International Non-Governmental Organizations and Human Rights-Based Approaches to Dam Development and Dispossession in Asia, Africa and the Americas: A Critical Case Study of International Rivers

by

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ABSTRACT

International Rivers (IR), an International Non-Governmental Organization (INGO) based in Berkeley, California with six regional offices in Asia, Africa and the Americas has been at the forefront of the fight for rivers and dams for the past three decades. Conservative estimates place the number of people displaced by major dam projects at between 40 to 80 million people. Since the report of the World Commission on Dams in the early 2000s, International Rivers has promoted a human rights-based approach (HRBA) to development to address the impacts of dam projects for the people who call the rivers home; a politics with a questionable track record in preventing dispossession and market violence. Dam projects often proceed despite INGO initiated HRBA opposition in conjunction with the struggles or movements of affected people, or resume after what may have been an initially successful campaign to prevent their construction.

Informed by a critical interpretive methodology, this instrumental case study is a critical exploration of how International Rivers utilizes HRBA to development including human rights education (HRE) in contexts of development dispossession by big dam projects in Asia, Africa and the Americas. Staff members of International Rivers based both in the United States and at one of their regional offices were interviewed, and secondary documentation and materials produced by IR were analyzed. Expert interviews were also conducted with individuals experienced with INGO politics pertaining to dam and other mega development project related dispossession in these regions to triangulate and generate critical data and analysis of HRBA and HRE in contexts of development dispossession. Relying primarily on select neo-Marxist concepts

and analytical critiques of a human rights politics and the globalization of capitalism, the study demonstrates the contradictions and limits, if not the complicity, of HRBA to addressing dam related development dispossession in neocolonial regions by INGOs such as IR. The emergent critique has implications for how INGOs use these approaches, including HRE and praxis, in contexts of development dispossession in these regions, and contributes towards the growing body of empirical and critical analytical literature on human rights, human rights education, capital and development dispossession, especially by mega dam projects.

PREFACE

This thesis is an original work by Kyla Fisher. No part of this thesis has been previously published. The research project, of which this thesis is a part, received research ethics approval from the University of Alberta Research Ethics Board, Project Name "Human rights-based development and human rights education in contexts of development dispossession in the Post-Colony: Probing the limits of human rights", Study ID: Pro00055653, Approved May 8, 2015.

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LIST OF ABBREVIATIONS

ABD:	Accumulation by Dispossession
COPINH:	Council of Popular and Indigenous Organizations of Honduras
FPIC:	Free, Prior, and Informed Consent
HRBA:	Human Rights-Based Approach
HRE:	Human Rights Education
HSAP:	Hydropower Sustainability Assessment Protocol
IACHR:	Interamerican Commission of Human Rights
IFC:	International Finance Corporation
ILO:	International Labour Organization
INGO:	International Non-Governmental Organization
IR:	International Rivers
IRN:	International Rivers Network
NGO:	Non-Governmental Organization
OECD:	Organisation for Economic Cooperation and Development
OHCHR:	Office of the High Commissioner for Human Rights
TNC:	Transnational Corporations
UDHR:	Universal Declaration of Human Rights
UN:	United Nations
UNDP:	United Nations Development Programme
UNDRIP:	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO:	United Nations Educational, Scientific and Cultural Organization
WCD:	World Commission on Dams

CHAPTER ONE: Introduction

In October of 2013, a road blockade appeared at the proposed site of the Baram Dam in Malaysia. Hundreds of Indigenous people who lived in threatened villages along the dam's footprint came to protest the government's unconstitutional decision to seize more of their land. According to news sources, approximately 90 percent of the land submerged by the flooding would have been the traditional land of the Indigenous peoples of the region (Free Malaysia Today, 2011). This was not the first time this community fought against the Baram Dam development. In 2011, the development of the dam was placed on hold, due to strong opposition by the Orang Ulu Indigenous communities, or upriver people. At the time the project was first successfully fought, Peter Kallang, the Chairman of the Kenyah Association in Miri said,

> No one can blame us in thinking that the construction of the dam is a calculated, intentional and purposeful manoeuver to wipe out our races. It will not only cause the colossal environmental devastation and severe consequences on the ecosystem, but it will also cause a permanent degeneration of the ethnic identity and heritage of the natives who live in the region. (as cited in Free Malaysia Today, 2011)

The 2013 attempt to construct the dam, while forcefully displacing 20,000 people in more than 26 villages and removing Oran Ulu land rights, was met with a lengthy court battle, and a two and a half year long blockade. Settlements were built at the blockade site, along with kitchen and dining facilities, flush toilets, a bathing area, and importantly, an assembly hall (International Rivers, 2015b). Blockade participants were motivated by the stories of people displaced by the nearby Bakun and Murum Dams, many of whom

were falling ill due to toxic water, and others who had not yet received the land they were promised as a condition of being re-settled (International Rivers, 2015b). One woman explained to a staff member of International Rivers, an International Non-Governmental Organization (INGO) that addresses development dispossession by harmful dam projects, that, "We are Orang Ulu; this means the river is central to our livelihoods and to who we are. We want schools, roads, health clinics. We are not anti-development. But a dam will destroy the way we live. It will destroy our land, and that is all we have to pass on to our children and their children" (as cited in International Rivers, 2015b).

Several different campaigns came from the Baram blockade. One strategy to assert the land rights of the Indigenous peoples in the area was to map out traditional lands. An International Rivers campaigner wrote in a blog post how the mapping was done with the support of local non-governmental organizations (NGOs). They explained that, "By mapping out their traditional territories or 'wilayah adat', they will have stronger evidence to bring forward in court, defend their rights to the land, and demand that companies that intend to propose a project on their land first obtain their free, prior and informed consent as stipulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)" (International Rivers, 2015b).

Another related Malaysian campaign was the call for international solidarity and support in condemning the intimidation of the blockade participants by local police. They felt that people should be allowed, without intimidation, to mount an opposition to the dam project that would dispossess them from their traditional lands. A campaigner with International Rivers described what happened next over a Skype interview:

> [T]here were protest letters, and letters of solidarity that went in all of the different International Rivers program offices. [They] delivered letters to the Malaysian embassies in their countries, so in Brazil, China, in South Africa…and also in the US and various countries and then also we reached out to other partners in other countries, or partners but also allies, and so it was also delivered in Ottawa and various European countries. [T]he [Malaysian] federal government did make a statement in the national press about how, they didn't apologize at all, but it did acknowledge that…they would sort of look into the problems at the dam site and try to negotiate with the community. And so, in a way, it was the first time that they had actually got into the national press… [T]hose kind of activities…both draw on sort of the human rights-based language, and then also …using human rights-based education…or advocacy to get out the word. (Campaigner, Interview Notes, December 19, 2015)

While these campaigns were occurring on a domestic level, an agreement was signed by the consultancy company, NorConsult, in Oslo in response to a complaint made against them by an NGO called FIVAS. According to International Rivers (2015b), FIVAS complained that NorConsult,

> under the OECD Guidelines for Multinational Enterprises, [failed] to conduct due diligence in relation to the environmental, social and human rights consequences of the Murum Dam. The complaint resulted in Norconsult signing a precedent-setting agreement… Amongst other measures, Norconsult agreed to 'ensure that projects they are linked to comply with international human rights, including Indigenous people's rights [...] in accordance with ILO Convention 169 and the

> UN Declaration on the Rights of Indigenous Peoples' for operations in Sarawak and elsewhere. (International Rivers, 2015b)

International Rivers and its partners worked to monitor the consultancies building dams in Sarawak in accordance with this agreement.

In March of 2016, the Malaysian government revoked the seizure of Indigenous lands for the construction of the dam. By blockading the dam, mapping traditional land, calling for solidarity worldwide, and forcing a consultancy to acknowledge the rights of the community, "Baram's story shows us that resistance is possible, and that it can succeed" (International Rivers, 2016c). As the campaigner with International Rivers puts it,

> There were a few strong leaders within the communities that really did, um, use more of the rights-based approaches… if they hadn't as community members really asserted their rights as Indigenous people and looked to other record setting cases of land rights, like court cases, and … relying on some of the constitutional language and also the UNDRIP, then I think it wouldn't have gotten as far as it did, and it wouldn't have gotten as much international attention. So I do think that in that way, that kind of campaign has been successful in using the human rights framework both for outreaching and getting people prepared within their own communities to stand up for their rights, but also in the sense of projecting it outwards and getting people both in Malaysia but also internationally to sympathize with their cause…[I]t's been immensely helpful in that way to push forward their campaign and to actually, at least put the dam on hold for two years. (Campaigner, Interview notes, December 19, 2015)

Background to the Study

The above examples demonstrate how human rights-based approaches to development (HRBA) and elements of human rights education (HRE) can be used in contexts of development dispossession. HRBA to development came to prominence in the early 2000s. Around the same time, the World Commission on Dams (WCD) released their final report damning destructive, dispossessing dam projects the world over. Conservative estimates place the number of dam-induced displaced people between 40-80 million worldwide. Other sources place the number of displaced in India and China alone through projects like the Three Gorges Dam in China and the Narmada Dams in India at up to 10 million people. These people are displaced from their traditional lands, homes, farming and fishing lands, as well as ceremonial places, often without proper compensation.

Human rights-based approaches intend to bring the grievances of rights-bearers to an equal playing field with those of dam developers, namely state governments and large corporations. They utilize the power of international human rights instruments, including the Universal Declaration of Human Rights (UDHR) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as tools for negotiating with dam projects to land on a solution for all involved. Some of the rights typically discussed by rights-bearers or those facing dispossession include: the right to self-determination; right to life; rights of non-discrimination; right of health; right of housing; and the right to water and sanitation (International Rivers, 2014a, pp. 17-20). If the rights-bearers are Indigenous peoples, UNDRIP offers additional protections with the right to self-determination and self-government; Indigenous peoples' land rights and permanent

sovereignty over natural resources; as well as Free, Prior, and Informed Consent (FPIC) (International Rivers, 2014a, p. 29-31). Duty-holders, in this case dam developers and state government representatives, often cite the 1986 Declaration on the Right to Development, and particularly Article 2, number 3,

> States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom. (United Nations, 1986)

While many major dam projects have been stopped as a result of the work of the WCD, they continue to be sought after for their nation building, and energy generation potential, even arguing that hydropower is a sustainable form of energy, regardless of the impact on the local populations. It's worth noting that of the World Bank funded development projects that caused displacement, 63 percent are dams. International Non-Governmental Organizations (INGOs) such as International Rivers have spent more than 30 years fighting these projects. Their use of the rights-based approach is a key tool used in their attempts to address the processes of Accumulation by Dispossession (ABD) (Harvey, 2003) and related forms of development dispossession.

I came to this project out of a sense of political curiosity over how human rights work in contexts of dispossession, particularly here at home in Canada. I have worked for many NGOs in and around the Edmonton area, working with people who have experienced some form of dispossession or displacement whether it be through immigration and refugee settlement services, or the dispossession and intergenerational

trauma faced by the Indigenous peoples represented in Edmonton's homeless population. Through my studies I wanted to develop my knowledge of contemporary sites of dispossession and the politics of NGO-led responses in relation to development dispossession and their implications for the Canadian context.

Statement of Purpose and Research Questions

Utilizing a critical interpretive methodology and an instrumental case study strategy, this research is a critical exploration into rights-based approaches being utilized by International Non Governmental Organizations (INGOs) in addressing dam related development dispossession in neo/colonial contexts in Africa, Asia, and the Americas. Two related research questions to address this purpose include:

a) How is HRBA being used by INGOs to address dam development dispossession in the neo/colonies? How is HRE playing a role in this process?
b) What are some of the criticisms of and problems with HRBA to addressing dam development dispossession in the neo/colonies?

Significance of Research

This research adds to the empirical literature and case studies of INGOs, HRBA and HRE in the context of development dispossession caused by major dam projects. Critiquing human rights-based approaches further contributes to our understanding of the political utility of these approaches for the development dispossessed in contexts of dam development dispossession.

It is intended that this research will contribute to the work of the organization as well as similar organizations that do rights work throughout the world. I offer some

suggestions to International Rivers and similar organizations, while also challenging their reliance on FPIC as the solution for all major dam displacement and dispossession.

This study is also of personal significance. Given that I have a political science background and as previously mentioned, have worked with different NGOs in Canada that are working to address dispossession due to homelessness, particularly with respect to Indigenous populations, and the experiences of refugees and immigrants. I wanted to learn more about how the development project contributes to forced migrations and various political prospects for resistance and mitigation. Much of what I have learned through this study can be applied to work in Canada, particularly with NGOs that utilize HRBA and HRE.

Research Methodology

Using a critical interpretive methodology, I conducted a case study of International Rivers. Critical interpretive research allows the researcher to frame the study to observe how power dynamics work within a particular structure, particularly looking for who has power, and who does not (Merriam, 2009). The research was done in three phases. The first phase involved a review of the literature around human rights-based approaches, human rights education, and dispossession. From there, I selected my case study organization, thus fencing in the case study, and immersed myself in their reports, blog posts, fact sheets, videos, and other available materials. I traveled to Berkeley, CA to visit their headquarters and interview staff members who work in the United States. I also interviewed one of their campaigners based in Asia via Skype. To triangulate my data, I interviewed two experts in the subject of development dispossession. One of the experts is based in Canada, working with communities

impacted by extractivist industries both here and abroad. The other expert led a major NGO based out of the UK. The development of this case study, including data collection and analysis, has been informed by select critical neo-Marxist concepts and analytical perspectives on dispossession politics and on HRBA and HRE in contexts of dam related development dispossession in the neo/colonies.

Limitations and Delimitations of the Research

This study was delimited to one case study organization in order to gain insight into how a particular organization utilizes this approach. It was delimited because of time and resources. The number of participants was largely delimited to a few staff members to whom I was granted access. This may have influenced the types of responses I received during the interview process.

Given time constraints, I could only travel to Berkeley for my research. This was in part due to a lack of connections at the regional offices of International Rivers, but also largely due to personal limitations. As a result, ethnography or participant observation were not methodological options for this particular study. The scope of the research itself is a delimitation. The intent of the study is to focus on how INGOs utilize these approaches, rather than examining how the people experiencing displacement and dispossession utilize these approaches and tools. Without this component it is difficult to assess the wider implications of the interventions of the NGO from the perspective of those who are directly affected or victimized by these projects.

As far as notable limitations of this research are concerned, one site can only offer so much insight into the political utility of human rights-based approaches in contexts of development dispossession. Additionally, I was limited to conducting individual

interviews rather than focus groups, which may in turn have limited the variety of perspectives shared. Data generated may have been richer had I been able to approach and include more participants. In particular, I was only granted access to one campaigner, so I could only verify the experience of a single campaigner in one of the six regional offices. This shortcoming, however, was partially offset by using many of the organization's documents or secondary documentation (see Appendix A). I was also granted access to their extensive library and some internal documents, including web statistics, and strategic documents. I had hoped to conduct a third expert interview in order to further triangulate the data, specifically from another organization that actively utilizes a human rights-based approach. Unfortunately I was not able to gain access. I used secondary data to compensate for these absences.

Mapping out the Thesis

This thesis consists of seven chapters. The first chapter has provided an introduction to the thesis project, set the context for the research, explained the research questions and methodologies, laid out the delimitations and limitations of the study, while also explaining the layout of the work. The second chapter reviews the relevant literature for the topic at hand, including ABD, development dispossession, the damage of major dams, HRBA, HRE and liberal, anti-colonial, neo-Marxist critiques of human rights as well as INGO complicity in hegemonic rights politics. The third chapter covers the critical interpretive methodology utilized in this study, discusses the details of the case study approach, and how the data was collected and analyzed. This chapter also discusses the select neo-Marxist critical conceptual and analytical perspectives on human rights and political change that informed this critical research exploration. The fourth chapter

describes the history of International Rivers, including how they were formed, an explanation of their role with the World Commission on Dams, how they currently use HRBA and HRE in the context of dam displacement and dispossession, as well as their efforts to regionalize. This chapter also touches on how their communications team and development team approach fundraising and educating in donor countries. The fifth chapter is a thematic analysis of International Rivers' staff members' understanding of HRBA and HRE in contexts of dispossession. Staff members describe the challenges of revitalized major dam projects that were thought to have been successfully fought, the limitations of human rights politics in these circumstances, and when these approaches are silenced completely. Staff members offer insight into how they educate for rights in the face of development dispossession, as well as their emphasis on FPIC as the ideal dam fighting strategy. Shifts in the organization's focus away from human rights and towards climate change are also discussed. Chapter six brings in two expert interviews to elaborate on the themes discussed at length in chapter five. The experts sharpen the critique of human rights, and HRBA in contexts of dispossession in conjunction with a brief engagement with the select neo-Marxist critical conceptual and analytical perspectives informing the research. Finally, chapter seven offers concluding reflections on the study, revisits the research statement and questions, and engages in a critical conversation (including some pointers) with International Rivers and similar NGOs attempting to use HRBA and HRE in contexts of development dispossession.

CHAPTER TWO: Review of Pertinent Literature

Global capitalism has dispossessed millions of people from their traditional lands through the use of major development projects, including dams similar to the proposed Baram Dam in Malaysia discussed in the previous chapter. This chapter provides an account of the scholarly literature that examines the forces of dispossession, as well as the normative structures that seemingly attempt to stop them from occurring. Accumulation by Dispossession, development dispossession and the Right to Development, the damage of major dams, human rights, HRBA and HRE, as well as liberal, anti-colonial, and neo-Marxist critiques of human rights and INGO complicity in hegemonic rights politics are all discussed.

Accumulation by Dispossession, Development Displacement and Dams

David Harvey (2003) draws on Karl Marx's (1867/1976) concept of Primitive Accumulation to formulate his concept of Accumulation by Dispossession (ABD). For Marx (1867/ 1976), the movement of capitalist production assumes a primitive accumulation "which precedes capitalist accumulation; an accumulation which is not the result of the capitalist mode of production but its point of departure" (p. 873). In other words, primitive accumulation "is nothing else than the historical process of divorcing the producer from the means of production. It appears as 'primitive' because it forms the pre-history of capital, and of the mode of production corresponding to capital" (Marx, 1867/1976, p. 875). Harvey (2006) describes the rubric of 'accumulation by dispossession' as:

> the continuation and proliferation of accumulation practices that Marx had treated as 'primitive' or 'original' during the rise of capitalism. These include the

> commodification and privatization of land and the forceful expulsion of peasant populations (as in Mexico and India in recent times); conversion of various forms of property rights (e.g. common, collective, state) into exclusive private property rights; suppression of rights to the commons; commodification of labour power and the suppression of alternative (Indigenous) forms of production and consumption; colonial, neocolonial and imperial processes of appropriation of assets (including natural resources); monetization of exchange and taxation, particularly land; the slavetrade (sic) (which continues particularly in the sex industry); and usury, the national debt and, most devastating of all, the use of the credit system as radical means of primitive accumulation. (p. 153)

Harvey (2006) argues that the state plays a pivotal role in supporting and promoting these processes, in many cases through the use of violence.

Michael Levien (2012) uses Harvey's ABD in order to explain the land grabs made by the government of India to facilitate the growth of Special Economic Zones (SEZs), resulting in the subsequent dispossession of people using and living on public lands. Levien (2012) explains that he

> believe[s] that in fact Harvey's concept of ABD marks a definitive break with primitive accumulation traditionally conceived by unmooring it from the historicism of modes of production and thereby freeing it for application to a panoply of contemporary forms of dispossession of private and social wealth – for SEZs, slum clearances, large-scale agricultural plantations, dams, real estate development, infrastructure projects and all manners of privatizations of natural resources and public wealth- that may have little to do with agriculture and that

> emanate from, rather than create the pre-conditions for, advanced capitalism. ABD has more to do with the multiple forces seeking to turn land and other resources into capital (Marx's first transformation) than about what may or may not be its result: adding to the pool of wage-labourers. (p. 938)

Levien emphasizes that ABD is significant, as it is able to capture a wide range of contemporary dispossessions (p. 939). He defines ABD as " the use of extra-economic coercion to expropriate means of production, subsistence or common social wealth for capital accumulation" (Levien, 2012, p. 940).

