participating actively, as Eric suggested, in

the international agenda to advance it in all the mechanisms of the UN and all of the other mechanisms available. You asked about PEPFAR too?

MS. STROMSETH: Yes.

MR. RUBENSTEIN: I'll be brief on PEPFAR. We're starting to get there in PEPFAR. I mentioned some of the problems that came out of PEPFAR despite all its benefits, some of the perverse impacts. I think we're starting to make progress but PEPFAR needs to incorporate, as a fundamental aspect of its being, the human rights standards that are part of the right to health. There are very specific standards. For example, for health services, there are four standards. It has to be available; it has to exist; it has to be accessible geographically and financially; it has to be acceptable from a cultural point of view; and it has to have sufficient quality in terms of basic quality of care and available resources to make quality of care available. We should build those into PEPFAR.

We should also make sure that PEPFAR reaches the vulnerable populations that the right to health requires. We also have to make sure that it reaches populations that are traditionally despised and marginalized, people like drug-injecting drug users. We have to make sure that the social determinants of health, like the disempowerment and the marginalization of women in many parts of Africa, are addressed. These ought to all be part of the PEPFAR standards. And we're starting to get there but we have a long way to go.

MS. STROMSETH: Thank you very much... You were great. Ray, you've had years of experience in development, and my question to you is, should a new administration give greater attention to economic and social rights in its development policies? Would this make U.S. development assistance more effective? How should these rights be incorporated in a development strategy in your view?

MR. RAYMOND OFFENHEISER: Thank you very much. Also, thank you very much to Bill and the other organizers of the conference for putting this on, and I second what Len said about the opportunity to talk about economic and social rights. We don't often get this platform.

I think maybe a first prefacing statement may be to say a little bit about what does the development debate look like today, as compared to sort of what was in place at the time the [UN] Human Rights Charter was approved in the 1940s? I think it's important for us to realize that we live in a much, much more interdependent world today, a much smaller world. We're living through the period of globalization, when globalization is, for all practical purposes, the default development paradigm.

The globalization process, in many ways driven in large measure by a lot of the policies coming out of the World Bank and the IMF, has championed the notions of shrinking the state, of radical deregulation, liberalizing economies, and really privatizing and privileging the market, which is, I think, particularly important when you're talking

about social and economic rights, because what a lot of that means...is that the market will provide. And we see what that means in the U.S. context with regard to the provision of public goods and radical privatization of our health sector and other sectors has meant for us. And we've been exporting that logic. The idea of exporting HMOs to Africa is something that actually is talked about and promoted as part of our development policy. Well, think about what that means in poor countries.

I think the important thing in the human rights debate, however, is the issue of shrinking the state in the era of globalization, and particularly when you think about the fact that a human rights agenda, whether it's about civil and political rights or economic and social rights, presumes that there is a guarantor of rights, and historically, that's been the state.

But if you have a weaker and weaker, weaker state, and at the same time you have major global actors, non-state actors like corporations... who are exercising greater and greater control over determining the sort of opportunity mix available to poor communities in developing countries, you have a very different landscape in which you're talking about human rights than what we had thirty, forty, fifty, sixty years ago. And I think we have to be aware of that as we think about that.

So in the 21st century world, who guarantees rights? We don't have a global democracy; we don't have a global government; we don't have a global social contract. So in some ways, it put the whole rights discussion in a whole new kind of arena in which there are some very, very significant challenges. And I think that's one of the things that's making even the discussion about economic and social rights really challenging for us today, those of us who work on it day in and day out.

If you want to talk about effective development today, I think it's also important to ask ourselves what have we gotten from twenty or thirty years of neo-liberal economic policy, which has really been driving our development thinking over the last twenty or thirty years? Well, if you listen to Bono, you know that there are two billion people living on less than two dollars a day, growing inequality, growing insecurity about provision of public services and public goods around the world, uncertainty about whether the market can, in fact, deliver to much of the world's population on those accounts.

I don't know that the track record is all that good. And in many parts of the world – throughout Latin America--we're seeing major shifts in the way voting populations are voting for heads of state. And a lot of that is about dissatisfaction with the neo-liberal model and about market-led developments and so forth. And people are looking – they don't have a new model in mind. This is not about a radical return to sort of socialism or communism but it's a search for a new way forward. And at the heart of that, I think, is really the economic and social rights question.

In terms of thinking about effective development in the era of globalization, really what the United States needs to be after--I would say we're focused on the whole issue of security. But when we talk about security in our foreign aid programs and in our foreign

policy, we're often talking about we want stable states; we want a police force; and we want regular elections. But we don't kind of dig a bit deeper in terms of thinking about what is going to really provide stability and inclusiveness and a sense among a population that this is really working for us. We've got a good deal here and that we really want to support this government.

And I think that really requires two or three things that need some real emphasis. One is the return of the state, concern about effective states. We've got to revitalize the concept of the state in the 21st century. It may look different, it may have different roles and it may look different than it looked in 1949, but we've got to give some energy to that.

We've got to think about the whole issue of active citizenship. How do we engage citizens in this process? How do we engage them in a discussion with their government about social contract and about the kind of deal they want, the kind of society they want to build? And how do you organize that kind of conversation? What's the basis and framework for that conversation?

And finally, we need equitable markets; we need inclusive markets. It was interesting--The National Intelligence Institute here in Washington a number of years ago did a study on the globalization process, and they sort of -- they were positing for the broader security community here in Washington that we needed to think about -- we were facing a world in which we were going to make some really serious choices about what they described as "pernicious globalization," which was going to be exclusionary globalization, which was all about the rich and the rich nations, or an inclusive form of globalization, in which most countries throughout the world were in one way or another going to participate in international markets, were going to benefit from the process of globalization. And if we were going to do that, we were going to have to think about some really new ways of moving our agenda and our development work forward.

I think a critical question, thinking about the issue of effective development, is also thinking about how do we get to those poor populations? How do we get to that two billion people who are on two dollars a day? And part of our problem in the past, I think, has been we've approached the poverty problem as in terms -- definitionally, using, I think, rather traditional welfarist terms-- where we assumed that it's about the absence of public goods and that our role as an aid provider is to fill the gap that's not being filled by the state.

Well, we're shrinking the state; the gap gets bigger; our foreign aid budgets are shrinking at the same time. And in effect, as [the economist] Jeffrey Sachs often says, the whole thing is a joke and it's a big lie. We're not getting there and we're not going to get there unless we get really serious.

So if solving the problem -- we can't solve it by gap-filling, maybe we need to think about the problem in a slightly different way, which leads us, I think, maybe toward where rights could be really critical. If you define poverty as social exclusion and you

think about what that might mean in the terms of the way you look at it, you might look at certain countries and you see people excluded from opportunities on the basis of race, ethnicity, class, a whole range of different sort of factors that are operating in societies. And if you think about unpacking those exclusionary barriers as a way of unlocking opportunity for people, your whole approach to the poverty question is not about building one more school and one more health clinic. It's a bolder, more systemic approach.

Now, taking that kind of an approach, you've got to build a conversation at the national level that allows people to participate in a civil – and I underline the word *civil* – conversation with their leaders about what kind of government and society they want to build. And I think this is where the whole discussion on economic and social rights is critical to ensuring that we can get the best bang for our buck in terms of our development dollars. And it's also totally consistent with our American values, if in fact, we want to build more stable, more just, more equitable societies.

So what I think is very exciting about focusing on it in a more holistic way on the whole range of rights, civil and political, as well as economic, social and cultural, is that it enables us in our foreign aid programs to participate in building that conversation with citizens and their state about what is the deal they want? What kind of public goods provision do they want? What's the mechanism they want? We don't have to determine it and we don't have...to insist on one model versus another, but what we should be focused on is, are they getting the kind of deal they deserve that meets basic, globally accepted standards for nutrition and health and housing, and so forth?

And we don't have to accept the idea that there are universal standards, or that there's universally established entitlements, but we want to get basic minimums to everyone. And I think that's what a lot of us have been working on for some time in trying to kind of transform the debate about development and what effective development is all about.

What does the U.S. get for this, if we were to go in this direction in terms of a foreign policy payoff? Well, first of all, I think it's really important that we understand that for people outside the United States, the human rights discussion has become the *lingua franca* of sort of social justice and social equity, and so forth. And that to be kind of parsing this and playing semantic games and fooling around with this discussion in the 21st century for Americans is irresponsible at best, and outrageous at worst, and that we have to catch up with where the world is.

There's been a real convergence over the last decade and a half, two decades, of many of the global social movements that work on these kinds of issues, the poverty groups, the women's movement, the environmental movement, the labor movement. And a lot of this came together in Seattle around the WTO meetings where lots of groups were meeting around those trade negotiations, finding that they had common ground and the common ground and the common language is the human rights discourse. And so I think it's critical for America to be in that discourse and really moving that discourse.

I think on Eric's point,... if we're not in it, we're not going to be able to leverage it and we're not going to be a part of the conversation. And I think we want to be part of the conversation and we should be shaping the conversation but to be, again, going to conference after conference on international human rights issues and always being seen as the nay-sayer or the veto vote is not helping our global identity.

I think the other things that would signal to the world...that we're rejoining the multilateral system, which is really about trying to create rules in a greater and greater interdependent world, and that the world looks to the United States as a nation that believes in rule of law and in systems that are governed by rules. And rejoining the multilateral system through an endorsement of the full range of human rights, I think would help us enormously.

And I think finally, I think there's a whole discussion going on about the whole issue of non-state actors and corporations. We're not talking too much about that today. And corporations have become very aware of their vulnerability to these human rights challenges. There are increasing discussions going on within corporations about what their human rights responsibilities are. When I first started working on this with corporations, when corporations talk about human rights, what they talked about was, "We need rule of law and protection of our private property," end of conversation – anything that had to do with development, individual rights, not on the table.