Jim Glassman (2006) finds that, "primitive accumulation, accumulation by dispossession, and accumulation by extra-economic means provide useful rubrics under which the continuous character of capital's extra-economic production of alienation can be linked conceptually to struggles over ongoing expanded reproduction" (p. 622). He argues that primitive accumulation is not an historical phase, but rather maintains its salience and is an ongoing process, with ABD as a strategy for its achievement (Glassman, 2006, p. 622). Alice B. Kelly (2011) defines primitive accumulation in relation to conservation as "the act of enclosure of a commons, whether that be enclosure of land, bodies, social structures, or ideas" (p. 685) that can take place very rapidly and openly, or slowly and veiled. Daniel Caceres (2014), argues that, "[t]erritories are not ahistorical spaces where social actors share interests and identities. Rather, they are ecological, social, economic and political battlegrounds where social actors dispute power and try to prevail over other actors' interests" (Caceres, 2014, p. 3). Veltmeyer and Petras (2014) explain that "the aim of imperialism in this context [of accumulation by dispossession] – and, of course, the raison d'être of all empires – is access to loot (the

extracted resources), land and labor, and the mobilization and capitalist development of these resources for the sake of private profit" (p. 7).

Harvey (2003) and ABD are not without their critics. Tom Brass (2011) disagrees with Harvey's interpretation of primitive accumulation as ABD, arguing that the process is not one of deproletarianization, but rather of depeasantization. He argues,

> Attaching a different label to primitive accumulation, and consequently renaming it 'accumulation by dispossession' is no more a theoretical solution than is attaching the same label to- and thus renaming- capitalism proper. Neither is required, since the original labels- found in the analyses of Marx himself and Marxism generally- serve adequately to identify the nature of both the theoretical problem (=capitalism) and its political solution (=socialism) (Brass, 2011, p 166).

Indigenous authors including Glen Coulthard (2014) and Sandy Grande and Naadli (Todd Ormiston) (2015) explain how, while grateful to Harvey for moving beyond a temporal definition of Marx' primitive accumulation in order to address contemporary sites of dispossession, Harvey failed to contextualize his arguments through the lens of settler colonialism. This prompted Grande and Naadli (2015) to "Indigenize Harvey". They do so by providing examples rooted in settler colonialism of privatization, financialization, management and manipulation of crisis, and state redistribution of resources that continue to dispossess Indigenous peoples. Alfred and Corntassel (2005) explain, "there are approximately 350 million Indigenous peoples situated in some 70 countries around the world. All of these people confront the daily realities of having their lands, cultures and governmental authorities simultaneously attacked, denied and reconstructed by colonial societies and states"(p. 599).

There are several different forms of ABD. These include land grabs (see Borras & Franco, 2013; Hall, 2013;), green grabs (see Benjaminsen & Bryceson, 2012; Caceres, 2014; Kelly, 2011), water and blue grabs (Franco, Mehta, & Jan Veldwisch, 2013; Swyngedouw, 2005; Veuthey & Gerber, 2012), agribusiness (Caceres, 2014), and mining (Holden, Nadeau, & Jacobsen, 2011; Perreault, 2013; Sankey, 2014; Veltmeyer & Petras, 2014). Dam development falls within several of these categories, including water and blue grabs, and as an accompanying feature of extractivist industries.

Complicit state policies and laws often create situations where land grabs become more possible (see Franco, et al, 2013 for examples in water grabs; Holden, Nadeau & Jacobson, 2011, for examples in mining; Benjaminsen & Bryceson, 2012 for conservation). Veltmeyer and Petras (2014) describe the "active support and engagement of the imperialist state" (p. 247) as extractivist imperialism. Borras and Franco (2013) provide the example of official state records showing lands allocated for the use of industry as empty. According to the authors, "if the land is not formally titled or privatised, then it is state-owned; if the census does not show significant formal settlements, then these are empty lands or, if it does not show formal farm production activities, then these are unused lands" (Borras & Franco, 2013, p. 1729). Swyngedouw (2005) describes corruption as a key tool for water privatization, including "forms of bribery, under-the-table deals, greasing hands to facilitate certain contractual arrangements and financial contributions to political allies are all part of the standard tool kit of practices that privatized water utilities use" (pp. 95-96). Franco, Mehta and Jan Veldwisch (2013) describe the use of colonial style licensing systems as a mechanism of dispossession. Another tactic used in the dispossession of land is not providing pertinent

information in the language of the people being dispossessed, sometimes taking up to seven years to translate into local languages (Benjaminsen & Bryceson, 2012, p. 346). Caceres (2014) explains how the agribusiness groups pressure legislators by referring to peasant movements and environmentalists as "fundamentalist groups" who stand in the way of progress, challenging any existing legislation that may protect those groups. This has implications for Indigenous sovereignty movements as well (See Alfred & Corntassel, 2005; Coulthard, 2014; Grande & Naadli, 2015). Caceres (2014) explains that Argentinian campesinos who attempt to resist dispossession from agricultural land often come up against police or private armed guards and are often arrested, sometimes being accused of land appropriation (p. 15).

Development Dispossession and the Right to Development

In the previous section, ABD was discussed at length, demonstrating the ability for capital to dispossess land, resources, water, traditional and spiritual locations, and the sense of place. While the majority of the examples provided related directly to development projects, it is worth discussing development dispossession on its own. In order to fully understand development dispossession, it is important to know the Right to Development.

Adopted in 1986, the United Nations Declaration on the Right to Development Article 1 states that,

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources. (United Nations, 1986)

There are ten articles within the declaration that cover everything from protecting human rights, to the state's responsibility to facilitating benevolent development to occur. This particular Declaration is of particular importance as it is used by states to justify development projects that dispossess thousands, if not millions of people from their land and livelihoods. Oliver-Smith (2010) explains that the forced displacement of people through development projects is done in the name of progress, or to borrow from the language of the Declaration on the Right to Development, "the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom" (United Nations, 1986, Annex).

Development dispossession is a form of market violence. For McMichael (2010), development is governed by "market calculus" as it pervades neoliberal policies, and encourages privatization, the expansion of the free market, de-regulation of trade and expands the opportunity to develop. Development monetizes everything from labour to resources, de-values contributions to social life, unpaid labour, common resources, and ignores discrimination and environmental degradation as they exist outside of capitalism (McMichael, 2010, pp. 2-3). Because they do not have an economic value, these are the sites of development dispossession.

Mehta (2009) identifies three factors that demonstrate the naivety of relying on states and resettlement officials to act in the best interests of those being displaced: 1) there is a massive gap between policy and practice, citing the example of thousands of families waiting for resettlement in the Narmada River Valley, despite the best practice of resettling and rehabilitating impacted populations six months prior to submerging traditional lands; 2) policies are ignored and worked around in order to serve the powerful, such as offering cash compensation for displaced peoples, rather than good land; 3) government wilfully neglects the impacts of these projects on specific populations, such as the minority Muslim population in the case of the Sardor Saravor dam (p. xxxiii). Mehta argues that, "official discourses on displacement and resettlement situate oustees not as citizens with rights but as obstacles in the path of development" (Mehta, 2009, p. xxxiii).

Some argue that the reason people become vulnerable to displacement from their land lies in their inability to own or purchase the land on which they have lived for generations, and that a lack of alternative land for development results in the expropriation of that land (Bennett & McDowell, 2012, pp. 11-12). This assumes that neoliberalism and the development project itself are benevolent forces in which some people, albeit the most vulnerable, just get caught up in a lack of empty land for development. Others, like Wada Taw-il (2002), an Igorot from the Cordillera of Northern Luzon in the Philippines, compare development dispossession through dam development as genocide. He explains that,

> the government makes propaganda that these dams are a sign of progress and prosperity for the nation and will improve the quality of life, especially for the

> rural poor. But we in the Cordillera ask, 'Whom does it really help?' We know it does not help us and we are the most neglected sector of the rural poor. We gain no share in the benefits of these dams, while our livelihood and culture are to be destroyed. (Taw-il, 2002, p. 104)

Similarly, Oliver-Smith (2010) describes Development Forced Displacement and Resettlement (DFDR) as development cleansing, leaving local people "displaced, disempowered, and destitute" (p. 2).

For anti-colonialists, dispossession has everything to do with the continuation of colonial power structures. Fanon (1961/2004) explains that, "for a colonized people, the most essential value, because it is the most meaningful, is first and foremost the land: the land, which must provide bread and, naturally, dignity. But this dignity has nothing to do with 'human' dignity. The colonized subject has never heard of such an ideal. All he has ever seen on his land is that he can be arrested, beaten and starved with impunity" (p. 9). Kapoor (2017) advances this discussion by explaining the importance of the connection to land and place for small peasants and marginal rural and forest dwellers in relation to global capitalism and the material implications of the ideological propaganda of capital as it pertains to hegemonic conceptions of space:

> In fact, in ideological and material terms, as global and trans-national colonial capitalists reproduce the propagandist conception of placelessness or absorb place into the more ambiguous idea of space as a product of coloniality in the interests of a politics of capitalist accumulation, for those facing the prospects of potential eradication in these maneuvers, (re)establishing and (re)affirming a sense of place as specificity and the immediate local affiliation and meaning of land, ecology,

history, ancestry, and spiritual grounding is understandably, and politically speaking, paramount. (p. 7).

De Wet (2006) explains how the process of resettlement after development displacement can be oversimplified by not recognizing the complexities of the populations being dispossessed. This includes the inability to thoroughly assess the complexity of social and economic systems in place, and undervaluing what the compensation for the loss of land, as well as what those compensatory systems should be. Attempts to categorize and simplify the complexity of the population into manageable dimensions often just scratches the surface of meaning, and often the compensation scheme gets it "fundamentally wrong" (De Wet, 2006, p. 4-5).

The Damage of Major Dams

Major dams are a special case of development dispossession, due to their ability to flood huge swathes of land, and displace thousands, if not millions. Communities impacted include everyone from Indigenous communities, to fisher peoples, and communities built along the riverbanks. The scale for dam dispossession has the potential to be massive, such as the cases of the Three Gorges Dam and the Narmada River Valley in India.The *Dakar to Tunis: Declaration of the Global Convergence of Land and Water Struggles* was the culmination of the World Social Forum's discussions in Tunis in late March of 2015. According to the FoodFirst Information and Action Network (FIAN) (2015), "The declaration serves as a common ground, based on human rights and built around the vision of food sovereignty" (FIAN, 2015). In it, the signatories express the challenges posed by major development projects, including dams:

> The huge profits of elites are thus built on the systematic violation of human rights of the majority of peasant farmers, informal settlement and slum dwellers, fisher folk, pastoralists, Indigenous peoples and communities, nomads, rural and urban workers and consumers, especially youth and women, who are dispossessed of their land and livelihoods through violence, intimidation and torture. Land grabbing always goes hand-in-hand with water grabbing, and takes different forms: cases of unsustainable water-consuming farming, through the privatization and management of water utilities (stealing this vital resource from those who are unable to pay for it), contamination of aquifers caused by unregulated mining, the change of river courses and waterways through the construction of dams and the resulting eviction of communities, the militarization of access to water points, the dispossession of pastoralists and fisher communities of their livelihoods through practices such as coastal sand mining (World Social Forum, 2015).

Water grabbing is defined by Franco, et al, (2013) as, "a process in which powerful actors are able to take control of, or reallocate to their own benefit, water resources used by local communities or which feed aquatic ecosystems on which their livelihoods are based" (pp. 1653-1654). Major dam projects fall within this category as a means by which powerful actors take control of water resources. According to Swyngedouw (2005),

> Nature itself has long resisted full commodification, but in recent years, nature and its waters have become an increasingly vital component in the relentless quest of capital for new sources of accumulation. The new accumulation strategies through water privatization imply a process through which nature's goods become

> integrated into global circuits of capital; local common goods are expropriated, transferred to the private sector and inserted in global money and capital flows, stock market assets, and portfolio holdings. (p. 87)

Dams have displaced between 40 to 80 million people worldwide, with China and India displacing the most people. Countless villages have been flooded, traditional lands lost, and sources of livelihood submerged, all in the name of harnessing the power of water for neoliberal gains. According to Johnston and Garcia-Downing (2004), the WCD thematic review of the social impact of Dam Development on Indigenous Peoples and Ethnic Minorities found that "dam development typically produced cultural alienation; resulted in the dispossession of land, resources and the means to sustain a self-sufficient way of life; involved a lack of, or inadequate compensation; generated human rights abuses; failed to spread the benefits of development; and lowered living standard" (p. 226). They illustrate these findings by presenting the case of the Pehuenche Indigenous people in Chile, who were dispossessed from their land, traditions, resources, and culture in favour of hydropower development (Johnston & Garcia-Downing, 2004, p. 211).

Oliver-Smith (2010) describes how dam construction drastically changes the environment through which the water is being diverted as well as the communities that may be flooded through their construction. Water-born disease and changes to the ecosystem mark this type of development. He draws on the example the Tucurui Dam in Brazil to show the devastation brought by dam construction. The peasants who lived in the area affected by the dam's construction were plagued by mosquitos as a result of changes to the environment, particularly rotting flora, and new plants that allowed mosquitos to breed in enormous numbers. The people fought for compensation and

solutions to the plague with the government, and came up against opposition from the dam's company. Other health issues due to the changes in the water, and a loss of fish and other food items all contributed to the hardship faced by those impacted by the dam (Oliver-Smith, 2010, pp. 117-122).

Madeley (2008) describes that key to the development of major dam projects are Transnational Corporations (TNCs). According the World Commission on Dams (WCD), of the development projects funded by the World Bank where displacement occurred, 63% of those projects have been dams (World Commission on Dams, 2000, p. 17). The aid money provided by the World Bank ends up in the bank accounts of construction TNCs who hold the expertise in creating these large projects, all while the people displaced usually end up in much worse circumstances than prior to being displaced (Madeley, 2008, p. 159). Dam developers often ignore FPIC. There are many examples of dam-induced displacement gone wrong, either through ignoring that displacement is even occurring, or through poor resettlement processes (Finley-Brook & Thomas, 2011, 2010; Johnston & Garcia-Downing, 2004; Madeley, 2008; Mehta, 2009; Oliver-Smith, 2010; Roy, 2001). Finley-Brook and Thomas (2011) creatively illustrate how even when dams are called sustainable or green energy, they are still oppressive. The authors dub this green authoritarianism or the "process of state oppression to defend renewable energy sources and market-valorized ecological processes" (Finley-Brook & Thomas, 2011, p. 866), and carbon colonialism when carbon offset projects can cause social harm (Finley-Brook & Thomas, 2011, p. 864). They conclude that, "Green authoritarianism and carbon colonialism are evident in the construction of both the Chan 75 and Bonyic dams. In these case studies, state agencies and private firms worked in partnership to

dominate and oppress local populations. With support from the state, developers used physical force to assert claims to exploit or protect natural resources with market value" (Finley-Brook & Thomas, 2011, p. 869).

There is no doubt that major dam projects have an impact on the people who experience dispossession as a result of their construction. Bennett and McDowell (2012) describe the turmoil when people were forced to leave their homes due to flooding from the 1976 construction of the Tarbela Dam in Pakistan. Their interview subjects described "people weeping, clinging to the graves of their forebears, and struggling to gather their belongings in the face of the rising water" (Bennett & McDowell, 2012, p. 42). The Tarbela Dam displaced nearly 100,000 people, mostly subsistence farmers from 120 1ong-established agricultural communities that were submerged by the flood waters (Bennett & McDowell, 2012, p. 37).

Arundhati Roy (2001) provides one of the most damning descriptions of dam displacement, particularly as it relates the Narmada Valley.

> When the history of India's miraculous leap to the forefront of the Information Revolution is written, let it be said that fifty-six million Indians (and their children and their children's children) paid for it with everything they ever had. Their homes, their lands, their languages, their histories.
>
> You can see them from your car window when you drive home every night. Try not to look away. Try not to meet their eyes. Fifty-six million displaced, impoverished, pulverized people. Almost half of them are Dalit and Adivasi. (There is devastating meaning couched in this figure). (Roy, 2001, pp. 67-68)

Human Rights-Based Approaches to Development and Human Rights Education

The processes of development dispossession and the building of major dam projects directly confront and in some cases violate normative human rights. The development of a dominant discourse of human rights has emerged over the past seventy years. The 1948 Universal Declaration of Human Rights (UDHR) is 30 articles in length and its development can be attributed to the atrocities of the World Wars, specifically an attempt to prevent the horrors of the Holocaust from re-occurring. In the preamble, the states agree to recognize that "the inherent dignity of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" (United Nations, 1948). The rights outlined in the UDHR represent everything from social, economic, cultural, and educational rights which are to be protected under law, emphasizing the importance of the individual over the political agenda of the nation-state. The United Nations (UN) and its member states continue to uphold these rights as inalienable and applicable to all human beings. It is important to note that throughout the twentieth century, human rights have been appropriated to fit the political climate of the time, whether it be the Cold War, or the rise of neo-liberalism and the New World Order. States find ways to manipulate the language to best suit their needs. Human rights language also becomes co-opted as a means of moralizing the actions of state and non-state actors. These critiques will be explored later in this chapter.

HRBA emerged in the 1990s and has been championed not only by the United Nations and its structures, but also by large INGOs including OXFAM, Care, Action Aid, and Save the Children. At its essence, HRBA organizes around the international norms that originate from human rights instruments and agreements. These include (but are not

limited to) the UDHR and UNDRIP, as well *The Declaration on the Rights of the Child,* which was championed by UNICEF in 1997 as the first rights-based adopter in the UN system (Kindornay, Ron & Carpenter, 2012, p. 479). According to Levin (2012), "[u]nder a human rights-based approach, the plans, policies, and processes of development are anchored in a system of rights and corresponding obligations established by international law. The objective of this is to promote sustainability of development work, by empowering people themselves- especially the most marginalized- to participate in policy formulation and hold accountable those who have a duty to act" (p. 173). The United Nations describes HRBA in the following way:

> A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyze inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress... Under a human rights-based approach, the plans, policies and processes of development are anchored in a system of rights and corresponding obligations established by international law. This helps to promote the sustainability of development work, empowering people themselves— especially the most marginalized—to participate in policy formulation and hold accountable those who have a duty to act. (United Nations, n.d.)

Why this approach emerged in the 1990s has been attributed to events at the global governance level, key among them are the "1993 UN World Convention on Human

Rights in Vienna, which concluded that all human rights were of equal importance and the 1997 UN Reform Agenda, which resolved that security, human rights, and development were interrelated processes and that human rights should be mainstreamed throughout all UN agencies" (Kindornay, Ron & Carpenter, 2012, p. 478). The Vienna Convention is also attributed with a renewed interest in HRE (Evans, 2008). Additional factors that resulted in a renewed engagement with rights talk included the devastating genocide and ethnic cleansing in Rwanda and the former Yugoslavia, as well as the increase in the participation of civil society and Non-Governmental Organizations (NGOs) in international governance issues, such as the Mine Ban Treaty. In 2003, UN Agencies came together to develop and adopt the UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming. The Common Understanding is as follows:

1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights (UNDG Human Rights Working Group, 2003).

Of note is that these approaches originated at the international governance level and seem to trickle down to subsequent levels, including NGOs, state run relief funds and development agencies, as well as within corporations themselves.