Well, that's changed dramatically, and you'd be amazed at the kinds of conversation you hear at Business for Social Responsibility and a variety of other rights for – where corporate leaders are talking about these issues, largely because they see brand threat; they see threat to their core business. And in the best of moments, they see opportunities to do good while doing well while representing a human rights agenda. So I think there could be consistency with U.S. foreign policy and with U.S. commercial and economic policy on these questions as well, and we can represent the best of what our business sector has to offer.

Finally, I just think it's really important, as we look a new administration, to think boldly about how America reengages with the world. I would just hearken back to the Kennedy administration. It was the depths of the Cold War. One could have imagined – and Kennedy, when he campaigned, actually campaigned on the threat of Cuba, nuclear weapons, the threat of a looming Russian military force.

But interestingly, when he took office, he gave a bold inaugural speech and by March, just shortly after he took office, instead of invoking fear and the politics of fear, he basically turned the whole thing on its head and said, "We have to lead with our values; we have to lead affirmatively; and we have to go out and meet the world and understand the world." He created the Peace Corps. He created USAID. He created a variety of other institutions that boldly went forth to meet the world and Americans of all sorts responded.

We need a politics of affirmation. We need a politics of values. We need a politics of human rights.

MS. STROMSETH: Thank you. Thank you very much, Ray. And now we'll turn to Meg Roggensack. And Meg, as I mentioned in my introduction, works for Free the Slaves, an organization that's been involved in some very innovative efforts to combat modern day slavery and forced labor. And I'd like to start, Meg, by asking you if you could talk a bit about how violations of social and economic rights can lead to slavery. And also then to discuss how focusing on those rights, particularly through the work of Free the Slaves, can help to help to combat slavery and maybe give some examples.

MS. MEG ROGGENSACK: Thanks, Jane. I'd like to thank you for all your hard work in getting this panel together and for the organizers' efforts to provide what I think has been a really stimulating and important day at a great moment in the political debate. So thank you for that.

Free the Slaves estimates that there are twenty seven million people forced to work under threat of violence, being paid nothing beyond subsistence and unable to walk away. They are bonded laborers, child soldiers, agricultural workers, domestic workers and sex slaves, and they're found in almost every country in the world today. There were three factors that converged after World War II that led to a resurgence in modern day slavery. One was the world population explosion; a second, the dramatic social and economic change that left whole populations behind; and then of course government indifference or complicity.

Slavery thrives in areas of the world where violence against women and children is tolerated and where there are ways of thinking that permit women and children to be seen as belongings and turned into commodities. When you're talking about slavery, distinctions among rights are really ultimately meaningless. Economic security without personal freedom can describe slavery; personal freedom without economic security can lead to enslavement or even re-enslavement, as we've seen time and time again. And personal and economic freedom without political rights creates an environment of impunity and insecurity where slavery can thrive.

Free the Slaves works with communities around the world most affected by slavery, in India, Nepal, Ghana, Sudan and Haiti. We found that the best and most lasting liberation takes place when communities and individuals consciously decide that slavery isn't normal and will no longer be tolerated and when they're able to advocate successfully for their rights and needs. They need alternate ways of making a living and, in the interim, economic survival arrangements. Their governments must be accountable for key social services, including education, health and basic social services.

As Jane has mentioned, we at Free the Slaves have developed some innovative strategies to address slavery. We know from our work that the poorest countries have the highest levels of slavery. And now evidence is emerging that slavery is the enemy of

economic growth and that if you eradicate slavery, you can get what we call a “freedom dividend.” In Northern India’s Carpet Belt, for example, we’re working with a local partner to end debt bondage. Slavery is so deeply engrained there that just a few years ago when we visited, people just couldn’t imagine any other way of life.

So we concentrated on eleven socially excluded low-caste communities where almost everyone was controlled by landowners and money lenders. Our local partner was able to crack open the system of exploitation by offering something every resident wanted: schooling for their children. As we know from our work, the most dynamic and consistent force that can be harnessed against slavery is parents’ desire to protect their children and to make a better life for them. So the first step in this process was a program of transitional school as we worked to get the government involved, with an accelerated and rights-based curriculum for those children.

As a counterpart, we also worked with our Indian partner to organize communities around a rights-based agenda, training them to take on all the issues that tend to keep families in debt bondage and linking them with other local community groups. These communities have had great success. They’ve ended corruption in public food distribution systems, in one case, ensuring that a community that hadn’t seen any food in thirty five years was finally getting commodities to which they were entitled.

They’ve obtained primary healthcare services for communities, maternal and infant care, and they’ve ended the control of local elections by high-caste, enabling everybody in the community to vote. So the “freedom dividend” transcends individual economic interest and shows that everyone benefits when ex-slaves reduce corruption and empower everyone to exercise their voice at the polls.

To sustain these gains, we also support village self-help groups for women that provide job training and an independent income and, at the same time, the collective bargaining power to demand cash, rather than grain, for the agricultural work that they do. This program is typical of our work, which is grounded in a community and led by the community. It is comprehensive so it combines a variety of strategies that are complementary and measurable and ultimately sustainable. These are individuals who, when they are freed from slavery, don’t go back, and that’s not the case in other programs that we’ve seen.