HRBA emphasizes the relationship between rights-holders, and duty-bearers. Rights-holders are individuals (and in some cases communities) who through this process are intended to be empowered to protect their rights. Duty-bearers are those in a position of power, usually the state or a corporation, whose development work could infringe on the rights of people who are impacted by that project or work. They are to be held accountable should rights be violated (Sano, 2014, p. 35). HRBA changes the language of development work from providing basic needs to moving towards human rights, as defined by many international human rights instruments (to see how HRBA organizations utilize a rights-based approach versus a more traditional needs based approach, see Care and Oxfam, 2008 or to see how Oxfam came to adopt this model, see Offenheiser & Holcombe, 2003). Some argue that the HRBA provides rights holders a viable means for opposing neoliberalism and capitalist development (Gready, 2008).

Gready (2008) explains that rights-based approaches can be "distilled to a few core principles: *participation*, *accountability*, *equality and non-discrimination*, *transparency*, and *empowerment*" (p. 736). HRBAs have implications for multiple actors and levels of governance and they have legal implications specifically regarding how rights are applied in law directly, indirectly or strategically (Gready, 2008). The role of states in human rights is both in delivery and oversight. Cornwall and Nyamu-Musembi (2004) argue that, "by stipulating an internationally agreed set of norms, backed by international law, it provides a stronger basis for citizens to make claims on their states

and for holding states to account for their duties to enhance the access of their citizens to the realisation of their rights" (p. 1416). They explain that the accountability and monitoring procedures should be extended to states, global actors such as donor communities, INGOs, intergovernmental organizations, transnational corporations, as well as policy-makers themselves (Cornwall & Nyamu-Musembi, 2004, p. 1417). Cornwall and Nyamu-Musembi (2004) identify four ways human rights are deployed in a rights-based approach to development:

1. As a set of normative principles to guide the way in which development is done…
2. As a set of instruments with which to develop assessments, checklists and indicators against which interventions might be judged…
3. As a component to be integrated into programming…
4. As the underlying justification for interventions aimed at strengthening institutions, whether to develop the advocacy skills of organizations representing marginalized people…or to create or strengthen accountable governance institutions. (pp. 1431-1432)

Nelson and Dorsey (2008) outline a typology of HRBA for NGOs. They describe three factors that show the commitment level of an organization to a rights-based approach: "how public and visible; how system-wide; and how clearly and specifically rooted in internationally recognized human rights standards and principles" (p. 104). Through examining how organizations (specifically Oxfam, Care, Action Aid, and Save the Children) implement their HRBA approaches through these three characteristics, Nelson and Dorsey show that they are not a new, all-encompassing approach to development at all, but rather are adaptations to the organization's existing work to fit an

HRBA framework (2008, pp. 104-106). Cornwall and Nyamu-Musembi (2004) explain that "[i]t seems fair to suggest that international development agencies-to varying degrees-use the language of rights-based approach to development largely to invoke the discursive power of the concept of rights, without intending to bear the weight of the entirety of consequences that flow from it" (p. 1433).

In 2016, the UN released the Sustainable Development Goals to replace the Millennium Development Goals. As a part of the implementation, the United Nations Development Group (UNDG) Human Rights Working Group developed policy for the UN Country Teams. This policy states that:

> The UN should consistently apply and support the application of a Human Rights-Based Approach in the planning, design, implementation and monitoring of all SDGs in order to more effectively reduce inequalities and discrimination. Efforts should aim at achieving both formal and substantive equality, and must focus on: addressing structural barriers, reversing unequal distribution of power, resources and opportunities, and challenging discriminatory laws, social norms and stereotypes that perpetuate inequalities and disparities (UNDG, 2016).

A full-fledged analysis of the top down concept of development is far out of the scope of this review, however the introduction of the Human Rights-Based Approach to Development (HRBA) should provide some insight into a specific approach within this larger body of work.

According to Levin (2012), "[t]he awareness of a person's own rights and of the rights of others is an indispensible precondition for the effective implementation of

human rights" (p. 155). This is where HRE comes into play. Article 26, Section 2 of UDHR speaks to the human right to education:

1. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (United Nations, 1948)

HRE was first introduced through UNESCO in the 1950s, but came to prominence when it was expressed as a need to be incorporated into curriculum by UNESCO in 1974 (Suarez, 2007, p. 49). Mihr (2009) defines HRE as "a set of educational and pedagogical learning methods to inform people of and train them in their human rights" (Mihr, 2009, p. 177). Spring (2009) explains that at the heart of HRE, there must be the promotion of a form of activism that will lead to the protection of individual and collective human rights (p. 134). HRE is often associated with education programs conducted by NGOs; however, "only governments can guarantee the full inclusion of HRE in school curriculum" (Mihr, 2009, p. 180).

The United Nations declared the period of 1995 until 2004 the United Nations Decade for Human Rights Education, with "UN member states agree[ing] to undertake measures and activities to promote and incorporate HRE in formal and nonformal (sic) education sectors" (Mihr, 2009, p. 179). Building on this is the World Programme for Human Rights Education, coordinated by the UN's Office of the High Commissioner for Human Rights (OHCHR). The World Programme has been divided into a three-phase approach in order to best focus efforts at the state level. It is currently in the second

phase, which emphasizes HRE for higher education, and human rights training for educators, civil servants, law enforcement and military personnel (United Nations, 2010). The United Nations General Assembly adopted the United Nations Declaration on Human Rights Education and Training as a new instrument of the United Nations in December of 2011. At its essence, this document reaffirms a commitment to the UDHR and provides a framework that ensures human rights education is accessible to everyone. The declaration is comprised of 14 articles, each of which emphasizes the role of state governments along with support from non-state actors, to adopt and promote an HRE approach to education about, through and for human rights. Article 2 (1) and Article 5 (2) are particularly relevant to this discussion. They state:

> Article 2 (1) Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.…
>
> Article 5 (2) Human rights education and training should be accessible and available to all persons and should take into account the particular challenges and barriers faced by, and the needs and expectations of, persons in vulnerable and disadvantaged situations and groups, including persons with disabilities, in order to promote empowerment and human development and to contribute to the

> elimination of the causes of exclusion or marginalization, as well as enable everyone to exercise all their rights. (United Nations, 2011)

As Suarez (2007) explains and as the breadth of the United Nations Declaration on Human Rights and Training shows, "HRE models are malleable blueprints that can be modified and adapted to different contexts—there is no 'one best system' for HRE" (p. 66). For Bajaj (2011), "The diversity of contexts in which HRE can and has been implemented is indeed a testament to its relevance, adaptability, and promise as a lasting educational reform" (p. 508). This all presumes that HRE is offered through the education system of every country and that every right-bearer is in a position to receive this type of education, adapted to their particular situation and context. Given this is not the case, it falls upon civil society, social movements and NGOs to teach people about their rights. In many cases, it is the lack of knowledge of rights that companies and corporations count on in order to implement whatever development project they are creating, provided rights are the means for framing these oppositions to development.

Critiques of Human Rights and HRBA in Contexts of Development Dispossession

The above section offered a description of human rights, HRBA and HRE. The following sections discuss the various critiques of these concepts. Liberal critiques of human rights and its tools aim to offer a critique from within the framework, one where the idea of individualized human rights are not questioned, but suggestions for refining their application are offered. Anti-colonial critiques of human rights are rooted in the struggle for land, and against the Eurocentric, imperialistic oppressive forces of neo/colonialism, of which human rights can be seen as a tool. Neo-Marxist critiques center around the notion of human rights as a means of placating the subordinate classes

while maintaining the power and position of the hegemonic global capitalist system. Rights or moral discourses, do not allow for emancipation from capitalism. Additionally, INGOs can be seen as complicit within rights politics.

Liberal Critiques

First, what actually constitutes an HRBA in the field is vague and aspirational. Some argue that HRBA is fashionable and a means to dress up development in the Emperor's New Clothes to occupy the high moral ground or a repackaging of old development frameworks (Cornwall & Nyamu-Musembi, 2004, p. 1417; Uvin, 2002, p. 2; Uvin, 2007, p. 600; Nelson & Dorsey, 2008, p. 119). As stated more strongly by Uvin (2002), "[m]uch of it is about the quest for moral high ground: draping oneself in the mantle of human rights to cover the fat belly of the development community while avoiding challenging the status quo too much, cross-examining oneself, or questioning the international system. One can see power at work here, which is to be expected" (p. 10). Varying applications of an HRBA approach by different NGOs makes it difficult to really assess the effectiveness of these approaches. Schmitz (2012) argues that, "NGOs have for now developed their own 'brand' of HRBA, shaped by pre-existing understandings of the core development challenges and the unique organizational context of each agency. This diversity of approaches makes any general claims about the effectiveness of HRBA difficult" (p. 540).

This is a challenge for organizations that fully commit to an HRBA. As the trends in development change, so do their approaches and tactics out of necessity, specifically when funding is tied to a particular form of development work (Kindornay, Ron, & Carpenter, 2012, pp. 488-492). This also shows the weak grasp human rights may have

amongst actors across the board, if this approach is not always supported. As Nelson and Dorsey (2008) explain, "it would be entirely possible for NGOs and donors to quietly slide the rights-based approach onto the shelf that holds other slogans and principles for display to interested publics: sustainability, human development, gender empowerment, etc… organizational innovations may have transformative effects that are difficult to undo and incremental effects that are more easily eroded" (p. 122).

While HRBA does emphasize rights holders and duty bearers, this becomes challenging when "most poor people have little access to the institutions that might enforce their rights and that the interface between different legal systems governing their access to entitlements makes the process of recognising and claiming rights complex" (Cornwall & Nyamu-Musembi, 2004, p. 1418). How does the HRBA hope to address the challenges of the universalizing tendency of human rights without actually addressing communities, kinship, culture, and differences of the understanding of rights outside of the liberal, western state context (Banik, 2012; Kindornay, Ron, & Carpenter, 2012)? Further to this, organizations have finite resources, which sometimes equates to competing rights. How do you select which rights to advocate for, and which to let go, given their supposed universal application and importance? When the Right to Development is competing with an HRBA approach, who wins? If NGOs are beholden to capital through donations from the World Bank, state development agencies, and corporations to determine if they can fully implement a rights-based approach (as suggested by Nelson and Dorsey, 2008, p. 120), how deep can they go to utilize this approach, specifically when many of those funders are key to development dispossession?

Additionally, Oliver-Smith (2010) offers four disadvantages. The first is that the acquisition of rights may appear to be more expensive than addressing immediate needs. The second is that extending rights to the most marginalized people can be perceived as threatening the hold of local and national elites, creating the space for a potential backlash to the approach. The third disadvantage is that rights-based approaches could be perceived as top down, privileging the interpretation of rights by elites, rather than the local people. Finally, defining duty-bearers in a rights-based approach can be complicated, obscuring at what level appeals for rights should be handled (p. 79).

The critiques of HRBA discussed here still assume a place for human rights language as declared under the UDHR. Donnelly (2007) argues that, "universal human rights, properly understood, leave considerable space for national, regional, cultural particularity and other forms of diversity and relativity" (p. 281). Critics from neo-Marxist and anti-colonial perspectives take issue with this claim. Many critical scholars explain that rights language and the concept of universality falls, in actuality, within the realm of western hegemony (Chandler, 2001; Kneen, 2009; Rajagopal, 2003). Situated in International Law as instruments of the global capitalist system, human rights provide yet another means for the oppressor to continue to exploit populations without power (Falk, 2009; Rajagopal, 2003; Stammers, 2009; Williams, 2010).

Chandler (2001) argues that there is no one definition of human rights that is globally accepted and that the concept should really be viewed from the perspective of human wrongs. For Chandler, arguments for the universality of human rights provide another means for Eurocentric, ethical and moral democracies to act paternalistically

towards less powerful states for the purpose of implementing and protecting their version of human rights.

Anti/Colonial Critiques of Human Rights-Based Politics

Anti-colonial scholars argue that the hegemonic nature of the countries of the Global North in the areas of international law, and global governance do not reflect the viewpoints of some located in the neo/colonies. According to Forsythe (2006), "the US model of human rights is overly individualistic, causing great damage to a sense of community and perhaps even to order" (Forsythe, 2006, p. 9), both of which have been explored as values of people and places other than liberal democracies. Fanon (1961/ 2004), describes how the "colonized intellectual learned from his masters that the individual must assert himself. The colonialist bourgeoisie hammered into the colonized mind the notion of a society of individuals where each is locked in his subjectivity, where wealth lies in thought. But the colonized intellectual who is lucky enough to bunker down with the people during the liberation struggle, will soon discover the falsity of this theory…Personal interests are now the collective" (pp. 9-10).

When it comes to human rights discourse, many view human rights simply as another form of colonialism from the "developed" world, using human rights as a means of enforcing imperialistic power relations (Falk, 2009; Kneen, 2009; Rajagopal, 2003; Williams, 2010). As Rajagopal (2003) explains, "for many in the west, human-rights discourse has emerged as the sole language of resistance to oppression and emancipation in the Third World" (p. 172). As Kapoor (2012) elaborates,

> The Eurocentric and state-centric institutionalized conception of human rights/ legal codings, as discussed, are mostly constitutive of (or re-shaped in the

> interests of) the project of colonialism and today's neoliberal hegemonic project (imperialism), with limited prospects for deployment by Adivasi/ Indigenous peoples who are compelled (when engaging in real *politik*) to resort to this mostly derived politics/ discursive formation to repeat what has always already been said before. A human rights discourse is deemed *necessary* in order to enhance the prospects of becoming audible in imperial/ metropolitan society. (p. 415)

Quijano (2000) argues that the current power structures of global capitalism are fundamentally rooted in colonialism, specifically in relation to the control of the capitalist wage economy by Europeans, and those favored by the colonial system. For Quijano, "the coloniality of power still is…dominant against democracy, citizenship, nation and nation-state" (2000, p. 228). He continues explaining that "[W]hat civil and political rights we have been able to advance and to conquer, in some necessary redistribution of power and decolonization of our society and state, is now being rolled back under the control of the same officers of the coloniality of power" (p. 231). Rajagopal (2003), speaking to the violence caused by capitalist development explains that, "economic violence – that is, violence caused by the market – is treated as out of bounds of human rights law" (p. 196).

According to Kneen (2009), "[t]he imperial, universal identity of rights is proclaimed by the UDHR and reinforced with various subsequent UN declarations, such as the 1986 Declaration on the Right to Development which presumes that there is a common, agreed upon definition of development and therefore offers none- another expression of western universalism" (Kneen, 2009, p. 27). Kneen continues, by explaining that, "The universality attributed to the idea of human rights appears to be

more a projection of arrogance and imperial intent than a description of reality" (Kneen, 2009, p. 33). Rajagopal (2003) further problematizes the relationship between colonialism and human rights. He argues that this relationship has resulted in the "dismissal of the 'Third World' as a site of epistemological production of human rights, while rendering several forms of violence, such as that generated by development, invisible to discourse. Constituting human-rights discourse as the sole discourse of resistance may continue to re-enact these colonial representative practices" (p. 231). Kneen (2009) explains that,

> there are…a great many languages and peoples for whom the notion of rights is simply non-existent. In many languages (among them Algonquin, Aymara, Bangla, Basque, Khmer, Korean, Japanese, Quechua, Turkish, Shuswap/ Secwepemc…) there is simply no word for rights, or at least there was none until the concept of rights was imported from western cultures and a word for rights had to be created. (p. 27)

Indigenous scholars in settler colonial contexts have touched on rights and resurgence as a means of combatting settler colonialism, and moving beyond the forces of neoliberalism. Alfred and Corntassel (2005) assert that "we do not need to wait for the colonizer to provide us with money or to validate our vision of a free future; we only need to start to use *our* Indigenous languages to frame our thoughts, the ethical framework of *our* philosophies to make decisions and to use *our* laws and institutions to govern ourselves (p. 614). Coulthard (2014) has written five theses on Indigenous Resurgence and Decolonization, in which he addresses issues of dispossession. In his

fifth thesis, Beyond the Nation State, Coulthard argues that the present condition of Indigenous peoples,

> begin to shift our attention away from the largely rights-based/ recognition orientation that has emerged as hegemonic over the last four decades, to a resurgent politics of recognition that seeks to practice decolonial, gender-emancipatory, and economically nonexploitative alternative structures of law and sovereign authority grounded on a critical refashioning of the best of Indigenous legal and political traditions. It is only by privileging and grounding ourselves in these normative lifeways and resurgent practices that we have a hope of surviving our strategic engagements with the colonial state with integrity and as Indigenous peoples. (p. 176)

This resurgence of Indigenous ways of knowing is becoming more prevalent in land-based struggles in Canada and other settler colonies, as is evidenced through protests to pipelines and extractivist industries.

Neo-Marxist/Gramscian Critiques

For Gramsci (1934/ 1971) hegemony, "involves a leading social group securing the (active or passive) consent of other social strata, rather than unilaterally imposing its decrees upon unwilling 'subjects'. It relies more upon subtle mechanisms of ideological integration than direct recourse to arms" (Thomas, 2009, p. 161). It is through this type of subtle mechanisms, and this idea of consent, that the capitalist elite are able to maintain their position. Evans' (2005) interpretation of Gramsci explains that in order for the hegemon to maintain power successfully, coercion alone cannot be used. Rather, "the hegemon must foster a consensus around a set of values that support the hegemon's

interests" (Evans, 2005, p. 17). It is when these values become common sense that hegemony has reached its highest form. Human rights, Evans argues, have become common sense, while advancing the individualistic, Eurocentric liberal notions of rights promoted by the US in the post-war era and the development of global institutions (Evans, 2005, pp. 18-19).

Authors writing from a neo-Marxist/Gramscian perspective inevitably point to the hegemonic nature of international law, with the power residing firmly within the grasp of the countries of the Global North through international bodies such as the United Nations, the World Bank, the International Criminal Court, and other global governance structures. Falk (2009) argues that it is important, "to recognize that the choice has actually been made quite a long time ago by both sides: the mainstream human rights movement in the North generally, yet not invariably, has chosen to work within the frame of hegemonic international law" (Falk, 2009, p. 36). Falk (2009) goes on to argue the following regarding international law wherein he explains that,

> the authority of international law rests, in part, upon its overt affirmation of the ethical premises of human solidarity and a positive engagement with the promotion of peace, equity, sustainability and human rights. Of course, such legitimating claims also function to disguise the historic role of international law as an invaluable instrument contrived by the powerful to pursue their destructive and exploitative goals in the world, giving an aura of legitimacy to the domination and oppression of the weak. (p. 40)

Falk's argument is similar to that advanced by Williams (2010). Williams writes that human rights language and discourse exist within western hegemony as tools of

imperialistic international law (Williams, 2010, pp. xx). Further to this, Stammers (2009) explains that, "[i]ndeed, the use and abuse of human rights by the most powerful western states to serve their own foreign policy interests have clearly devalued and de-legimitised both human rights and the UN human rights system to the point that critics and those on the receiving end of western foreign policy simply assume that human rights can be nothing other than a form of western imperialism" (p. 119). As such, universal human rights as they were developed in the post-world war two era have been a "vital ingredient in developing the global reach of capital" (Evans, 2011, p. 43), and establishing the emergent global capitalist social class as the hegemon.

INGO Complicity in Hegemonic Rights Politics

INGOs are also complicit in the continued hegemonic nature of rights politics. Hardt and Negri (2000) explain that "empire's powers of intervention might best be understood as beginning not directly with its weapons of lethal force but rather with its moral instruments" including "global, regional, and local organizations that are dedicated to relief work and the protection of human rights" (pp. 35-36). NGOs themselves are seen to perpetuate this hegemonic relationship through, for example, what has been referenced in certain instances as processes of NGOization (Choudry & Kapoor, 2013), or the professionalization and institutionalization of social action through various strategies utilized by NGOs including in contexts of development dispossession (Kapoor, 2013). Kothari (2005) explains that,

> This production of the 'professional' development expert, identified as such not solely because of the extent and form of their knowledge but often because of who they are and where they come from, legitimises and authorises their

> interventions by valorising their particular technical skills and reinforcing classifications of difference between, for example, the 'developed' and 'developing' worlds. (Kothari, 2005, p. 426)

Williams (2010) argues that NGOs are dependent on the media, populations and governments of the Global North for funding and exposure, thus only bringing attention to human rights abuses in the Global South. Williams explains that, "this untoward dependency affects the capacity of human rights NGOs to intervene in circuits of international visibility in terms of largely restricting such interventions to the representation of human rights abuses outside of Western Europe and North America" (Williams, 2010, p. 46). Lyons and Mayall (2003) express that while NGOs are able to work towards the enforcement of human rights through advocating and pressuring governments, "it is ultimately only through governments that the international human rights regime can be deepened and extended" (p. 205). For Brass (2011), single issue NGOs whose sole argument is based on moral grounds, i.e. defensive human rights, have no power in capitalism, and are stuck in an argument for more aid, rather than pushing for full systemic change (p. 268).