In West Africa, we have another very innovative collaboration that touches on some of the points that Ray was raising. We have partnered with major chocolate companies, national governments, trade unions and other non-governmental organizations to eradicate the worst forms of child labor from cocoa production. This is a really innovative partnership that was catalyzed by Senator Tom Harkin and Congressman Eliot Engel, which was sparked by news of Free the Slave reports of child labor and trafficking in cocoa production. Originally they proposed a child labor-free label on chocolate products. This standard would have been largely impossible for the industry to meet. There just aren’t ways of tracing this...

In any event, Senator Harkin and Congressman Engel traded the threat of a sanction for industry's signature on a negotiated protocol, which they signed and which Free the Slaves and other stakeholders, including consumers and trade union groups, witnessed. This is really an interesting historic document. It's the first time that an entire industry has struck an agreement with anti-slavery and anti-child labor groups to eradicate slavery. It's also clear it requires an agreed-upon plan of action, the creation of a non-governmental organization run by all the stakeholders to do the work, and then a certification and verification process to ensure that things are actually being done on the ground.

The International Cocoa Initiative is the non-governmental group that was formed. It manages the program which has several key elements. We work at the community level, first of all, to sensitize everyone in the community that these labor practices, which are endemic, are not appropriate. It's not appropriate to subject children to hazardous work conditions or to the type of labor that they're doing, and that the entire community can benefit by a new approach. And then we engage the community in a discussion about how they will end these practices that results in the creation of a plan for the community.

We work with local NGOs on the ground to train them and build their capacity so they can help communities implement the plan. And we also partner with national, state and local governments to ensure that they keep their end of the bargain, which includes delivery of education services, delivery of agricultural extension services and related health services to these communities.

Over the past six years, the industry has contributed approximately \$10 million to this effort. We've realized important progress. We've brought primary education to communities that had never seen a teacher before, never had a school, and we've also started to augment that with vocational and secondary education in a variety of the cocoa grain communities that are the most hard hit.

The national governments have also developed innovative programs in the areas that I mentioned to address child labor and related challenges. So in addition to the education programs that we have, we're now seeing improvement in cocoa-farming methods, so they're not so dire. They're much more productive and much more efficient, and ultimately, sustainable for the community. The Cocoa Initiative really demonstrates the value of public-private partnerships to drive change on the ground. And as Ray mentioned, increasingly corporations are becoming huge actors in the global economy and we need strategies, when we think about rights-based approaches, that include them and that engage them in these types of initiatives. These are the kinds of things where government can also play a role both in facilitating and, where necessary, encouraging greater attention and engagement.

MS. STROMSETH: Great. Meg, if you could speak directly to the next administration and talk about how that administration could help seek to abolish slavery

and do this more effectively, taking a human rights approach, what would your recommendations be on that?

MS. ROGGENSACK: There are a couple of things that I would say. Of course, whenever there's been a choice between taking effective action against slavery and any country's own diplomatic or other interests, slavery always loses. The argument has been won on moral and legal grounds. Everybody accepts that. But it's the implementation that's a problem. We say that slavery never really ended. It just became less visible.

So the first thing is to make sure that everybody is aware of the problem and that, by being aware of the problem, comes to understand that it's very much in the national interest to address this issue. As I mentioned, slavery is bound up with the other big challenges we face: poverty, instability, even the spread of HIV/AIDS. So as we look at this issue, it's nested in a number of other challenges and effective anti-slavery strategies are ones that address these other challenges.

Today many of the in-country antislavery efforts that we support focus largely on prosecution, police training and victim rehabilitation. As our work has shown, while these are very worthy goals, they are just too limited to have any lasting effect. So we would encourage the development and support of work on sustainable freedom initiatives along the lines that I've described.

But we also believe that the U.S. should adopt a slavery lens which would guide both the U.S. assistance programs and also should press other bilateral and multilateral donors to do the same thing. This would mean incorporating strategies against slavery and an assessment of the program's impact on vulnerability to slavery.

For example, one of the key indicators of vulnerability to slavery is the lack of identity. Many tribal groups, many ethnic groups, never have any kind of identity card so that affects their ability, for example, for children to go to school. They're denied access to school for lack of identity, basic healthcare and the like. And so that would be one element of this program.

Adopting a slavery lens would have a variety of benefits. It would radically, of course, increase the number of individuals brought out of slavery and the programs that include slavery as part of the agenda but at the same time, as I've mentioned, would help achieve what have thus far been somewhat elusive development in anti-corruption goals. And we argue that part of the reason that they've been illusive is that we haven't taken this issue fully into account.

But finally, as our work has shown, we think the U.S. can play a very helpful convening role in fostering more public-private partnerships to eradicate slavery and forced labor from the supply chain. Nobody here wants to buy products that include slavery but how on earth are we to know which products those are? Some of the most successful initiatives over the past fifteen to twenty years have been looking at sweatshop issues and the like, but they haven't gotten down to the ground level which is really

where slavery thrives. That is a much more complex challenge and a constellation of issues, and often can involve other types of issues, including environmental issues, climate change issues.