Summary

The literature provides a rich background to our normative understanding of human rights, their illusion of universality, and hegemonic power at play. This has significant implications for the use of HRBA and HRE in context of development dispossession. ABD and the development of major dam projects further show the challenging politics in which development NGOs must tread using these approaches. The following chapter describes how I utilize the concepts discussed to write a critical

interpretive study of how NGOs utilize these approaches in contexts of development dispossession.

CHAPTER THREE: Research Methodology

Critical Interpretive Research Methodology and Case Study Strategy

Cannella (2015) explains that critical inquiry is "embedded within human rights movement of the twentieth century, postmodern critiques of rationalist truth claims and grand narratives, and traditionally marginalized voices from a range of racialized, gendered, and cultural locations… [C]ritical inquiry has exposed complex, intersecting power relations that both privilege and oppress" (p. 7). Critical research comes down to evaluating power; who has it, and who benefits from it, while also seeking justice to address this power imbalance. In the context of Sociology, Carroll (2006) explains that "'uncritical' sociology – blandly indifferent to injustice – does not yield objective knowledge; it reinforces entrenched power" (p. 234). Critical inquiry is *praxis*-oriented (Cannella, 2015; Carroll, 2006; Denzin, 2015). For Cannella (2015), this power dynamic relates directly to the neoliberal intrusion, and the research implications of "privileg[ing] this particularly invasive form of capitalism to the detriment of both democratic practices that would challenge oppression and increased possibility for justice in all forms (whether social, economic, environmental, or even the nonhuman/ more than human)" (p. 8).

The critical interpretive nature of this study allowed for an explanation of power dynamics at play within the HRBA approach, as enacted by International Rivers. As Denzin, Lincoln and Smith (2008), explain, "Interpretive research practices turn the world into a series of performances and representations… These performances create the space for critical, collaborative, dialogical work. They bring researchers and their research participants into a shared, critical space, a space where the work of resistance, critique, and empowerment can occur" (p. 5). Denzin (2015) explains that critical research is "NOT JUST a qualitative study. This is ethically responsible activist research"

(p. 32). Denzin (2015) explains that critical qualitative researchers locate themselves on the epistemological border between postpositivism and poststructuralism, are intersectional, and utilize a variety of research strategies (pp.34-35).

Case study methodology provides the opportunity to delve deeply into how a particular organization utilizes HRBA in contexts of development dispossession and displacement. As Stake (1995) explains, "the case is a specific, a complex, functioning thing" (p. 2). The specificity of the work undertaken by International Rivers and their particular approach to rights-based work suits the use of case study methodology, not only to determine how they carry out their work, but also to contextualize it within the fight for the rights of people impacted by large dam projects. I chose to do what Stake calls an instrumental case study, where research is conducted on a particular case (International Rivers) to gain an understanding of something else (HRBA in context of development dispossession) (Stake, p. 171).

Research Purpose and Questions

Utilizing a critical interpretive methodology and an instrumental case study strategy, this research is a critical exploration into rights-based approaches being utilized by International Non Governmental Organizations (INGOs) in addressing dam related development dispossession in neo/colonial contexts in Africa, Asia, and the Americas. Two related research questions to address this purpose include:

a) How is HRBA being used by INGOs to address dam development dispossession in the neo/colonies? How is HRE playing a role in this process?
b) What are some of the criticisms of and problems with HRBA to addressing dam development dispossession in the neo/colonies?

Contributing Neo-Marxist Critical Conceptual and Analytical Perspectives

A critique of human rights-based approaches to development and education can be located in a variety of perspectives. The selection of neo-Marxist critical concepts and analytical perspectives helped to shape the critical exploration of this case study, including informing the research questions, and how the data was analyzed. These perspectives show how HRBA and HRE can be co-opted by capital as a means of perpetuating hegemonic class structures and advancing market violence. Ultimately, at the root of all of this critique is an analysis of power, and the process of dispossession of land faced by Indigenous peoples, forest dwellers, fisher people, hunters and gatherers, landless peasants, and other marginalized people within the global capitalist system the world over at the hands of development projects, despite having the supposed protection of the Universal Declaration of Human Rights.

The concept of hegemony as described by Gramsci in *The Prison Notebooks* is a force where the dominant group within society gains power/ hegemony over that of a subordinate group, and is tasked with maintaining the general interests of the subordinate group, while also maintaining their own dominance (Gramsci, 1934/ 1971, pp. 181-182). Hegemonic class relationships are maintained via force or through persuasion. Sanyal (2007) builds on Gramsci's conception of hegemony, explaining that,

> [i]n capitalism the state grants rights to every citizen, thereby recognizing them as equal, and individuals in civil society see themselves as 'particulars' flowing from the 'universal', i.e., right. With its conflicts and contradictions rendered invisible, civil society appears as a harmonious whole consisting of autonomous individuals

> endowed with rights, and thus the bourgeoisie secures legitimation of its class rule (p. 28).

Thomas (2009) explains that civil society is where the concepts of hegemony and consent live, while the state uses coercion and domination (pp. 167-168). Civil society operates within the state, as does the market. For Thomas (2009), "the state will remain the 'truth' of civil society until the latter becomes aware of its own 'secret': its capacity for self-organisation and self-regulation. Thus the need for the subaltern classes to become 'more political', which in itself represents the 'spirit of cleavage' that is the precondition for the re-absorption of the political within the social" (p. 193). The state, the market, and civil society are imbricated (not separate from) and operate together under the concept of hegemony.

Marxists claim that human rights, as they are conceptualized through the liberal notion of the individual (see Hobbes and Locke) and their private interests (i.e. property), remove that individual from community (Evans, 2011, p. 40). As Evans (2011) explains,

> for Marx, rights do not create the conditions within which human emancipations can be achieved. On the contrary, the legitimation of rights talk has more to do with protecting the social relations of the existing capitalist order, which is best achieved when liberal rights are accepted universally. Rights therefore act to mask class interests by offering the false claim that a rights-based society can deliver a universally fair, objective, and just distribution of social costs and benefits. (p. 41)

Brass (2011) echoes Evans by explaining that moral discourse's (i.e. human rights and citizenship) opposition to unfree labour leaves the capitalist system unchecked (p. 268). He argues that without systems change, NGOs advancing a human rights agenda must

continue to rely on aid funding their attempts to eradicate whatever is challenging one's human rights. He explains that, "in short, the approach outlined here takes the problem of unfree labour out of the realm of human rights (= a moral disgruntlement that capitalism ought really to be much 'nicer' than it is) and reinserts it in a framework that is Marxist, which is where it more properly belongs" (Brass, 2011, pp. 268-269). Given they operate within the capitalist system, these moral discourses, for Brass (2011), will never create the opportunity for a socialist emancipation (p. 270).

While the Marxist understanding of primitive accumulation was discussed at length in the previous chapter, particularly as it relates to Harvey (2003)'s concept of ABD, these are re-articulated here as key concepts and critical analytical perspective informing this critical exploration of INGOs and HRBA in contexts of dam dispossession. For Marx, primitive accumulation was the necessary first stage of capitalist development, and forms its mode of production. Luxemburg (1951/2003) explains that,

> capital in its struggle against societies with a natural economy pursues the following ends: 1) To gain immediate possession of important sources of productive forces such as land, game in primeval forests, minerals, precious stones and ores, products of exotic flora such as rubber, etc. 2) To 'liberate' labour power and to coerce it into service. 3) To introduce a commodity economy. 4) To separate trade and agriculture (pp. 349-350).

Finally, for Harvey (2003), ABD is a continuation of the processes of primitive accumulation through the development projects of the new imperialism, or the neoliberal capitalist system. The closure of the commons, dispossession of the land of Indigenous

peoples, landless-peasants, pastoralists, fishers and other marginalized peoples are all significant examples of the contemporary process of dispossession.

Research Process

This study was approached in three phases. The first phase was to examine the appropriate literature, and get a firm understanding of the subject matter at hand, as well as an understanding of development dispossession. I then examined the websites of various INGOs that use a rights-based approach in order to best select my case and ensure that the case study was bounded (Creswell, 2014; Merriam, 2009; Wellington, 2015) to fence in exactly who and what the study explores. I also identified who could be considered for expert interviews, and narrowed my focus to several possibilities of who could best help inform the work from their own theoretical underpinnings, and practical examples through the work they conduct themselves. It was through this process that I came to select International Rivers as the case study organization. I selected International Rivers as my case study organization, because of the work they do to protect the rights of communities and rivers that may be impacted by large-scale dam projects, often funded by international finance organizations, or states themselves. There are ample documents, reports, fact sheets, online videos, and other materials accessible through their website that show how the organization utilizes human rights in their work, and proved very useful as secondary data sources.

I traveled to Berkeley, California in November 2015 in order to conduct my interviews. I found visiting the headquarters of the organization to be both incredibly useful to help contextualize the work that International Rivers does within the United States, and to learn more about their history and growth as an organization. Interviewing

the participants in their own space (natural setting) also seemed to offer a level of comfort to my participants, while also providing me with a better sense of their day-to-day work activities (Creswell, 2014, p. 185). I was able to spend some time at their extensive library and observe how the organization's staff interacted with one another.

I interviewed four members of the headquarters staff, all of whom were serving in different roles at various levels within the organization. Outside of the headquarters staff, I was also able to conduct an interview via Skype with one of the campaigners based in Asia. This interview in particular further enriched the data, and contextualized how the policy, fundraising, and communications work conducted in the United States actually plays out in their regional offices.

In addition to using a case study approach, I used expert interviews in part to triangulate the critique of the approaches used by the case study organization. I have done so by examining the experts' theoretical and practical application of the work themselves, and also to explore how the theoretical framework could be applied. The two experts interviewed both (at the time the interviews took place) worked for NGOs that are critical of human rights-based approaches, and who situate their theoretical lenses in both the neo-Marxist and anti-colonial critiques. One of the experts works for a large NGO in the UK, while the other was part of a smaller, but highly impactful NGO in Canada. They have both done considerable work with populations displaced by development projects. These experts were selected in consultation with my thesis supervisor.

Gaining Access and Recruiting Participants

Gaining access was initially difficult. I conducted interviews with two subjects who initially refused to participate in the study because they felt their contributions would

not be informative to the process. After meeting me in person when I arrived to interview their colleagues, they changed their minds, and ultimately agreed to participate and provided rich data as a result of their contributions.

Anonymity and confidentiality was assured to all of the participants given they were discussing their place of work and its policies, and could be perceived as a barrier to their participation. I asked permission to use the name of the organization in the study and was granted permission from the acting Executive Director. The experts I interviewed were also assured anonymity, as their critique could also prove harmful to their own organizations as well as their many partners.

Data Collection

I used semi-structured interviews with all of my interview participants. Each interview participant was provided an information letter with key details about the study and the intent of the interviews, as well as an interview consent form where permission was sought and granted to record each of the interviews ahead of the interview taking place. Prior to traveling to Berkeley, I developed interview guides for each of the participants. Some of the questions were the same for each participant, focusing on their conceptual understanding of HRBA and HRE. The other questions were tailored to their particular role within the organization. Once the conversation was flowing, the questions were often asked out of order, or abandoned, based on the responses and to keep the interview more revelatory and emergent (Creswell, 2014, p. 186). I found participants spent much longer than anticipated with me by their own choice, with the conversations ranging from 40 minutes to an hour and half. Wellington (2015) describes interviews as more than a conversation with a purpose, but as a means of providing a platform for the

participant's views to be heard through an informed, and rather flexible process (p. 138-139). Interviews were transcribed in full by the interviewer.

While conducting all of the interviews face-to-face would have been preferable, this was not practical given the location of my participants in four different countries. Skype video interviews were attempted with three of my participants (including the two expert interviews), and were ultimately reduced to telephone interviews due to connectivity issues. This posed a challenge, as I was unable to read their body language, or to determine if they were giving their full attention to the interview. To compensate for this, I paid attention to their tone and other vocal cues. The interpretive aspect of qualitative case study research was appealing, with research questions changing and adapting as data was collected all with "the aim to thoroughly understand" (Stake, 1995, p. 9).

Data Analysis

Data analysis in qualitative studies is something akin to peeling the layers of an onion, segmenting and taking apart data and putting it back together to find meaning (Creswell, 2014, p. 195). It requires the researcher to become fully immersed in the data in order to find themes, and ideas that thread their way through all of the data sources. This process is time consuming and worthwhile.

I transcribed all of the interviews myself as a first stage of immersing myself in my primary sources of data (Creswell, 2014, p. 197). Listening to each of the interview recordings at length reminded me of the specifics of the interview content, while also helping me to understand the intent of the interview subject through listening to their tone

of voice, and purposeful choices of language. I closely read each source of data, further allowing me the opportunity to reflect on my data (Creswell, 2014, p. 197).

I chose to code my data by hand as it provided me the opportunity for reflection, note taking, and a true, tangible sense of the data in front of me. I selected my codes using Tesch's eight steps in the coding process, as laid out by Creswell (2014, p. 198). Each code was represented by a particular colour, thus allowing me the opportunity to quickly identify which code was for which piece of data. This also helped me to begin winnowing my data, or making specific selections out of my rich data sources (Creswell, 2014, p. 195). I then aggregated the data selections into themes that represented the more significant pieces of the study for analysis (Creswell, 2014, p. 195-199). After this step I developed the description of the case study organization itself (see Chapter Four), and followed that with a more detailed analysis of the themes that emerged from the coding process (Chapter Five). Finally, I applied the themes from the case study interviews, and used them with the expert interviews as well as the conceptual and analytical perspectives used in this research to critically interpret the data (Creswell, 2014, p. 200).

Trustworthiness

I used triangulation and member checks as strategies for determining trustworthiness of the data (Creswell, 2014, pp. 201-202). It is important to note that this research should not be generalized due the specific nature of the case presented here. Triangulation of the data through interviews, documents, blog posts, and other means including limited observation provided an opportunity to check that the qualitative data I collected was reflective of the work of the organization. The expert interviews further

triangulated the data by providing an outsider perspective on the approaches utilized, and the phenomena influencing their work.

Throughout the interview process, I conducted member checks. I would provide an example of the work the organization does that is related to HRBA, and would follow up with a question to determine if that work is representative. If an example from a previous interview stood out, I would then paraphrase the response in general terms so as not to be able to tie it back to a previous interview subject, and ask for comment from a subsequent interviewee.

According to Lather (2017),

> Catalytic validity represents the degree to which the research process reorients, focuses, and energizes participants toward knowing reality in order to transform it, a process Freire (1973) terms conscientization. The argument for catalytic validity is premised not only within the recognition of the reality-altering impact of the research process but also in the desire to consciously channel this impact so that respondents gain self-understanding and, ultimately, self-determination through research participation. (p. 26)

I see the use of catalytic validity not only through offering suggestions back to the case study organization on how to re-negotiate their work with dam-affected people, but also in the research process itself. Through each of the interviews, participants seemed to have moments of discovery, and challenged their thinking about the approaches utilized by their organization.

Summary

Utilizing select neo-Marxist critical concepts and analytical perspectives, this study sought to develop a critical exploration pertaining to how INGOs employ HRBA and HRE in contexts of development dispossession. I used a critical interpretive case study approach to examine how International Rivers conducts their work. I traveled to International Rivers Headquarters in Berkeley, California in order to conduct semi-structured dialogic interviews with staff members, and spoke to an additional staff member via Skype. Additionally, I engaged with secondary data sources generated by International Rivers and similar INGOs, including reports, videos, fact sheets, media sources, and blog posts. To further triangulate my data, and to develop the emergent critique of HRBA, I interviewed two experts in the development field who are familiar with HRBA and how it is utilized in contexts of development dispossession and displacement. The following chapter discusses more in detail the history of International Rivers, their approaches in the United States and in the regional offices, as well as how they currently use HRBA in contexts of major dam displacement and dispossession.

CHAPTER FOUR: The Fight for Rivers and Dams: International Rivers

> *It's such a concrete bridge between human rights and environmental rights...the fact that it's an international organization where we actually have...[at] the foundation of the organization campaigners who are from the regions where they are working. So you know, our office in India is staffed by people who are from India, and very aware of the local context and political climate and history... the same thing in South Africa and Beijing and everywhere where we work... I feel like it's really inspiring ...to see that we're working with communities on the ground but also able, as an international organization, to channel those community voices to higher institutions like global political institutions like the UN or the World Bank* (Junior Staff Member, Interview Notes, November 3, 2015)

For the purposes of this thesis project, I chose to use International Rivers as my case study organization given their mandate to protect rivers and rights. Founded in 1985, International Rivers, called the International Rivers Network (IRN) until 2007, has been involved extensively in the global fight for rivers and the peoples who are impacted by the development of large, harmful dam projects. At its heart, International Rivers remains a grassroots organization protecting the people and the environments that have the potential to be impacted by such projects. They do this on a shoestring budget of two to three million dollars to fund their operations. Currently headquartered in Berkeley, California, they have regionalized to include campaigners located in offices in South East Asia, India, China, Brazil, South Africa, and Latin America. In 2013 International Rivers was awarded the MacArthur Foundation Award for Creative and Effective Institutions, as

well as grants for Sustainable Development for a total of $3,480,000 between 1978 and 2016 (MacArthur Foundation, 2016), in part because of its effective use of a small budget.

Fighting the Current: The History of the International Rivers

In 1985 IRN brought together a diverse group of environmental and human rights groups in the wake of the first international anti-dam protests against the meeting of the International Commission on Large Dams in Switzerland. Their vision was simply "to develop a worldwide network of people working to protect rivers and promote just and sustainable water and energy development" (International Rivers, n.d. e). The International Dams Newsletter, which later became the World Rivers Review in 1987, was the flagship publication of IRN up until it's last print issue was published in April of 2015. World Rivers Review was an essential read for dam activists, academics, and those interested in the plight of dam-affected peoples and the surrounding environment, with well-researched reports and fact sheets. Fortunately past issues are available on the website and staff continue to write informative blog posts, fact sheets, and create YouTube videos to fill the gap the printed publication has left.

In 1988, IRN organized a conference in San Francisco that brought together activists from 26 different countries. This conference resulted in a set of guidelines for how to address the issue of large dam projects, called the San Francisco Declaration. "The San Francisco Declaration called for a moratorium on big dam building that failed to adhere to 17 conditions or provisos, such as veto power over the project for affected people, their inclusion in the planning process, free access to information on the project, and guarantees that the project does not threaten protected areas or areas of scientific or

educational importance" (New Directions for River Protection, as cited in Oliver-Smith, 2010, p. 57). Since the late 1980s, IRN has prioritized its campaigns, expanded their staff, and partnered with numerous NGOs throughout the world to fight large scale, harmful dam projects. The 1990s saw an increase in the fight against dams, specifically those funded by the World Bank, as well as the expansion to regional offices in Latin America and Africa (International Rivers, n.d. a).

In 1998, IRN helped to catalyze the formation of the World Commission on Dams (WCD), and coordinated the first ever (and subsequently annual) International Day of Action for Rivers. The WCD is of particular importance. It was a two-year process that culminated in comprehensive and rigorous guidelines that constitute soft international law for every aspect of developing new dam projects, particularly relevant to the decision-making processes. International Rivers describes how the WCD "framework covers key areas for improved planning of dams, including the need to fully assess all available options for meeting water and energy needs; addressing outstanding social issues from existing dams before building new ones, gaining public acceptance for key decisions, and the importance of protecting healthy rivers" (International Rivers, n.d. i). These regulations can be found in the final report, entitled *Dams and Development: A Framework for Decision Making*.

A senior staff member who participated in the WCD process explained:

> So International Rivers, an Indian partner of ours, and [an] organization in Switzerland, we initiated the World Commission on Dams and then kind of coordinated NGO advocacy around it. And you know, then did follow up around the World Commission on Dams report. And the World Commission on Dams

> report stood out, not least because of its rights-based approach. And so that was the new thing, and gave a lot of encouragement to NGOs, and we organized. We did a citizen's guide to the WCD, we organized training workshops around the World Commission on Dams report, we got it translated. We just made sure that partner groups, grassroots groups knew about this new approach…the then water minister of South Africa was asked to chair the commission. And he was a former Human Rights lawyer… so he brought the strong rights-based approach to the commission. And so that was kind of his personal legacy, his personal fingerprint or mark on this approach. (Senior Staff Member, Interview Notes, November 4, 2015)

The WCD was significant in that it was a multi-stakeholder effort, initiated by the World Bank and the World Conservation Union. Also significant is the emphasis on a rights-based approach demonstrating that "[t]he core values that inform the Commission's shared understanding are aligned... and rest on the fundamental human rights accorded to all people by virtue of their humanity" (WCD Executive Summary, 2001, p. 1445). Throughout the early 2000s, governments and the World Bank began to withdraw support from major dam projects throughout the world, largely due to the WCD work. During this same period, International Rivers established their regional offices to further their campaigns work in specific regions. In 2010, International Rivers, along with 77 other similar organizations, re-committed to the rights-based approach:

> On the 10th anniversary of the World Commission on Dams, we reassert the rights-based principles espoused by the WCD report and numerous conventions, laws, policies and regulations. We call on governments around the world to

> uphold the principles they have endorsed through various norms and standards when they plan, build and commission dam projects. At the same time, we remain open to a dialogue with all actors - governments, the dam industry, financiers and other civil society groups - about protecting our rivers and the rights of those who most depend upon them. (International Rivers, 2010)

The organization rebranded to International Rivers in 2007. The most recent statistics offered by the organization show that International Rivers, in collaboration with their 859 NGO partners around the world, have held up, prevented or stopped 217 dam projects, have held three major meetings of dam-affected peoples called Rivers for Life, and have re-granted funding to 277 grassroots organizations to fight for rivers in Africa, Asia, and Latin America (International Rivers, n.d.). Crucial to the organization are the human impacts of big dam projects. The "About Us" section of International Rivers' website describes the organization in the following manner:

> We work with an international network of dam-affected people, grassroots organizations, environmentalists, human rights advocates and others who are committed to stopping destructive river projects and promoting better options. We seek a world where healthy rivers and the rights of local communities are valued and protected. We envision a world where water and energy needs are met without degrading nature or increasing poverty, and where people have the right to participate in decisions that affect their lives...We support partner organizations and dam-affected people by providing advice, training and technical assistance, and advocating on their behalf with governments, banks, companies and

> international agencies. The focus of our work is in Latin America, Asia and Africa. (International Rivers, n.d. b)

Flexibility in the approach used by International Rivers remains important as they adapt to changing political climates, and adapt to new approaches to development dispossession. They use their mandate to protect rivers and the rights of people who depend on them adaptively. According to a senior staff member,

> We'll see what the real impacts are and sometimes we'll emphasize the environmental impacts more, sometimes the social impacts... [F]or one thing it depends on the real impacts, but then it also may depend on our targets and the leverage that we have. So, in some countries it may be possible to go to the courts. In other countries that's not a realistic option... If you go to the court, well then you focus on issues where there is a violation of national law, or there may be effective actual human rights abuses… [T]hen we can go to a regional, or to the UN human rights council, human rights rapporteurs…It depends on the case, and it depends on the forum that we have and the leverage we can use. (Senior Staff Member, Interview Notes, November 4, 2015)

It has been fascinating watching this organization change over the course of the writing of this study. The interim executive director has left, and a new Executive Director has taken their place and has changed some of the direction the organization has moved. This includes more emphasis on the impacts of climate change as it relates to dam development, which is reflected in their messaging, recent blog posts, and videos. This shift in language will be explored in a later chapter. Time will tell the direction in which this organization will move. For the purpose of this case study, I interviewed five

staff members from the organization, four of whom were located in Berkeley doing everything from communications, to fund development, and executive level tasks, as well as one campaigner located in Asia. Since meeting with the organization in 2015, three of the five staff members I interviewed have left the organization. Their insights have informed this work substantially.

Organization and Their Approach

Figure 4.1: A breakdown of International Rivers' offices and their functions based on staff distribution and comments made by interview participants.

Our Mission

International Rivers protects rivers and defends the rights of communities that depend on them. We work to stop destructive dams and promote water and energy solutions for a just and sustainable world.

Our Vision

Rivers are vital to sustaining all life on earth. We seek a world where healthy rivers and the rights of local communities are valued and protected. We envision a world where water and energy needs are met without degrading nature or increasing poverty, and where people have the right to participate in decisions that affect their lives.

Our Values

We are guided by the following values:

- Collaboration: We see ourselves as a part of a global movement to protect river ecosystems, and our colleagues as partners with whom we collaborate and consult to strengthen our collective efforts.
- Integrity: We conduct our work honestly, keep our commitments, and expect others to do the same.
- Accountability: We hold ourselves accountable to affected communities, partner organizations, funders, and the public at large, to act in accordance with our mission.
- Inclusiveness: We promote open dialogue and decision-making that is transparent, inclusive and consultative.
- Courage: We recognize and accept the responsibility to act on our mission even under difficult circumstances, and to confront our adversaries openly, while also protecting the safety of our staff and partners.
- Accuracy: We are committed to rigorous research and analysis, providing accurate information, and basing our work on the best available evidence.
- Creativity: We seek new, imaginative ways to inspire and maximize our effectiveness, both internally and externally.
- Sustainability: We seek to maintain an organization that is dynamic, strong, just, and sustainable in its finances, programs, practices, leadership and administration.

Figure 4.2 (International Rivers, n.d. g)

Staff Distribution

I'm quite sensitive to how ... the US is perceived ...as a bully and all that? I'll always communicate that we're an international organization, that we have offices in six

countries, that we have staff, a small staff, but they're from 12 different countries... We're incorporated in the US, but we're also incorporated in China and other countries"(Senior Staff Member, Interview Notes, November 4, 2015)

Headquartered in Berkeley, California since 1991, their current offices are located in an old, art deco building near the University of California, Berkeley campus. Upon entering, I was struck by the modern nature of their office, the large photographs of the people and rivers who have been impacted by large-scale dam development, and the concentrated quiet that filled the floor. Many of the offices were empty, and those that were occupied were silent with what I can only assume were employees hard at work. The organization has an extensive library of relevant reports, books, and publications that are available for visitors and researchers to peruse.

Figure 4.3: Photo of the front entrance, a framed piece of artwork, and the extensive library of International Rivers, November 2015.

The staff who are located in Berkeley are largely administrative, focusing on the day-to-day operations including communications, IT, fund development, and executive level positions. Their policy staff member is located in Washington DC, which gives them

access to the American political structures, as well as large international finance structures such as the World Bank where they are based. The campaigners, as they are known in the organization, are located in six offices throughout the post-colonial regions of the world including India, Latin America, and parts of Africa. These individuals work with local civil society organizations, non-governmental organizations, movements, and peoples to fight large dam projects. This regionalization of the organization is relatively recent, with the most recent of the six regional offices opening in 2011 in South Africa. Every year, all of the campaigners gather together with the staff based in Berkeley and Washington DC to do professional development style workshops and presentations. The Convergence, as it's known to the organization, is an opportunity for all of the staff members to learn from one other, as well as gives regional staff the opportunity to collaborate on actions and tactics.

Regionalization and the Work of Campaigners

The work of the campaigners is where International Rivers goes in depth into the issues caused by major dam projects. Working out of regional offices with one to four staff members, campaigners work directly with the people who are being affected by dam projects. Depending on the region, campaigners can focus on dam building and funding, the environmental impacts of dam projects, or the impact on the rights of communities. Each region tailors their approach to the most pressing need, and to what is feasible in that region. They partner with other NGOs, and social movements who are working with local communities and Indigenous peoples, while also liaising with governments, financial institutions and private sector companies who are directly involved in the building of the dams. A junior staff member described the work of the campaigners as

"interact[ing] with community-based organizations or Indigenous tribes, communities, and work[ing] with them to identify how they're being affected by the dam development projects, and whether there are communities that are being told that they need to relocate and haven't been given compensation or have been told that there's going to be this project and ... try to assess ...that impact" (Junior Staff Member, Interview Notes, November 3, 2015). They work to amplify the grievances of those communities at the regional and national government level, sometimes through court action. Often the campaigners raise awareness of the violation of rights. A campaigner based in Asia described their role in the following manner:

> I would see myself less as a... campaigner, but more having a role as an advocate, and as an activist working alongside community groups, or people in community groups that are advocating for their rights to livelihood and against the damming of rivers that provide the life blood, really, of their lives. So primarily I feel like the work that I do is more in facilitating their voices and their work in being amplified, and also sharing lessons of what's been happening around the world in other cases, where people are fighting against dams, so sort of supporting the idea that they're not isolated, and that there are groups of people around the world that are trying to stand up for their rights. (Campaigner, Interview Notes, December 19, 2015)

For them, this role meant everything from helping with research methodologies for fact finding and documentation for community consultations, providing support for determining the sources of dam funding, and working with communities on testimonials that they can take directly to their country's human rights commission.

The approaches used by campaigners vary from region to region. In areas such as China, which has the most dams in the world, the largest dam in the Three Gorges Dam, and has displaced over 23 million people through dam development (International Rivers, n.d. i), using human rights to frame any of the discussions completely shuts down conversation. According to a long time senior staff member,

> with Chinese actors it's wiser not to frame concerns and interests in terms of human rights simply because that's a very sensitive topic, a sensitive term. You know, [the] rights of local communities- you can talk about that. Human rights… just the term makes it more difficult... in Latin America it is very accepted. You know in Latin America it is a very important concept. You may have common ground with a Chinese government official who's prepared to discuss certain things, but if you talk in terms of human rights they can't respond. You put them in a difficult situation and not because they may necessarily disagree, but because they just can't go there. (Senior Staff Member, Interview Notes, November 4, 2015)

Campaigners have taken to discussing healthy rivers, while also promoting the rights of communities who live along them. International Rivers has a separate Chinese language website, and formed Yi Tai Rui Wo (Beijing) Environmental Consulting Company Limited in 2014 in order to carry out its work in that country. Sinohydro, a Chinese state owned enterprise is the world's largest builder of dams (International Rivers, 2014b, p.1). Through dialogue with Sinohydro, "International Rivers made detailed recommendations on environmental and social policy standards that Sinohydro should adopt. We also reviewed several drafts of the environmental policy framework and provided input from

our regional offices and Chinese NGOs partners. In addition, International Rivers has used our dialogue to raise civil society concerns and objections to specific projects with Sinohydro involvement" (International Rivers, 2014b, p.1).

In contrast, the campaigners in the Africa regional office can't even dialogue with the Ethiopian government. According to a long time senior staff member,

> Ethiopia is one of the most active dam builders, and we just have no leverage over the government, no direct leverage. I don't think the Ethiopian government has a lot of credibility, and I think its become fairly widely known about their quite atrocious human rights record. And they tend to go a bit overboard in their argumentation. So you know, I don't think it affects our credibility, but we just have no leverage over that government, or no ins. You know, we can talk with the Chinese government and with many relatively authoritarian or authoritarian governments, but in Ethiopia the doors for ourselves and civil society are completely closed. (Senior Staff Member, Interview Notes, November 4, 2015)

When asked if they felt that the uncooperative nature of the Ethiopian government could put staff at risk should they travel to Ethiopia, the longtime staff member replied, "well we couldn't travel to Ethiopia".

A campaigner based in Asia described how many of the dam builders and financiers will use the language of rights and FPIC when describing their work in annual reports. The local community did not have access to the company's annual reports. It became the responsibility of the campaigner to bring these annual reports to the attention of the affected communities, in order to raise awareness that this wasn't the case. The

campaigners use materials such as fact sheets and other pieces of information locally, to inform people affected by these major dam projects.

Campaigners often have to find ways to work around the regulations and political climates within the countries they operate. In some cases the materials produced and distributed by International Rivers and shared amongst dam-affected people have the most impact. Examples have included the incorporation of their materials into art shows that depict the beauty of rivers as means of protesting the potential dam projects. An environmental journalist and river defender in Myanmar named Myint Zaw, was the creative force behind a campaign to prevent the construction of the Myitsone Dam on the Irrawaddy River. Due to authoritarian nature of the government, Zaw and his team, "organized an art show about the beauty of the river ostensibly, and used it to communicate to people that this dam project was coming and it built this huge swell of popular opposition" (Communications Staff Member, Interview Notes, November 3, 2015). They chose art as a medium because of a lack of government scrutiny of art exhibits as a means of subversion, and to target the academics, activists, and others who would naturally go to such an exhibit (The Goldman Environmental Prize, 2015). According to the communications staff member, he would print International Rivers' materials every time he left the country in order to get around government censorship, and distributed those materials at the art show. The movement worked, and the government halted construction of the dam in 2015. Zaw won the 2015 Goldman Environmental Prize (alongside Berta Caceres) for his efforts.

There are risks to the work that the campaigners do, particularly in countries where governments may not be receptive to the work that is being conducted. The

example of the Ethiopian government was offered in a previous section. One interview participant mentioned that they felt staff were at risk in some areas, in part due to the quick regionalization process the organization has undergone:

> Like in China we purposely have- the program director is someone who is not a Chinese National and that's to protect the work that they do there as a team there because Chinese NGOs are constantly being targeted, and the people who work for them often get questioned by government and may even at times be imprisoned or stopped from traveling. Or, they may have threats put against them like if they don't stop their work or if they don't do this or that, like their family could be harmed. So there's a lot of fear. I think it's a similar situation like in Thailand. Yeah, so and I think that the whole regionalization process that we've tried to undergo with having these offices in different countries happened at a very fast pace without a lot of organizational foundations for the people to actually begin working there in really protected, and extremely sound legal way [laughs]. So that's definitely something that we need to devote a lot of resources to is making sure that they are well protected, and you know, everything they're doing is approved by the government and acknowledged by the government as something that's okay there... the people who work in Thailand, you know they have to say that they're yoga instructors like every time they go to cross customs. (Junior Staff Member, Interview Notes, November 3, 2015)

Based on the interviews I conducted with their staff, it would seem that these risks are considered part of the job with the campaigners who work for the organization.

The Struggle for Rivers and Rights and the Human Rights-Based Approach

I would see it as …using a base point some of the sort of UN language and around the civil, political, economic, social, cultural rights, and also using other declarations like the Right to Development, and the UN Declaration on the Rights of Indigenous Peoples, but only taking that as the base point, and seeing more of it as a language that can be used by marginalized communities…towards the liberatory use of it… And thinking more critically about the role of the structures that are really essentially systematically at the core of why there is oppression and dispossession. And that, I would also see that kind of approach as being used primarily as a resource for communities to mobilize from...but also recognizing that it's not an immediate process of mobilization…you have access to these rights, and it's clearly a long term goal or long term process of asserting rights… well first recognizing that the rights are something that can be claimed, and also working towards asserting them. – (Campaigner, Interview Notes, December 19, 2015)

There are several concrete examples of how International Rivers uses the language of rights throughout their work. The most obvious, and purposeful examples of this approach are in their documents, *Dam Standards: A Rights-Based Approach* and *African Dams, Rivers and Rights: A Guide for Communities to be Impacted by the Inga 3 Dam.* Both reports have been produced recently (2014 and 2016 respectively), in response to specific pressures.

The *Dam Standards: A Rights-Based Approach* explains that a "rights-based approach clearly insists that people must have access to both justice and remedies, while it defines the duties and responsibilities of all actors involved: the host governments, the financiers, the developers, the consulting firms, and others" (International Rivers, 2014a,

p. 15). The report outlines the standards that the dam builders must follow, and the rights they must respect. According to a senior, long-time staff member, the report was developed in response to the WCD report's lifetime coming to an end:

> For many years we just worked with the World Commission on Dams report. It was kind of our bible. I mean it wasn't our report, but we were very happy with it. Yeah, but after 10 years, I mean reports kind of have a lifetime. And we realized we couldn't just continue waving a report, which was written before many people had even become active and interested in these issues. At the same time, there was a new effort by the dam industry to kind of replace World Commission on Dams language and references through a voluntary industry protocol called Hydropower Sustainable Assessment Protocol (HSAP)...And one of our criticisms was that the HSAP protocol didn't define any bottom lines… It was just kind of a rating instrument. We said look, there are issues, topics where a rating approach is appropriate, but there are other areas where you need to define a bottom line, including human rights, but also compliance with national laws. You can't just rate compliance with national law!...So out of this came the idea to, well, there were actually two options and we went back and forth a bit between defining our own bottom lines- not as International Rivers but as a network. And prepare a report on that, or just prepare a compendium of existing standards for the different areas, that's what it then became with this report. (Senior Staff Member, Interview Notes, November 4, 2015)

The report breaks rights down into human rights, gender and women's rights, Indigenous peoples' rights and labor rights (International Rivers, 2014a, p. 17). The report

specifically includes the following rights that may be violated as a result of dam development: the Right to Life, Self-determination, Non-discrimination, Freedom of Speech, Freedom of Assembly, Housing and Culture amongst others (International Rivers, 2014a, p. 18-22). An "Ideas for Action" section provides direction and resources for those who many be experiencing a violation of their rights (International Rivers, 2014a, p. 22). Standards, including environmental assessments and other procedures are described at length later in the report.

When asked whether this report was useful for communities on the ground, the campaigner replied that they believe that, "it is really important for communities to have access to information about the different types of international standards that are out there and that dam companies … are really using the gaps in communities' knowledge to their advantage" (Campaigner, Interview Notes, December 19, 2015), citing the use of rights-based language and standards by companies in their annual reports that are rarely shared or accessible to impacted communities as an example. They elaborated:

> When I have realized that some of the dam companies are putting that kind of language in their annual reports about, for example, following the World Commission on Dams, or IFI standards, just generally making these broad statements and then bringing it back, like, printing out a copy of it, and then bringing it to communities and saying, 'listen, they're saying this, but IFI standards require that', or like, 'if they're going to go by the World Commission of Dams, they would have said there would have been genuine free, prior, and informed consent and is that really what's happened?' and people say, 'no way', right? And so then, working with the communities to write a letter to the company

> and like, publishing something in the local newspaper and saying, you know the company is saying that they are, like, proposing to follow these standards and yet there's no proof that- where's the proof that there was free, prior and informed consent…So I do see that it is important to sort of expose what these standards say, and then work with communities around holding dam companies to what they say. Um, but yeah, I haven't- I can't really comment on whether that resource- at least I think there could be further- I think it was a resource that can then be expanded upon, let's say. (Campaigner, Interview Notes, December 19, 2015)

The *African Dams, Rivers and Rights: A Guide for Communities to be Impacted by the Inga 3 Dam* report was released in May of 2016. It's intended audience are the more than 10,000 people who will be displaced either physically or economically by the Inga 3 Dam project being developed on the Congo River in the Democratic Republic of Congo (International Rivers, 2016a). The report, produced in both English and French by the University of Washington School of Law's Sustainable International Development Program is based on the International Finance Committee's (IFC) Performance Standard 5, or a requirement applicable to all IFC clients. The document includes descriptions of what consultation, compensation, and displacement will mean, and how they should occur under the IFC guidelines. Accompanying this text are rudimentary drawings, which provide a visual representation of the information presented. This report is a resource that has the potential to be more user friendly than the Dam Standards report, in that the language is simpler and is specifically intended for those who are being directly affected by the dam's development. Forced eviction is the example they provide for a violation of human rights in the context of this project (International Rivers, 2016b, p. 21). The

campaigner interviewed felt that “having popularized versions of information to explain to communities directly what dam companies are supposedly promising in the international realm is useful” (Campaigner, Interview Notes, December 19, 2015), and this report certainly fits that need. Whether the information is actually presented in a way that is digestible by communities has yet to be seen.