So we think, as our work with the chocolate industries shows, public-private partnerships can play an important role and government can also be an important player in facilitating that, bringing the parties together and ensuring that those initiatives stay on course.

MS. STROMSETH: I'm going to put Eric on the spot here before I open it up to questions. Eric has been in very high levels in the U.S. government working on human rights, also very high levels in the international system. And the question – we've heard some very interesting proposals about the importance of the right to health, about taking a look at development and poverty as a problem of social exclusion, taking a slavery lens, looking at problems through a slavery lens, public-private partnerships.

I think we've heard a lot of innovative ideas for ways to ground policies on economic and social rights that might make a real important difference for many people around the world. And my question to Eric is, how can advocates that favor these approaches work most effectively with an incoming administration? What would you recommend?

MR. SCHWARTZ: Well, I'm not going to answer your question so that will make it easier. But I'm going to – (laughs) – let me just take three or four minutes and offer sort of perspectives on your general question. First, in a new administration, I think on the whole issue of these treaties, et cetera, which really – the ones, the economic and social right-related instruments that really we should have no problem acceding to, I would say to an administration, just take a more relaxed attitude, and just do it...And don't depend on the Congress. Don't stake your policy on consent through ratification because if you do, you're going to fail, but that shouldn't prevent you from signing, endorsing and trying, to the extent possible, to move forward on this stuff. And move the bureaucracy in that direction. The amount of time we spent on the Convention on the Right to the Child, getting all tangled up on the process that we would have to engage with the states, first of all, the White House has got to make it clear to the State Department that that's a process that's got to be quick, but it's also got to be a process that, similar to other federal states, it doesn't have to take 100 years to get the kind of buy-in from states on these sorts of convention. So that was my first is to take a more relaxed attitude.

The second of three points I'm going to make is Ray's comments to me were fascinating because I've had the luxury of migrating to different academic and practitioner subcultures. So I've lived in the humanitarian assistance world and I've lived in the human rights world. And these two worlds don't always interact so well. Sometimes they're in conflict.

But this whole area of the rights-based approach to development and rights-based approach to humanitarian assistance is actually where the rubber is meeting the road on human rights because it's all well and good for us here in Georgetown and in Geneva and in these incredible fora related to the old Human Rights Commission, and now the Human Rights Council, where they talk about these rights in a very abstract way.

But actually, there are hundreds of thousands, millions of people on the ground in places like India, in South Asia, in Africa who – and this is such an active discussion within the NGO community which incidentally, for example, in the case of the tsunami recovery of the \$13 billion that was raised; five to six billion of that came from the NGO community. So they're not kind of bit players on this issue. But this is really part of the reality for these organizations now, and I wish Ray had spoken a little bit more about it because it really permeates all of their discussions about professionalism, about the role that they should be playing, about the quality of assistance, concepts like empowerment of local communities, building local capacity, everything that he was talking about. These are not esoteric terms that are being discussed in Geneva. This is stuff that's actually happening on the ground.

Our bureaucrats at the U.S. Agency for International Development are not unaware of this as well and because it's become so much part of the fabric of the rhetoric and increasingly, the programming. So what does that mean? It means to me that in addition the notion of building government capacity, which NGOs, ten years ago or fifteen years ago wouldn't think of providing assistance to governments to build local capacity. But in the review that we did, working with the NGOs and Tsunami Recovery, one of the main recommendations was that NGOs got to think about building government capacity. So all this is out there.

So what am I saying? What's the second point? The second point is, the practitioners have got to start influencing the gnomes, the people who are the holders of the doctrine, because what's happening on the ground in real life is actually happening. And it should affect the normative development. So people at (AID?) should be part of, or people in the development community, should be part of the debate on whether we should be ratifying this treaty or that treaty. That's my second point.

And my third point is, I think advocates need to do better in terms of insinuating concepts of rights into discussions – I say insinuate because you kind of sneak them in there. For example, adaptation and climate change, right? If you speak to the average American about the fact that we're screwing up the world's environment and we have all these demands on the developing countries to make changes that will affect them economically on climate change, but they are suffering badly as a result of our economic policies over the past century, and we ought to be giving them some assistance in that respect, just out of a simple concept of justice.

You don't have to use the rhetoric of rights for most Americans to kind of get that. And I think there are a number of issues where, if you frame it in a justice frame,

you at least offer the prospect of insinuating the notion of rights without actually putting their face in it, if you know what I mean.

Another example is victim assistance, assistance to victims of conflict. There is an organization called CIVIC... which is trying to put together programs for the U.S. government to provide assistance to victims of conflict in circumstances where those civilian victims were not the subject of violations of international humanitarian law but just were the unfortunate victims of conflict. And there is – and that practical effort has a normative side. So my point is, in all these areas where we're trying to do well in the world, you can insinuate a rights-based approach into it over time, and I think that's another strategy worth thinking about.