Figure 4.4 (International Rivers, 2016b, p. 13).

When asked why they use rights-based language rather than human rights-based, the senior staff member felt that the former was more inclusive of all of the different international rights frameworks. They elaborated, “ I'm not sure there is a human right to be consulted on for example, important decisions…but there's other rights to be consulted... There isn't a right not to be displaced. I mean there's a right to decent housing, but there isn't a right not to be displaced. Where as, there are certain rights you

have according to safe guard policies, etc., so I think it's just a more encompassing term" (Senior Staff Member, Interview Notes, November 4, 2015).

Human Rights Education in the Context of Dam Dispossession

"I think it's important for people to be aware of their rights. So in that sense education is an important topic or an important tool." (Senior Staff Member, Interview Notes, November 4, 2015)

HRE goes hand in hand with a human rights-based approach. In order for a HRBA approach to work, those impacted must know what rights are being violated. HRE comes in many informal and more formal forms in the work of International Rivers. In the United States and other donor countries, International Rivers raises awareness and "the visibility of the deplorable environmental, economic and human rights impacts of large dams and the viability of better options" through presentations, publications, and media outreach (International Rivers, n.d. f). Put more simply by a communications staff member, "there are hundreds or thousands of groups fighting dam projects all over the world, and many of them rely on our messaging and our fact sheets and our data" (Communications Staff Member, Interview Notes, November 3, 2015).

International Rivers has an entire section on their website devoted to Tools for Educators. This section links resources from a variety of organizations including National Geographic, The National Repository of Online Courses, as well as films produced by International Rivers for teachers to use at all levels of education. The resources are organized according to primary and secondary school grade levels, and include items on people impacted by dams as well as the environmental impacts. This section has not been updated since February of 2011, and was not high on the priority list for staff members

due in part to a lack of capacity.

International Rivers has a strong connection with the University of California Berkeley Campus. Staff members are often invited to speak to students about their work. One blog post by a staff member describes their experience observing the former interim executive director presenting to law students (International Rivers, 2015a). One of the interview participants described how an intern working with the organization had a professor that assigned the entire class to write about the work that International Rivers conducts.

When asked whether they thought that the communities that are located in the postcolonial regions understood what their rights might be in a rights-based approach, the participant said, "I think usually they're aware that they- like the communities are aware…that there might be some way they can assert legal rights. I don't know that they necessarily have like a lot of vocabulary or you know, language about it or like understanding of the legal frameworks. But that's why International Rivers and other community organizations help" (Junior Staff Member, Interview Notes, November 3, 2015). Community forums were identified as one manner by which campaigners conducted informal human rights education. They would do so by, "going to communities that may be impacted by dams or other projects and using different kinds of educational materials there" (Campaigner, Interview Notes, December 19, 2015). These materials may include fact sheets, reports, videos, and other materials. Other tactics include hosting community forums where materials are distributed, and rights are discussed. The campaigner explained that their work has,

components of human rights-based education to it. But I wouldn't say that it's

> only human rights-based work. Um, I do find that some of the work that I've done where working with communities to kind of compare what they have to, or what they have been promised and what has been given by, or promised by companies compared to what is actually in the articles of the UN Declaration on the Rights of Indigenous Peoples for example, and kind of working to really point by point go through that. I don't know if you would call that human rights-based education, but it certainly, um, using the UNDRIP as a basis to go from and using that as, like the idea that people do have the right to self determination and FPIC… is a good basis to work from. (Campaigner, Interview Notes, December 19, 2015)

Educating for Rights and Rivers from Headquarters: Fundraising and Communications Tactics

As mentioned above, the work conducted by International Rivers in donor countries, and most particularly in the US, can be described as largely administrative in nature. The Executive Director, Board, Communications department, Fund Development department, technology and administrative support are located in Berkeley, California, while their policy team is located in Washington, DC. Fundraising and communications strategies have both been discussed as potential sites of human rights education in donor countries. Finding language that works to describe what the organization does is difficult given the vast scope of the work the campaigners do in the countries where they are based. A junior staff member explained that,

> our fundraising and development communications tend to take an approach that is much simpler. We need to explain this work [to] people who have never heard of why dam development might be bad or to people who have never heard a story of a community that's been impacted by development in a third world country.

> There's ways that we need to explain it to people and much simpler terms versus when we're communicating to partner organizations or the World Bank. (Junior Staff Member, Interview Notes, November 3, 2015)

Their approach to fundraising and communications is explored below.

Fundraising: Cash Flow in Damming Situations

International Rivers obtains much of their funding through foundations that are "focused on the environment and some that are focused on culture or Indigenous rights or human rights" (Senior Staff Member, Interview Notes, November 4, 2015). The organization runs on a budget of two to three million dollars per year. The most recent annual report that has been posted to their website is from 2015, which shows that 74% of their funding for the year came from grants and 24% came from contributions (an extensive list of foundations, corporations, matching gifts and private donors is provided), with a total budget of just over $2 million (International Rivers, 2016e). In their 2011-2016 Strategic Plan, International Rivers aimed to increase their budget from $2.2 million to $2.8 million over five years in order to, “strengthen our regional offices, ramp up our flagship campaigns, broaden our policy work and more effectively promote energy and water solutions. We believe this is necessary in order to protect the world’s last great river ecosystems, and the millions of people who depend on them” (International Rivers, 2011, p. 3).

Officially, International Rivers has a formal policy on their sources of income. They will happily accept funds from individuals, the charitable sector, private companies and government, should they not demand that the organization change it's strategic plan and vision as a condition of funding. They also will not accept support if there is a

conflict of interest, specifically not accepting support from "entities or individuals whose core activities are in conflict with International Rivers' mission (e.g., dam building, fossil fuel and nuclear industries, private water companies or the World Bank). This restriction does not apply to institutions whose activities may marginally conflict with International Rivers' mandate (e.g. governments that are members of the World Bank, companies and banks that have a minor involvement in building dams)" (International Rivers, n.d. h). They will also refuse support from entities "responsible for gross acts of human rights violations, environmental degradation, social injustice or corruption" (International Rivers, n.d. h). The bulk of their individual donations come via their website, with the majority of the donors located in the United States. This is also the case for the foundations from which they receive the bulk of their grant funding.

The organization operates in several different countries, which poses some unique challenges for fundraising for particular programs. Some of their funding is targeted for the programs operating in countries like India and China, which require NGOs to be registered through the government. A senior finance staff member indicated that this was of benefit to some of their major donors, who did not want to give to an organization based in the United States. This same staff member indicated that International Rivers was undergoing the registration process in India, thus starting the process of creating separate charitable entities.

> And for some of them, they need to assign their grants specifically to the regional office as opposed to coming to here. Which plays into our regionalization strategy... because we want to be legal within the countries that we operate...so we want to establish our self as an appropriate NGO, or whatever is needed in that

> country...But then also it helps for some of those funders as well...[T]hey want to give to something locally, and not have it pass through a US NGO to getting out there in the field to work. (Finance Staff Member, Interview Notes, November 5, 2015)

One fundraising strategy that is being explored by the organization is to target specific ethnic groups within the Bay area in order to fund the regional offices at an adequate level.

> That's become a lot of the focus of my work is beginning to establish those connections in the bay area, for individuals who have passions and concern for other parts of the globe, or their home countries. We have such a variety of individuals and ethnic diversity in the bay area that we should be able to capitalize on that. And uh, we have individuals here from, you know, China, South Africa, from all around the globe, and they love their environment, their rivers, their countries, and, uh, so, I'm starting to bring that as a focus for the organization. (Finance Staff Member, Interview Notes, November 5, 2015)

International Rivers won the MacArthur Foundation Award for Creative and Effective Institutions in 2013. The MacArthur foundation was created in 1970 from the assets of John MacArthur, estimated to be one billion dollars at the time of his death in 1978. MacArthur established Bankers Life and Casualty insurance, and held considerable real estate. This award encapsulated the description of the organization as being "scrappy". A senior staff member in Finance said,

> [w]e need to go from scrappy to influential... We were given the McArthur Award, so $750,000, and recognized... for the effectiveness of the use of the funds of the

> organization which means basically how much you do with what little you have. I could take issue with them... that, yes, that's great that you're recognizing that, but do you realize that what you really need to do is help us get to that next level so that we're not just scrimping by. You can be scrappy, but it can become ineffective at a certain level or point. (Finance Staff Member, Interview Notes, November 5, 2015)

Communicating the Struggle

Their communications approach in donor countries found largely in the global north differs dramatically from their approaches in country. This is in part due to the approaches taken by other similar NGOs, and also as a response to grant funding. The communication needs seem to emphasize the individual, rather than the collective, and also seem to fall into wider NGO sector communications trends.

One approach used in donor countries is showcasing the story of the individual. A junior staff member explained that, "we try to frame it in a more personal way. So it's like this person or this community had a place that they had lived in for generations and now their right to live there is being disrespected. Their right to their land, their right to their livelihoods, their right to their ancestral ties, their right to keep continuing and upholding their culture, and their language and their values" (Junior Staff Member, Interview Notes, November 3, 2015). Through this means, International Rivers is doing HRE in the United States.

In honour of the thirtieth anniversary of the organization in 2015, International Rivers profiled individuals from around the world, called their River Guardians. They include profiles of Myint Zaw from Myanmar mentioned in a previous section, Carlos

Chen, a Guatemalan farmer who lost his wife and child in a 1980s massacre related to the Chixoy dam and his campaign to find those responsible, and Dr. Latha Anantha, a renowned expert in the flow of water into rivers who now holds summer camps to bring children closer to nature. The communications team believes that,

> a big best practice or tip that most non-profits try to follow these days is keeping it personal, and really crafting a story out of what your organizational mission is, and the best way to craft a story is to have character, a protagonist, or a family that could be the protagonist. And you kind of detail what is happening to that individual so we've- we've tried to do that. It's really hard in our case because, like I said we have offices in different places and each regional case is different. (Junior Staff Member, Interview Notes, November 3, 2015)

Another communications staff member indicated that the individual stories tend to keep the fight for rivers fresh for supporters. This has not been without controversy. In describing the story of Carlos Chen, one communications staff member described his case as "very tragic, and you know at times he probably doesn't want to be out there like that. But we're using it to engage and inspire people to continue the movement"(Junior Staff Member, Interview Notes, November 3, 2015).

A challenge experienced by the Berkeley team is knowing how to interpret the news that they hear coming from a specific region. In some cases what sounds like a victory for the movement might actually be politically motivated. This has made it essential for the Berkeley team to stay in contact with the campaigners in the field. Additionally, the Berkeley staff may encounter opposition to their work in unexpected places. One interview participant described their speculation that the Ethiopian

government was leaving long, adversarial response to social media posts, including on Facebook. One staff member explained that,

> they think that we're very anti-development. That's how they would characterize our cause. So like for instance, we have in the Bay Area a large Ethiopian community and a lot of the Ethiopians who live here are very like angry at International Rivers' work in trying to stop the dams in Ethiopia and Kenya because they think that we're trying to slow down development in Africa. Like keep Africa backwards and like, you know, without electricity. So yeah, sometimes they try to dialogue with us, but it's never in a very systematic way. It's just like an email here and there or an angry response to a newsletter saying 'why are you doing this? Why are you spreading bad propaganda about Africa?' (Junior Staff Member, Interview Notes, November 3, 2015)

Another challenge faced by the communications team is how to appropriately communicate victories. The campaigner explained that,

> I would never see myself as claiming the victory that has been won because I think I would see it... as a collective campaign, as a collective struggle, and so even for there to be small successes along the way, that an organization like International Rivers that is dealing with the really tough funding landscape right now available for NGOs that the immediate reaction is to want for people in the north or whatever to see that as an NGO based success and to claim it as such. I think a challenge is for organizations to still get the funding they need, but to also give space to recognizing that most of these, all of the work that we do on the ground is really victories that are won, and small successes that are won by the

> communities themselves. [W]e can play a supportive role, or facilitating role, but seeing that scope of what is going on is very difficult for that to be transmitted adequately in the US. (Campaigner, Interview Notes, December 19, 2015)

Additionally, the issue of which message to promote where and when are further complicated by what language has greater uptake with supporters and donors. The organization has always focused on the environmental and human impacts of dam development. A communications staff member described how

> [o]ur work is not just about the environment, and it's not just about human rights. It's really about the intersection of those things... We can't and we never would say that we're just an environmental organization. We are not just a human rights organization. We are really about that nexus. And the thing that I find myself thinking about a lot, we don't have a word that sort of encompasses those two struggles and how they touch each other. (Communications Staff Member, Interview Notes, November 3, 2015)

Another Berkeley staff member suggested that the emphasis should never be on one message over another because of the diversity of the supporters of the organization. This also poses a challenge for the level of detail that is included in newsletters, email blasts, social media posts, etc. While campaigners on the ground rely on fact sheets, reports, and other well-researched documentation, the information that is going out to supporters in the Global North seems to be shifting to social media style sound bites, videos, and tweets. This is a shift from the days when the World Rivers Review was the flagship publication of the organization.

Discussion

Through its promotion of a human rights-based approach to dam development within the structures of capital, International Rivers, while good intentioned, is complicit in reproducing capitalist hegemony through the moral and political discourse of rights. As Evans (2005) indicates, the universalizing tendency of human rights provides the moral consensus under which the subordinate classes adhere to the common sense values of the hegemon. By promoting a rights-based approach in contexts of development displacement, International Rivers is not working towards or with forms of class struggle and a counter-hegemonic politics but rather is operating within the existing regulatory frameworks that prevent those experiencing dispossession from revolting. Their use of these approaches will be discussed in a later chapter where I will engage with this concept more fully. Their approaches, particularly when it comes to fundraising and communicating, can be placed directly within the confines of the market and neoliberal human rights discourse. To illustrate this point further, I would like to highlight two key pieces that came from the description of the organization's fundraising and communication practices, in contexts of their rights work.

The Individualization of Rights Holders Through the Use of a Single Story

How the communications team utilizes the single story approach when explaining a complicated issue was illustrated through the examples of the River Guardians. As a communications staff member explains, the benefit to the single story is

> hearing about what is happening to an actual person. And I think this is something that actually goes beyond the human rights thing and just goes to we want to connect to another human. So if we get a human's individual story like we have

> this kind of immediate identification which maybe means by extension that the human rights angle does pull people in if it's personalized. I think when it's personalized more than when it's this broad, ‘oh! human rights’ and I think that's sort of sometimes our weakness because we're like, ‘human rights are being ignored!’ you know? Which people can start to tune out. (Communications Staff Member, Interview Notes, November 3, 2015)

A campaigner based in Asia directly challenged this single story approach to communications. They felt that while the emphasis on an individual can make the story more digestible for a northern audience, it becomes divisive. They gave the example of the outspoken men who lead a blockade at a potential dam site in Malaysia. They are great spokespeople, but if you only highlight that one individual, you don't see the hundred women who have made their leadership and ability to remain at the blockade possible by providing meals, and taking care of the children for example. They explained that by focusing on one man, you're missing the incredibly articulate positions of those who are less visible in the struggle. They,

> feel like its a technique that is used by so many NGOs that its not unique to any one organization based in the US or Canada obviously. And that it's incredibly illustrative of the approach that people feel pressured to do when they are looking for funding and also want major hits on their twitter, on their Facebook, whatever... I think that movements in the global south are under a lot of pressure, and whether that pressure comes from threats to their own safety, or threats from the outside, but because they aren't always in the strongest position that if you highlight the success or vocalism of one of individual within that movement as

being the one that is key or something, it becomes highly problematic.

(Campaigner, Interview Notes, December 19, 2015)

Taking the campaigner's argument one step further, the focus on a single story in the case of the campaigns really downplays the importance of collective action and struggle in sites of capitalist dispossession through the forces of accumulation by dispossession. By breaking the unit of analysis down to the individual, you are removing that individual from community, masking class interests and thus maintaining the hegemonic relationship to global capitalism (Evans, 2011). Through the individualization of human rights, or what Brass (2011) calls the moral discourses, and its operations within the capitalist system, emancipation will not be achieved.

A recent and peculiar example of where communications could potentially go wrong was when International Rivers used the death of one of their river defenders as a fundraising tactic. Berta Caceres, a Honduran anti-dam activist, Indigenous leader, and winner of the Goldmann Environmental Prize in 2015 was murdered on March 2, 2016. Allegedly she was murdered because of her opposition to the Agua Zarca Dam through the Council of Popular and Indigenous Organizations of Honduras (COPINH), an organization she founded. These sites of resistance to global capitalism are where the activation of market violence occurs.

According to Global Witness, 109 environmental activists have been killed in Honduras between 2010 and 2015 (Global Witness, 2016). Caceres was assigned precautionary measures by the Interamerican Commission of Human Rights (IACHR), due to 30 threats against her life (Upside Down World, 2015). International Rivers believes the protective measures were never implemented by the Honduran government

(International Rivers, 2016d).

The organization has honoured her life through various posts about the potential actors involved in her death as well as videos commemorating her life. The most shocking tribute was the use of a poster designed in Caceres' honour as a fundraising tool. For a donation of $150, a supporter could receive the poster. Given the mandate of the organization to uphold the rights of communities who are negatively impacted by dam development, I found this sort of fundraising tactic to be in very poor taste, as they are directly capitalizing from the murder of someone they claim to be a good friend of the organization. Below are the images that accompanied a fundraising letter sent out to supporters shortly after Caceres was murdered. One can't help but wonder if her death was in part due to the emphasis on the single, individual story approach that NGOs are taking, and that was mentioned by several of the interview participants. Does this approach endanger the lives of their advocates? One staff member mentioned that,

> campaigners often don't like putting names out there because it could jeopardize the safety of individuals a lot on the ground, especially in places like Burma or in China...so it's definitely been a huge struggle. And definitely something that we have kind of had a lot of internal tension over from the communications side, wanting to hear more of these personal stories of dam affected people so that we could tell it to potential donors. And then from their side saying, 'no we can't share that information we can't put ourselves out there personally like that' so, we try. (Junior Staff Member, Interview Notes, November 3, 2015)

Undoubtedly, International Rivers holds the lives of their campaigners in high regard and would never purposely endanger their partners.