MS. STROMSETH: Thanks Eric. I want to open this up. You've all been very patient. I'm sure there are many questions from the audience and I'd like to recognize our first questioner, Rachel Taylor. Rachel is the deputy director of the Human Rights Institute here, has done a terrific job in preparing this conference, and she's also had a distinguished record in serving in human rights organizations, including most recently, Global Rights. Rachel.

Q: Thank you. And thank you to all of the panelists for this really interesting discussion. My question is for any of you. I think it picks up on the earlier part of Eric Schwartz's last point. In Jane's opening remarks, she talked about the fact that 157 states have ratified the International Covenant on Economic, Social and Cultural Rights and, as we know, the United States isn't one of them. But given the poor record of many states that have ratified the ICESCR, my question has a few different parts.

I'm wondering what are the arguments against the United States engaging in a similar strategy, that is, to ratify the treaty and to support it in principle but to implement it at the United States' own pace? Or, on the contrary, is there a benefit to the perhaps more honest position that the U.S. has taken, whereby it refuses to ratify the ICESCR, because it doesn't want to; it feels it cannot fully implement its provisions even under a standard of progressive realization? And finally, as a practical matter, what would have to change if the U.S. did ratify the ICESCR? Thank you.

MS. STROMSETH: Anybody want to take a shot at that one? (Laughter.) Should the U.S. ratify? What are the implications?

MR. RUBENSTEIN: Just on the first part, the idea that we're better off and will make more progress by not ratifying than by ratifying, by saying that we can't live up to all the commitments and we'll get to it when we can, and we'll start making progress and then ratify it, I don't think there's any empirical evidence that that strategy ever works, especially from a political point of view. You've got to sign and ratify the treaty and make the commitment and be held accountable. Remember, these treaties are about accountability and monitoring as much as anything else so the idea that we're not ready doesn't carry much water.

MR. OFFENHEISER: I would just add that we're in a situation now where increasingly, in this era of globalization, there are a variety of different kinds of working groups that are working with private sector industry to create norms for corporate conduct that incorporate many of these kinds of standards. And the private sector is engaged in these discussions in ways that perhaps are even ahead of where our own government is. I think it makes some sense for us to be in the conversation representing our values and moving the conversation forward, recognizing that in many ways, this is a big project that's going to be going on for some time.

And particularly this issue I think Eric was getting at of trying to figure out how to operationalize economic and social rights concepts on the ground with populations is something that we're all learning by doing. But unless and until we actually kind of grasp the concepts and begin to actually think about how that may change the way our institutions are structured, and organized, and what priorities, strategic priorities, they have, we really won't move on it.

And while I don't think anybody expects us to finish the job overnight, or assume a responsibility, an entitlement responsibility, for the entire world, for the entire array of economic and social rights, I think we're far better positioned strategically as a nation to be out and ahead of the values conversation, while admitting that operationalizing these in the real world is difficult, and it's a collective project that is going to take a long time, but it's worth doing, and it's worth representing on a global level.

MS. ROGGENSACK: I would like to agree with Ray. I think there are a couple of benefits. It's the normative frame for these discussions. It's also the acknowledgement that so many of the challenges we face are much more multifaceted and complex, as today's discussion revealed. I think we've come to a much more sophisticated understanding of what human rights currently means and what some of the issues are, looking at some of the bigger challenges, climate change and the like in the context of these rights.

But finally, in terms of the people with whom we engage, the world's gotten smaller. Happily, that means that there are now more vibrant civil societies on the ground, who, as Eric explained, get it and with whom we should be in deeper and more imaginative conversations than we have in the past.

MR. SCHWARTZ: I just want to ask a question. Can anyone think of a situation in which the U.S. changed a significant policy for the purpose of conforming to the provisions of an international human rights treaty? I'll give you \$1 if you can. (Laughter.) Anybody?

MR. RUBENSTEIN: It established a criminal law against torture as a result of signing a treaty.

MR. SCHWARTZ: I'm saying changed a significant policy. I'm not saying implemented provisions consistent with existing policy. I can think of one example... so

big deal, we review this thing, we find out there may be some – but we're not going to find out we're going to have to make wholesale changes in laws relating to economic and social issues. I can confidently say that. But I don't know that it's the worst thing in the world. There's one example that I know of because I was personally involved in it...: the protocol to the Convention on the Rights of the Child relating to the involvement of children in hostilities. We don't have seventeen-year-olds actively participating in hostilities.

MS. STROMSETH: Great. I'd like to invite the next questioner. Please identify yourself.

Q: Carla Winston, U.S. Institute of Peace. Everyone today has mentioned how wonderful it is to be talking ESC rights in a U.S. conference and how rare it is. Part of the reason is that we don't talk about ESC rights in the United States. We don't talk about them in a domestic context, partially because of Congress, and partially because of presidential administrations. We tend to think of the American experience as separate from and distinct from any international standards or international issues with which we might engage in a foreign policy sense. Since we've been talking a lot about reframing foreign policy issues in debates about rights, to what extent do you think it's possible to reframe our domestic experiences and our domestic political debates in this frame of ESC rights?

MR. RUBENSTEIN: I think there's a huge amount of fear about doing that and that's why in the presidential campaigns I cited, they're afraid to say right to health. And yet, there is an amazing tradition in this country. For example, we are as close to affirming a right of every child to an education as we can get. Even the Supreme Court has come close to saying that when they said undocumented immigrant kids have a right to go to school, and they didn't frame it as the right to education, but that's what it was. And if the State of Maryland decided to abolish public education, they couldn't do it, because people perceive it as a right.

So we have some traditions here and we have traditions going back many years, but what it's really going to take is the kind of leap to use rights language. And it starts with people who are advocates, and then it moves to people in the political realm, but it really is something that we need to do ourselves and stop being reticent and thinking that we can only achieve our ends if we avoid talking about rights. That's been the strategy. We'd better not go up to the Hill and talk about rights because we're going to lose. And of course we've lost anyway. So I think we really have to start changing the way we talk, the nature of our discourse, and really overcome the fear of talking about rights in this country.

MS. STROMSETH: Great.

MR. OFFENHEISER: I think one of the difficulties here in the U.S. is that rights in the U.S. context signifies entitlements, and entitlements is a four-letter word in this town and it has been made a four-letter word over the last several decades. And a lot of

what we've been witnessing is sort of the dismantling of social protection over the last forty years systematically and it's put this whole notion of entitlement sort of on the – if you will, on the chopping block.

But I think at the same time, and I think the whole experience in New Orleans of looking at poverty in America very vividly is kind of bringing forward to Americans again the fact that we've got deep, deep, deep poverty problems in this country. We have cities in this country, including this one and Baltimore, where we have high school dropout rates of around fifty percent of our kids in high school. We have a failing education system.

We've got a healthcare system that's got forty million people that aren't covered. We've got to be thinking about this whole – these kinds of social issues in a more holistic and broad-based way, I think for our own interest, because one might ask – at this particular point in time, this whole discussion is so disaggregated that at times, we don't think about the fact that maybe investments in some of these areas would make us a more competitive nation in the 21st century.

What does it mean when we don't invest in infrastructure to support our citizens? What does it mean when we don't invest in good education for our children? What does it mean when we have a collapsing healthcare system? Is this the country you want to live in? Is this a competitive America in the 21st century? And the problem is how do you organize the conversation about poverty and social justice in this country in a way that's somewhat integrated and holistic?

Interesting, you could also ask the question, how many of our political candidates in this presidential election have used the word "poverty" in the campaign? How often do you hear it? John Edwards used it abundantly and well; he's no longer in the race...I don't know that that killed him, but he's not in the race, but he's still talking about it. Hillary Clinton has offered the idea that we have a poverty tsar, which is an interesting proposition.

I think we should be hearing more about this. In this particular town right now, it's very hard to get a comprehensive conversation going about poverty and social justice, in part because those of us who work on it, many of our organizations are actually so hunkered down in the trenches defending the entitlements that actually have been secured under various pieces of legislation, that it's hard for us to talk in an integrated way with a big-picture vision about the whole question. I think a rights discourse would actually serve to bring us together and perhaps revitalize a more aggressive vision for how to deal with poverty and justice issues in the U.S. context.

MS. STROMSETH: We have four people who want to ask questions. We don't have much time so what I think I will do is have you each put your question and then we'll give the panelists a chance to respond.

Q: Leanne Webster from the NYU Wagner School of Public Service. My question is how do you respond to the proposition that honoring one person's right to an economic, social, or cultural right often will come at the expense of another's, considering that resources are usually finite, food, medicine, land? And also, particularly in the context of cultural and religious rights, where cultural relativity is a problem such as in – under Sharia law?

Q: I'm Victor George and because I had a friend of my mother and a family member die from contracting HIV and AIDS, my family and I have started an organization that gives case management to people with HIV and AIDS. And in the near future, we're working on providing hospice services. And one of the arguments or debates that I get in with some people that are conservative is that they talk about social responsibility, social responsibility, social responsibility, that is it the government's job or responsibility to provide care to someone who contracts the virus, that contracts a sexually transmitted virus? I guess people view it as a mistake that you made of having unprotected sex. That's really not the government's responsibility. How do you answer that question or comment?

MS. STROMSETH: Thank you.

Q: Hi. Karen Ryan from the Carter Center in Atlanta. Thank you, and I congratulate Bill and the Center for American Progress and Georgetown Human Rights Institute. I agree with Len. This is highly unusual and very much overdue and welcome. And my one recommendation is hopefully the Center for American Progress...will maybe keep a focus, because I don't think we should automatically assume that any new administration is going to jump up and down and kind of embrace all of these 500,000 progressive proposals that come forward when they come in. But I think that you've put together a group here that represents a few different perspectives. I hope you'll continue with it.