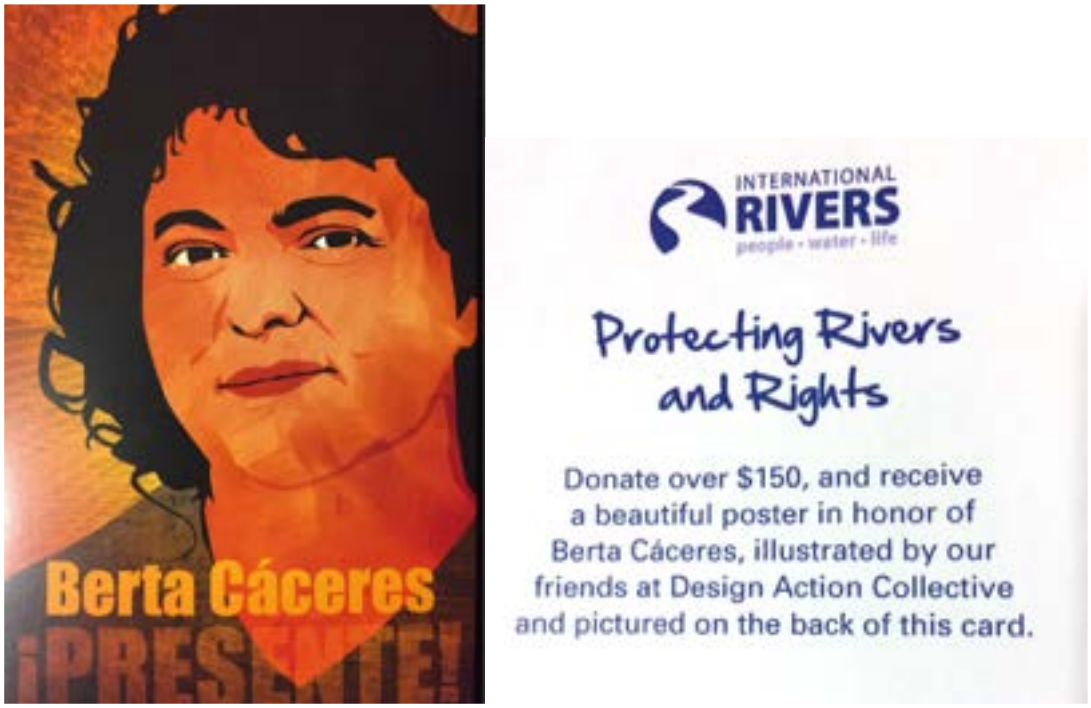

Figure 4.5 International Rivers, Berta Caceres fundraising materials

By individualizing dam-affected people for the purpose of gaining donations within donor countries, you unwittingly support the version of human rights most criticized. The individual becomes the unit by which human rights is protected and measured, not the collective, adhering to hegemonic legal frameworks. You also undo the good of the movement of dam-affected peoples. When the collective came together in the 1980s, change started. By following the trend of the single story, you're not only potentially putting that one person in danger, but you are also giving into the notion of liberal, individual human rights set out by the hegemon, rather than the potential of collective action to make real structural change.

Fundraising in Contexts of Dispossessing Capital

As discussed earlier in this chapter, International Rivers has policy stating from whom they will receive funding. This policy might not actually make it into practice,

given the realities of INGO funding. One junior staff member mentioned that they have received funding from Ford and Chevron in the past and expressed feeling that this was problematic. "But that's why non-profits are part of capitalist structure I guess in a capitalist economy. We are pretty much still upholding the structure as it is and it's beneficial for companies like that sometimes to give to organizations like ours" (Junior Staff Member, Interview Notes, November 3, 2015). As the organization struggles to maintain their programming, they look towards additional funding sources, including those located in Silicon Valley. This raises issues about the struggle for adequate funding in a capitalist system. As one staff member explained,

> [I]t's great that there are people and organizations and institutions and money and resources being devoted to this cause, but it's still a cause that's very marginal and very small in terms of our resources and our capacity compared to the huge Fortune 500 companies or Silicon Valley right across the Bay. I spend a lot of time feeling frustrated about how hard it is for us just to raise the budget that we need to stay alive versus you know all of that out there…We've gone to the Marin Community Foundation…which is a Community Foundation that a lot of the Silicon Valley companies put their money into and…we have some hopeful prospects there. (Junior Staff Member, Interview Notes, November 3, 2015)

Another more senior staff member explained that while they accept grants from organizations that meet their source of income policy, they do not investigate whether the investments and trusts for the same ethical fund sources. They explained that,

> if [the] Silicon Valley Community Foundation has gone from 2.1 to 6 billion dollars in assets, do you care where those funds are invested? Do you care that

> Apple, who uses an incredible amount of aluminum in their production, are pretty much funding and fuelling the raping and mining in Africa for Aluminum? They're the ones pushing, and so do they have a corporate responsibility to assist in safeguarding the communities that have been impacted by that mining project that's going in, and the dam that's going in to get the electricity to the mining project so when you accept money from someone that you think it's just pure and clean as Apple- well wait a minute. Where are they sourcing their materials? I think that becomes a bigger issue beyond just the policy we have now... when we're looking at investment portfolios... and saying I want my return at 7%, 8%, 12% at 14% but that's great. That means that you're investing in the World Bank and that they're funding these organizations and projects. I think that's an element that's been developing and growing of concern in certain NGO circles that will continue to become an issue impacting investing and what's going on with those investing dollars. (Finance Staff Member, Interview Notes, November 5, 2015)

The Berkeley junior staff member further contextualized the issue of taking foundation money from large corporations, explaining that,

> capitalism is like a paradigm or a paradox. It's like the idea of free trade and everyone having an equal playing field on which to compete is- that's the idea, but how it actually has played out- like there's never been an equal playing field. There's never been a free market, you know? There's been free slave labor that has built what still exists today [laughs]. And yeah, I think definitely. You can see the legacy is still there. (Junior Staff Member, Interview Notes, November 3, 2015)

This insightful comment highlights the contradiction of funding human rights work

through the profits/ donations of capitalist organizations, while also acknowledging the flaws of NGO fundraising strategies. By depending on the very forces of capital that are dispossessing millions for their fundraising efforts, NGOs are complicit within these activities, particularly as it relates to maintaining the neoliberal hegemon where civil society, the state and the market are all operating together. Top-down funding structures further complicate their ability to truly advocate on behalf of people experiencing development dispossession.

Summary

International Rivers has existed with the purpose of protecting rivers and the rights of people who use them for over 30 years. Their work has used a rights-based approach since the release of the WCD, through the use of publications, fact sheets, blogs, and the work of campaigners on the ground. While they have had success through programs like the WCD, their fundraising and communication tactics seem to operate within the system, rather than promoting wider, systematic change. The next chapter will discuss several of the key themes that came up in conversation with their staff members during the interview process.

CHAPTER FIVE: HRBA To Development in Context of Development Dispossession by Dams: International Rivers Perspectives

"The Problem is they tend to come back": The Utility of a Rights-Based Approach in Context of Major Dam Projects

As was mentioned in the previous chapter, the rights-based approach to development received a significant endorsement through the work of the World Commission on Dams. According to a senior staff member at the International Rivers headquarters in Berkeley, the early 2000s were really the high point for rights-based approaches. This coincides with the timing of the UN's Common Understanding developed in 2003. When asked to identify International Rivers' greatest rights-based success, the same staff member identified the WCD report. International Rivers, along with their partners coordinated the NGO advocacy around the WCD and their efforts were rewarded by many of the major dam projects stopped.

> That was the high time for the RBA... Then unfortunately we experienced a big backlash. You know the World Commission on Dams report came out as a culmination of an era in the 1990s when civil society, participatory approaches, multi stakeholder approaches were in- there was a lot of respect for that. But then with the 2000s, George Bush in the White House, there was the war on terror, there was a recession in the US and other parts of the world, and so suddenly human rights and the environment took a back seat. Suddenly they were not high on the international agenda anymore. And of course the World Bank made use of that, and soon also new dam builders and financiers appeared in the sector, in China most importantly, and also Brazil and India and other companies and financiers headed up the technology and became able to export that around

> the world, and so suddenly we experienced a backlash... (Senior Staff Member, Interview Notes, November 4, 2015)

This backlash, and renewed efforts to utilize the rights-based approach culminated in the *Dam Standards* report mentioned in a previous section as a means of extending the life of the rights-based approach past the typical ten year life span of such reports. It seems that document has not had the same success.

Perhaps the usefulness of the approach has not aged as well as the organization would like. It seems the rights-based approach works for ten or so years before the dam project comes back to the forefront, with a new justification for it's existence. International Rivers released a video in October of 2015 entitled, "Zombie Dams" in which they draw on horror film aesthetics to demonstrate how harmful dam projects make a comeback (International Rivers, 2015c). Five "zombie dam" projects with the potential to dispossess millions of people were identified, including the Fomi Dam in Mali, the Inga 3 dam in the Democratic Republic of Congo, Xalala Dam in Guatemala, Maheshwar Dam in India, and the Inamburi Dam in Peru (International Rivers, 2015c). The World Bank and national governments tend to revive these projects. A senior staff member explained that while there are several examples of dam projects that have been stopped using the rights-based approach,

> The problem is that they tend to come back after a certain time…Ten years or so…[There are] quite a few [examples]. The Narmada dam…was stopped for almost ten years and then it came back… Ilisu in Turkey, where extra credit agencies pulled out twice, but now Turkish banks are funding it. Bujagali in Uganda, which we mainly critiqued on economic grounds, so then it collapsed

> and then it came back. Bakun in Malaysia, the five billion dollar project that fell through in '97 was built maybe 10 years later by Chinese financiers… [T]he rights-based approach can still work in a specific situation, but we're now trying to push for the permanent protection of rivers. (Senior Staff Member, Interview Notes, November 4, 2015)

The accountability of duty-bearers remains a pivotal piece to the usefulness of a rights-based approach. A communications staff member explained that, "these companies and these governments have to be accountable to the people that they are literally determining their lives…[and] what happens to their homes…I think in the context of dams and resource development, like human rights are very, very specific. You know, it's like very clear what the violations are" (Communications Staff Member, Interview Notes, November 3, 2015).

Given the nature of their work, the staff at International Rivers know better than most what the challenges to using HRBA to development and rights language can be. The campaigner suggested that one pitfall to using a rights-based approach to development isn't the approach itself, but rather,

> one that doesn't analyze the power structures, or be really critical about the power structures that are there and sort of the institutionalization of different aspects, whether it's militarism, or different aspects of global trade, and not seeing [them] as all interconnected. So I think on the one hand if an approach does see these things as interconnected with the struggle to assert people's rights, then I feel like it is really useful, but if it's stuck within the terminology of the UN and the structures of the status quo of development, then I would see it as limiting. …[I]f

> you don't see all of these things as interconnected, then you really don't see how real change can be made as opposed to superficial change. (Campaigner, Interview Notes, December 19, 2015)

When Capitalist Development Silences Human Rights

In contexts of potential development dispossession, rights-based approaches are intended to provide a platform for rights-bearers to become directly involved in the planning and orchestration of the project. The campaigner, who described themself as an activist and advocate, explained that they rely heavily on the language of human rights, and that when it is silenced it becomes problematic. They argue that because governments have signed on to international declarations, such as the Universal Declaration of Human Rights, an understanding of rights should be in place from which to work with these corporations, who are all headquartered in countries that have signed on to those rights agreements. When explaining the use of rights-based approaches to development in contexts where using any kind of human rights language is either silenced or discouraged, often the people who suffer the most are those who can no longer claim traditional ancestral land. They explained that,

> it can be incredibly disempowering both to communities and to advocates when that kind of language is denied… [W]ithout that language, not only can it be disempowering, but I think it can also lead to a situation where advocates end up using a language that can almost be sort of imposing, and as if they are the ones that are bringing forward the solutions for change when- rather than it be something that comes bottom up, and it would tend, to me, to end up being a situation where staff from NGOs, if they don't use a rights-based language

> themselves, um, you can end up using a discourse…[that] minimizes the fact that it's communities that are at the root of the work to stop- either to stop large infrastructure projects that they don't want, and to demand the rejection. (Campaigner, Interview Notes, December 19, 2015)

That NGOs may have a role to play in the disempowerment of the people they intend to serve is an important reflection on behalf of the campaigner.

Contradictions to using HRBA

Despite the use of human rights frameworks, and the encouragement of a rights-based approach, there seemed to be a hesitation to really explore and frame human rights as something that encompasses all of their work. The staff generally recognized that there was a colonial element to the language of human rights and how those approaches could be interpreted in the context of dispossession. A junior staff member in Berkeley described some of the challenges of using the language in the following way, "I think that there is a bit of a rift in that people who are very social justice [oriented]… approach that as a big component of racial justice, and I think that they would say a lot of human rights language might obscure those racial issues, or especially like colonial issues I guess" (Junior Staff Member, Interview Notes, November 3, 2015)

They continued, arguing that while human rights language provides,

> a useful framework and it's definitely, you know, very needed in the world... I do think that it is a direct outcome … of world affairs post World War II and the need for communities to have some kind of international protection. So yeah, the post-colonial worlds and human rights I think definitely go hand-in-hand. I think yeah it comes down to putting communities- their rights and their lives their

> cultures their livelihoods- all within a framework that is developed by these international institutions, which have been kind of both colonial and postcolonial… Using these institutions to frame and shape these communities' rights could be seen in a way as problematic by the social justice world, which I guess would tend more to say…just the fact that the institutions are still working within a framework of capitalism, you know, and upholding that. And so while we try to say that… these institutions are trying to allow for these communities rights to flourish and to be respected and upheld, the framework itself is still part of the problem. (Junior Staff Member, Interview Notes, November 3, 2015)

While the above sentiment and the insight of the campaigner suggest that International Rivers' staff are aware they are operating within a hegemonic framework through their use of human rights-based approaches, that is not the case for all of their team members. In stark contrast, one of the communications team members expressed that questioning whether or not human rights concepts could be considered colonial was a privilege of Northerners, because they,

> have the freedom to question something like that… human rights are not theoretical and its not a northern construct for a lot of these places. Human rights are a real thing… I could see that they should mean different things regionally and for different cultures and stuff like that, but like, you know, the kind of repression that people suffer and the people who've died, its just, people who have seen their entire families massacred in Guatemala over these dam projects and stuff. Like that, it's not a sort of theoretical thing. (Communications Staff Member, Interview Notes, November 3, 2015)

Occasionally rights-based approaches create issues for campaigners in this area. A senior staff member explained that while human rights have a western bias, there is a distinction made between which rights present themselves as useful for the generation of discussions in donor countries compared to their regional offices. In donor countries, people assume rights to be just individual, political, and civil rights,

> and they are of course, it's really important. But there's also a right to development, for example. Which, here people aren't even aware. I mean, except for academia or maybe some government experts or so. And I think, you know, some governments and others, activists are right to take issue with this kind unbalanced perception and expectation in that, there needs to be a balance between collective rights relative to development, and the individual, political, civil rights… You can't trade any one for the other. And of course, in the dams debate, this is what happens all the time. You know, we will raise it- the rights of affected communities and we'll be told, well, you ignore our right to develop! And you know I think it's important that we have positive answers that we are able to offer or point to better solutions. In that you need to respect kind of the whole spectrum of human rights, and I think they have to respect the individual rights of people who are affected by these projects. But we also have to respect the right that you can't just defend the status quo, but you need to be able to point to better solutions. Now that's becoming easier, more and more easy… There are way better solutions out there. (Senior Staff Member, Interview Notes, November 4, 2015)

Similarly, HRBA may not encompass all of the different components necessary to

adequately address issues of dispossession. The campaigner explained that,

> [One] challenge around using rights-based approaches and the struggles for Indigenous rights can also be the language of property rights…and then how do people work within the language of property rights to then demand collective access to land, and collective rights to water, or the more collective aspects of rights that are often written out of most of the rights language, or it's not…as prominent". (Campaigner, Interview Notes, December 19, 2015)

This speaks to which rights are emphasized by NGOs, the populations that are impacted, as well as the corporations and governments who are negotiating.

In addition to the issue of a hierarchy of rights, there remains a power imbalance with a human rights-based approach due to existing structures at play directly related to neoliberal, global capitalism. The campaigner explains,

> I would see the structures of global trade, I'd say- the military infrastructures that are in place, I would say another aspect is like equity and justice in social movements themselves often get overlooked if you only have sort of the overarching human rights approach because there are a lot of groups that can advocate for human rights work, or human rights-based issues, and then within their own social movements do not walk the talk or however you want to say it. I mean I think there are structures of, whether you call it patriarchy, or power structures that are embedded in their situation. I would also say, for example in Malaysia and you could have the parallel with this situation in Canada, but the legacy of colonialism or a neo-colonialism in terms of land rights for Indigenous people has an overlay on the structure of access to land, or access to resources

> which if you don't see that, and you only see the idea to have the right to food or the right to water, or right to school or whatever, it's, um, it can be really limiting. (Campaigner, Interview Notes, December 19, 2015)

Additionally, the campaigner provided an example from the dam project in Malaysia discussed at length in the opening chapter, where a politician used rights as a means of pressuring the population into accepting the dam project:

> politicians use the language of development to pressure communities, right? So Indigenous communities feel like the only, supposedly the only way they can have the right to "develop" and have good housing and good schools is to have to accept the imposition of a dam project…[T]here is a dam project that was proposed in Malaysia, and … it was going to displace approximately 20,000 people, and the Indigenous people mobilized here and…organized a blockade that has … been set up more as a people's observatory, and they've kept it there for approximately, well now over 2 years. The government [represented by] the chief minister…made a statement. At first he made a statement saying, ok, the dam would not be built, he would listen to the people. And then another statement came out that- and this is in the context that elections are coming up in the next 6 to 8 months- so he made this announcement, 'sure, nothing's going to happen. We understand that people don't want it'. And then he made another comment in the press saying, 'sure, we understand people don't want it, but then they need- those Indigenous people need to see that they just won't get the same schools and roads and clinics as other people in the rest of the state'. And then people were all like, great, so thanks, you've just said you won't build the dam, and then you're

> basically denying us of any infrastructure in the remote communities that would have been displaced, and now, what are they supposed to feel? That they should then go ahead and accept the dam and be displaced and go and live in resettled communities where they might, maybe get access to schools, maybe get access to electricity? So that kind of pressuring of communities, like, although its not at all that the chief minister is using rights-based language, but he's kind of bouncing it around, and the politicians are bouncing it around in their own way. And using- we know you have, like, we really want to make sure that you as communities have access to good clean water and electricity, but then you should just accept our development package basically, right? So that kind of use of "rights-based language" has it's own, I wouldn't see as rights-based, but politicians…and corporations do see it [as that]. So that's how I see it as also being something that could end up being much more like a CSR approach. (Campaigner, Interview Notes, December 19, 2015)

It is clear from the campaigner's perspective that there are multiple ways a rights-based approach can be manipulated, or simply does not go deep enough to address all of the potential issues experienced by dam-affected people. The politicians and corporations are able to manipulate the official processes to work in favour of building dam project and perpetuate market violence. A communications staff member described the corruption sometimes involved in dam projects:

> It's the profit motive... But underneath that there's just so much money to be made, and there's so many governments and companies. And you know, they want to push these projects ahead, and it's never as simple as like, they just are

> corrupt… You know its like there are so many pieces. [L]ike stuff where you think this is just so obvious that you shouldn't be putting these dams on the Amazon. You know?...[I]n Brazil it's just so clear how profound the corruption is. How deep rooted it is. It's kind of been coming out in the last year just how extreme. And it reaches to the absolute very top of the government, you know?...If you're talking about sort of like money and capitalism- I mean, it's not just capitalism. It's capitalism and corruption and…that seduction of…power, just power. And people just, they just go for it. And they will do anything. And they really don't give a fuck. I'm sorry to say that! ...You really are going to ransom the future of the planet, of life on the planet for profit for a few decades? You know what I mean? The crime in there is really incomprehensible. (Communications Staff Member, Interview Notes, November 3, 2015)

It is clear from these interview excerpts that HRBA is ineffective, and possibly complicit in contexts of development dispossession by major dam projects.