First, Eric's terrific observations about your attempts, that we all know and appreciate during the Clinton years, to push through and to come at the end to basically say, "Chill out". We should take Bill Clinton's recent quote and [say] "chill out" to the new administration. On treaty implementation and how to deal with the states issue, very important, and I think that's going to have to do with who is in the legal department, how the new president instructs the rest of the administration on how to deal with potential implications of treaty ratification, new obligations, or perceived new obligations that the U.S. takes on. I think that idea is very important.

Also, Ray, just a question for you. Actually, it raises up the question on farm subsidies. Len brought up broader policy questions, that when we look at a human rights approach, we have to look more broadly at implications of U.S. policies. So on crop subsidies, monetized food aid, there seems to be a set of issues that coalesce around the impact, the human rights impact directly, of poor farmers in Africa or whatever because of crop subsidies. Could you give a word about how that might be offered up next?

Since the Farm Bill passed, we only – when we still have five years to the next one to make an impact.

Q: Hi. Jason Disterhoft, Amnesty International USA. This is a question mostly to Ray and it sort of echoed something Eric said in an earlier comment, but I wonder if you could tell us just a little bit about Oxfam's experience of adopting an explicitly rights-based approach and the pros – and I guess I'm especially interested in the cons or the pitfalls that the organization has run into as a result of that.

MS. STROMSETH: Great. Thank you. We have about five more minutes, or we don't have five more minutes. We have much less. We have one. This conversation – we need to do this again. Obviously, this is very important. I'm going to ask each of the panelists just to say a brief word, but I hope we can continue this conversation in the future. Eric?

MR. SCHWARTZ: The good thing about having four questions is you can cherry pick. And I'm just going to emphasize the connection between vindication of rights and state capacity and, in the domestic context, we can't talk about rights without talking about responsibilities of the state and therefore, entitlements. And this administration did not fundamentally and philosophically believe that state capacity was that important.

If you believe state capacity is important, you probably don't put a horse trainer in charge of an agency that's designed to save the lives of the most disenfranchised parts of society when they are attacked by a hurricane. Similarly, you don't put ...an ex-state candidate for governor in charge of the bureau responsible for all of the world's refugees. It goes on and on and on.

So I really think if we're talking about adopting a rights-based approach for all of these issues, both domestically and internationally, you have to confront the issue of the capacity of the state to vindicate these rights, and you have to run it head on. And that's why that's one of the things I admired about John Edwards' candidacy, without saying who I endorsed, but at least he was speaking truth on those issues, I think, to a great extent. Whether he was your candidate or not is a different question.

MS. ROGGENSACK: I'd also like to address the notion that vindicating these rights may be a zero-sum game. As our experience in West Africa has shown, in the first instance, it's the government's responsibility to elaborate a plan on, for example, education, health or agricultural extension in our example. But then, the government, when it has exhausted its existing capacity to deliver those services, can appeal to other donors for help.

But in the first instance, we have looked to these governments to elaborate the requirements, and we have been working with communities to help articulate what the scope of that response should be. You have to start with the government but, obviously, the conversation doesn't end there, and it doesn't excuse the government from beginning to adopt a plan to address those concerns in some comprehensive way.

MR. RUBENSTEIN: I'm going to briefly take off on that question too because it really is about the vision of what these rights are about. It goes to the heart of human dignity and the heart of obligations of governments. It's about resource commitments we haven't talked about at all, as well as many other commitments. And it really does provide a way, a vision, for achieving human dignity that can't be – we haven't found a language and a discourse to achieve it any other way. So that's the way we address the question about these. So what I think of as false conflicts, they're all needs that people have; they're all obligations states have to meet those needs. And it's up to us to really push to make sure that they're met.

MR. OFFENHEISER: Some quick responses on the tradeoff question, fulfilling one man's rights is perhaps challenging another's. And I guess the way I would come at that is, for those of us trying to operationalize these concepts, it's really about trying to meet minimum standards for those people who are most in need of basic services to ensure the dignity of their life. That doesn't mean that we're putting forward a kind of radical concept of equality and equity but we're trying to work toward a notion that societies function better when those minimum standards are met.

And so there may be some sacrifice; there may be some redistribution embedded in that notion of equity and inclusiveness, but in the end I think our assumption is that we're going to end up with a more stable and equitable world at the end that will be in all of our best interests.

On the farm subsidies question, I think one of the interesting things about that discussion – the bill's on the Hill now, as was observed. Oxfam actually started work on this issue some five years ago and we had this epiphany moment when we were looking at the Farm Bill in the context of its impact on poor farmers all over the world and particularly the impacts of subsidies in the Farm Bill on the livelihoods of poor farmers outside the United States. And we began to realize that the United States Farm Bill is the world's Farm Bill, and the connection between what we vote on in this town in a Farm Bill has incredible impacts on the lives of people around the world...

MS. STROMSETH: Ray, I'm really sorry to cut you off, but, yes, we've –

MR. OFFENHEISER: All right.

MS. STROMSETH: I'm very sorry. This shows you how much we need to continue to talk about these issues, and I'd like you all to join me in thanking this terrific panel today. (Applause.) Thank you.