Educating for Rights Within Sites of Dispossession

Besides the obvious challenges to implementing human rights education, the organization seems to have a lack of capacity for developing new educational materials. Campaigners in regional offices rely on informal means of working with communities to understand their rights. One means of doing this work has been through partnerships with other organizations and networks to create a concentrated effort and campaign. According to a long time senior staff member:

> In some regions we are part of relatively formal networks, regional networks. They will get together once a year, twice a year or whatever and there will usually

> be a training component, and so often we get invited to offer training. Or we, I mean, that's rare because it's incredibly expensive and work intensive, but we have so far organized three international meetings of dam affected people… you know that is five days of strategy meetings, and filled with many trainings and some parties. Or we may publish a new report, and then we'll offer trainings along with it. But, um, you know it always depends a bit on our kind of geographics (sic) and our availability…So we may get a request from an African NGO to organize a training but we have no- our Africa office is in South Africa, so that already makes it expensive to go to West Africa or so, they may not be the best experts on that topic, and so, you know often we'll try to offer training around an international event that we and maybe many other partners are attending anyway, or something like that. (Senior Staff Member, Interview Notes, November 4, 2015)

One of the greatest challenges to the organization's ability to use and promote the rights-based approach seems to be their own understanding of what human rights education can be. When asked whether people in donor countries truly understand the implications of human rights abuses, a communications staff member explained that they "think sometimes people don't fully connect to what it means? Especially if you're in a semi-functional democracy…I feel like it can- it can actually be weirdly vague" (Communications Staff Member, Interview Notes, November 3, 2015). Because International Rivers walks a fine balance between communicating both in donor countries, and with people experiencing the threat or reality of dam dispossession, they have to find a balance in how they explain rights. A long time staff member explained,

> We have to try and talk to different audiences at the same time. We- our website and we have visitors from around the world… and of course, most still from the US, but less than half from the US. And so you know it's really spread out. We are not usually reaching kind of like, the man or woman on the street…people who could be our neighbours or whatever, because we don't have a presence in all of the different countries, and we don't have information tools that could reach them. But we can reach kind of the multipliers? So definitely the international NGOs, the journalists, academics, students, and so we try to publish materials which are technically sound but still not too wonky, unless sometimes we just address a very specific audience, then it may be different. But often we try to strike that balance, and you know, more successful in some cases than in others. But, we see some of our publications get translated into a lot of different languages, not by us. …We'll just make it available for translation and sometimes it just kind of happens, and like you know up to 20 languages or so. (Senior Staff Member, Interview Notes, November 4, 2015)

Another barrier for the implementation of education pieces in contexts of HRBA is the idea that rights education has to be formalized. A junior staff member explained that how they discuss human rights depends on the context and the region:

> I mean it makes sense to talk about human rights education from like a, you know, a University- UC Berkeley we can talk in broad terms about global, historical contexts. But for communities that are experiencing breaches of their human rights, they probably need a human rights education that's more tailored to their experience and that empowers them in some way to act on that

and to be able to to assert their human rights instead of just talk about it, or know what they are. (Junior Staff Member, Interview Notes, November 3, 2015)

If Not Rights, What?: Organizational Shifts in Focus

Given the age of the WCD, and the lack of uptake on the *Dam Standards* report throughout the organization, there seemed to be a gap in how the rights-based approach was being implemented, and arguably whether or not staff felt it was a valuable tool. There was a noticeable shift in language towards two particular strategies: emphasizing the rights of Indigenous peoples, and particularly the use of FPIC, and a shift to climate change. It's important to note that while these may seem like departures from the purpose of the organization, they both fall within the realm of protecting the rights of dam affected people (albeit specific dam affected people) and protecting rivers themselves.

The Emphasis on FPIC/ UNDRIP as a Solution to Dam Dispossession

As discussed in a previous chapter, a senior staff member felt that using rights-based language rather than simply human rights language seemed to be more all encompassing for the purposes of their work. While I tend to use the two rather interchangeably in this work, there is a marked difference in the language of rights used by the members of the organization themselves. Their emphasis on Indigenous Rights is worthy of discussion in part because they seem to use it outside of the rights-based approaches defined here. I would argue that UNDRIP is simply another human rights instrument that should be included in these approaches, and has been by International Rivers in their *Dam Standards* report.

Article 10 of *The United Nations Declaration of the Rights of Indigenous Peoples* states that*:* "Indigenous peoples shall not be forcibly removed from their lands or

territories. No relocation shall take place without the free, prior and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return" (United Nations, 2010). FPIC was discussed by nearly all of the interview participants as a crucial concept for the people affected by dam development, particularly Indigenous communities. A junior staff member explained the FPIC process in the following manner:

> When a project is proposed not only is the community informed, but they are informed in a comprehensive way of all of the possible impacts that it could have on- that the project could have on their land and their livelihoods and allowing the communities to really make their own decisions on that and not just saying this is going to happen, you have to deal with it [laughs]… I think that would be the foundation for a lot of the work that we do. (Junior Staff Member, Interview Notes, November 3, 2015)

The long-time senior staff member explained that they, " have seen an upswing, a growing respect for Indigenous Rights. So while social and environmental safeguards have been under pressure in a lot of places, you know Indigenous Rights have found more respect and so, there's always the question, what does it mean in practice? Will such commitments actually be implemented? But at least it's a start. You know at least we have something to work with" (Senior Staff Member, Interview Notes, November 4, 2015). One staff member credited this upswing of support for Indigenous rights to studies that argued that Indigenous peoples provide the best land management and ecological management. They later acknowledged that the emphasis on Indigenous Rights, "can exclude huge swathes of people…who are in just as much need of rights"

(Communications Staff Member, Interview Notes, November 3, 2015).

One example of how the rights-based approach to development is used in a context of development dispossession, particularly emphasizing the potential dispossession of Indigenous Peoples, is the fight for the Amazon. This example also showcases how this approach can intersect with fundraising opportunities for the organization. Four of the interview participants described images of Indigenous people dressed in their traditional dress and using computers to bring awareness to their fight against damming the Amazon. They felt that the images increased the engagement of people in contrast to an image of a campaigner meeting with government officials in a boardroom. When asked if they felt this was an exploitation of the people depicted in the image, one staff member said,

> I would say it's complex because in a way these communities, you know, that is how they dress and they go- They're dressed like that purposely when they protest or when they go to talk to their government officials or when they go even on an international platform even to the UN, and maybe they don't dress like that everyday [laughs], but they dressed like that there, so in a way it they know that gives them the attention but also affirms what they're standing for, and so I think us using that is- I don't think it's a problem for them, like they understand what they're doing too. (Junior Staff Member, Interview Notes, November 3, 2015)

Another staff member said, “they are very savvy around it. They know that they're dressing up, but they know how the media work[s]... I mean personally I might sometimes cringe or so, but if it's their trick- you know?” (Senior Staff Member, Interview Notes, November 4, 2015)

Figure 5.1: "Macuxi Tribe fighting against proposa Cotingo Dam in Raposa Serra do Sol territory" (International Rivers, n.d. c).

Climate Change Washing HRBA Downstream

In addition to moving towards Indigenous Rights rather than human rights as a whole, climate change seems to be the language of choice for protecting the rivers themselves. Climate change, from a communications staff person's perspective, has become "the huge story right now…You know, water and water management, access to water, is a huge huge issue in the 21st century, and I think that… communicating more about how our work ties into climate change, because they are intimately- beyond intimately connected" (Communications Staff Member, Interview Notes, November 3, 2015).

Related to the zombie dams mentioned earlier, there seems to be a renewed interest in major dam projects as a means of finding a new sustainable energy source. A communications staff member explained that,

the World Bank pulled out of dams for 10 years and they pulled out of a lot of

> projects because of our work and they are now getting back into them so there's a big opportunity at the moment… because what's happening with climate change, you know, there's this kind of drive- we've got to cut emissions however we can, especially coal and one of the knee-jerk responses is if not coal then Hydro, then nuclear, then you know and there are a lot of really good reasons why dams are extremely bad. Especially with the changing climate in particular…we don't live in that world anymore we don't have a stable predictable climate and dams rely on stable predictable water supply. That's just gone. (Communications Staff Member, Interview Notes, November 3, 2015)

A senior staff member explained that future energy solutions and adaptation to climate change should be strengthened. "[F]or many countries, more large dams means more vulnerability to climate change. And many countries have seen almost their whole electricity sector lie flat because of drought, if you're really hydro dependent then you- you need a diverse portfolio…[examples include] Tanzania, Kenya, Brazil" (Senior Staff Member, Interview Notes, November 4, 2015).

A senior staff member in finance sums up the shifts in language perfectly, explaining that when they approach foundations and granting bodies for funding, there isn't,

> a twisting of facts or anything. If you dam up the Amazon and you deforest the entire area around it, that is going to effect climate change…So if we're doing advocacy work that is helping to protect the Indigenous folks in that community, and to protect their land rights… then that's helping to solve issues related to climate change. So, one particular project can hit any number of funding

> extremes, as far as the criteria depending on the non-profit's or the foundation's emphasis. (Finance Staff Member, Interview Notes, November 5, 2015)

This sentiment in particular hints at the reason these shifts in language are occurring.

Discussion

The critiques offered by the International Rivers staff echo those of the scholars in a previous chapter. HRBA does little to challenge the status quo (Uvin, 2002). The shifts towards climate change and FPIC certainly reinforce Nelson and Dorsey's (2008) argument that it would be possible for NGOs and donors to simply slide HRBA back on to the shelf in favour of other approaches that may offer more funding, specifically when NGOs are beholden to capital through donations.

It is clear from the interview participants' perspectives that the rights-based approach to development has flaws, whether they be systematic implications mentioned by the campaigner, or in their lack of ability to actually stop a dam project, as in the case of the zombie dams. If human rights are to be understood as set of values through which a consensus has been built in order to secure the power of the hegemon, we can see how entire approaches to development built on these principles fail to pose a serious threat to capitalist development projects. As Gramsci (1934/1971) and later Sanyal (2007) explain, rights are a means of placating the lower classes into believing they exist within a harmonious state. In the case of development dispossession, the will of the hegemon wins as it is in the interest of capital for the development to go ahead, and the "rights" of the dispossessed become secondary, if considered at all.

By operating within the systems of global capitalist hegemony and their dominant institutions such as the World Bank and UN System, INGOs like International Rivers will

not be able to effectively oppose major dam projects. These approaches are developed and built in a top down fashion and are thus unable to mount any kind of counter-hegemonic movement. Utilizing an HRBA framework in contexts of development dispossession is useful so long as you are content remaining within the structures of the neoliberal capitalist and colonial systems. As Evans (2005) and Brass (2011) explain, NGOs that operate within a capitalist system, and within the realm of rights language will never be able to find some form of emancipation for those subordinate to neoliberal structures. The experience of International Rivers shows that while using HRBA is possible and a proven method of fighting development displacement, or in the very least fighting for more equitable resettlement plans, it's potential for actually preventing development dispossession is limited.

Human rights education, as discussed by the junior staff member, should not be a formalized structure, built from the global institutions, but rather has the potential to meet the needs and emancipatory goals of the very people struggling on the ground. Rights language privileges Eurocentric knowledge and normative frameworks, narrowing the unit of resistance to the individual over the collective. Perhaps moving away from an institutionalized version of human rights is necessary. As Kapoor (2012) explains,

> if, at some level, the modernist purpose of rights and related notions of citizenship are to create the conditions for individuals and peoples to lead a dignified and peaceful life, then the promise of non-institutionalized human rights lies in its potential to stimulate political struggles…that transgress the hegemonic hijacking of the construction, interpretation and mis/application of rights …while being against colonization and imperial appropriations of peoples, cultures, lands and

ecology. (p. 415)

Perhaps an engagement with the Indigenous sovereignty and resurgency discussed in Alfred and Corntassel (2005), Coulthard (2014), or what Grande and Naadli (2015) label as Red Pedagogy would be a more useful framing for Indigenous peoples experiencing the threat or development dispossession. This would also relate to the conundrum offered by the campaigner related to addressing the property rights of collectively held land. The reliance on FPIC, as adopted by hegemonic institutions does not make it a tool that can be used as a preventative measure. While it provides the venire of participation, its use lies solely as a defensive tactic. As the long-time staff member indicated, these projects tend to come back, despite the use of rights as a framework.

Summary

As is apparent from the interviews, International Rivers struggles internally with how best to address neoliberal development dispossession. Strategies such as HRBA are limited in their application through the language of rights themselves, the challenges of utilizing rights language amongst states and corporate powers, while also grappling with the complexity of the issues of development dispossession. Determining what language best plays with donors and supporters is yet another consideration. In the next chapter, the themes and topics discussed here are further analyzed through the use of expert interviews.

CHAPTER SIX: Critical Explorations of HRBA Approaches in Contexts of Development Dispossession: Expert Perspectives

Previous chapters have shown how International Rivers uses HRBA and HRE in contexts of dam displacement and dispossession. It is clear that while in theory these approaches are useful to prevent market forces from dispossessing people/ rights-bearers through the protection of rights and by attempts at equalizing the power dynamics with duty holders, these processes have been largely ineffective with preventing dispossessing development projects from occurring. In order to delve further into the critique of these approaches, I interviewed two experts in the areas of dispossession via major development projects; one based in Canada who works with local and international extractivist industries, and the other based in the UK who led a major INGO located there. These two experts had a good grasp of the power dynamics and challenges posed by development in neoliberal contexts by virtue of having worked and campaigned as a part of the struggles against development dispossession throughout the neo/colonies. I selected them by consulting with my supervisor, but also to gain a better understanding of how large INGOs based in western countries perceive these development forces.

Development Dispossession: "A Cycle of Violence"

"It's just a cycle of violence and dispossession which seems to repeat itself again and again, and taking the world back towards colonial times." (UK Expert, Interview Notes, October 16, 2015)

The struggle against dispossession in contexts of development projects becomes all encompassing for those on the receiving end of the project. In many cases, human rights are violated through market violence and the state's imperative to pursue the right to development. As the expert based in the UK argues, "a permanent state of war is quite

a good way of describing how many communities across the world are feeling as they see their lands taken over by corporate elites, often in conjunction with local government elites, and it's just a cycle of violence and dispossession which seems to repeat itself again and again, and taking the world back towards colonial times" (UK Expert, Interview Notes, October 16, 2015). This is similar to what International Rivers describes as the phenomena of zombie dams in the previous chapter, or dam projects that have been stopped, but ten years later rise from the dead to be fought again. The UK expert explains that "it really does seem as if the concept of dispossession, and whether accumulation by dispossession or any other form, is becoming ever more real, and it really does still dominate the development crisis" (UK Expert, Interview Notes, October 16, 2015).

There's no doubt that ABD has been taking place in the context of major dam developments. The campaigner and other staff members refer to the loss of traditional lands, grazing lands, and culture through dam development as fundamental to mounting dam opposition. Harvey's (2003) concept of ABD becomes a useful means of demonstrating just how dispossession by development projects can become a continuous battle. As the UK expert explains,

> from what I understand, the key thing about David Harvey is that, while for Marx, Primitive Accumulation was a chronologically prior step, to the instantiation of the relations of capitalist production leading to ongoing exploitation, I think what David Harvey has usefully done, he's pointed out that this isn't just something which happened in the past. This happens at a continuing battle over access to resources and so it's reproduced again and again and again with every stage of

development, and even after that. There's no sense in which you come out the other side. (UK Expert, Interview Notes, October 16, 2015)

One challenge faced by using the language of dispossession rather than the language of rights is the complexity of how it is presented to a wider audience, aside from the people who are being displaced. The Canadian expert explains that, "it's a little bit compounded by the urban rural realities and people talk about losing their land, you know, their hunting area, their fishing, their berry patches and so on, it's kind of romantic but doesn't mean much to most people…Whereas, it's actually bread and butter for people who live on the land" (Canadian Expert, Interview Notes, February 25, 2016).

As discussed in the previous chapter, it is not lost on the International Rivers staff members that the language of human rights, and the structures in place to defend those rights are steeped in imperialism and the legacies of colonialism through the dispossession of dam-affected people. "It's been fascinating to me how people are now reframing the whole concept of colonialism, very squarely in terms of capitalist imperialism. So that it's not the colonial rule by European states, but it's the colonial dispossession by capital, and particularly by transnational capital. That's what is now the present, the current instantiation of that imperialist drive" (UK Expert, Interview Notes, October 16, 2015). The imperialistic and Eurocentric tendencies of human rights language as discussed by Falk (2009), Kneen (2009), Rajagopal (2003), and Williams (2010) among others helps to frame the challenge of using human rights language in contexts of development dispossession, perpetuating the power imbalance in place. The UK expert explains that,

> we need to chart a path, away from five centuries of colonial rule, don't believe we can do that in a weekend. It takes years and years and years. And first of all you need to reconfigure the structures of the state, the structures of economic and political life, and only when you begin to really work through that type of revolution, then can you hope to start building the sort of productive capacity which are not reliant on continual fossil fuel exploitation etcetera, etcetera, and dispossession of local peoples of course, because…when you're talking about popular sovereignty, who is the people? Which people are you talking about? Are you talking about this local people? Are you talking about the territory around them? Are you talking about the different tribes that have different positions? Are you talking about the state of the whole? I mean all of these things are so fundamental and up in the air. (UK Expert, Interview Notes, October 16, 2015)

The Canadian expert explains that in order to be effective, approaches combatting the dispossessing forces of capital need to find a way to get ahead of the projects, explaining that rights, and rights-based approaches are,

> essentially defensive. You know, so when people are being threatened, you know, Amnesty can help, and we can say, hey, people are being threatened, stop it! But it doesn't stop it from happening in the first place. And if there's supposed to be a deterrent effect, it doesn't always work. And certainly when there aren't actual repercussions, it doesn't work. So, and what we've been trying to figure out, is where we can move into a preventive mode so that, you know if community interests can be identified and protected before they're violated. And maybe that's what some of those safe guard policies are meant to do. But they're still brought in

> after the fact. So once a project has been presented and is being implemented, then the safe guards come into place. When the whole point of FPIC or some of these other mechanisms is to move that decision point forward far enough that you avoid some of that damage. (Canadian Expert, Interview Notes, February 25, 2016)

Essentially, both experts are calling for wide spread systems change as the only means of challenging the development project. For neo-Marxists, the idea of liberal, human rights are essentially keeping the revolution from occurring, erasing the idea of class-consciousness by placating the lowest classes of people. Human rights individualizes the colonized and prevents them from coming together to fight oppression. Uvin (2002) argues that HRBA is simply a means of dressing up old development practices in an attempt to make it look like a new approach, while Hardt and Negri (2000) would argue that NGOs are tools of the empire to spread the neoliberal project of global capital (p. 313).

Reflecting on the Utility/ Futility of HRBA in Contexts of Neoliberal Development

"It's much clearer to say that somebody was killed than to say that somebody had their right to life violated" (Canadian Expert, Interview Notes, February 22, 2016)

The silencing of human rights language becomes challenging for campaigners and staff members at International Rivers as well as the communities with whom they do their work. The Canadian expert is comfortable using alternative language from human rights, specifying that, "I think it's much clearer to say that somebody was killed than to say that somebody had their right to life violated… If a woman has been raped, well her right to integrity of her person has been violated, but that's not what happened… And if we're

trying to actually confront the reality it helps to describe it clearly" (Canadian expert, Interview notes, February 25, 2016). This approach would certainly erase the connotation of rights language, and its history.

When human rights talk is silenced in places like China, it becomes disempowering. This ties into what Vandergeest, Idahosa, and Bose (2007) identify as a contradiction of neoliberalism. They argue that on the one hand, neoliberal policies drive the development projects that are dispossessing people, while on the other, the principles of good governance and the individualization of rights-bearers have made it more difficult to ignore the forces of displacement via accountability measures and transparency, and have provided the means by which civil society can participate in the process (p. 19). This does not account for how few of the dispossessing development projects are successfully fought, given the total lack of equal footing between big money development agencies and those fighting their projects. From an anti-colonial perspective, providing credence to human rights as the only language of resistance to oppression and emancipation, where all other forms of resistance, including Marxist, non-alignment, nationalism, have all failed to reach the same level is unprecedented, and problematic for a concept rooted in imperialistic origins (Rajagopal, 2003, pp. 171-172).

The emphasis on rights as the only language of resistance has some interesting implications for the UK expert and their organization. They explain that,

> for us, if we're really honest, we believe human rights framing is potentially useful in so far as it can allow you to reference an accepted body of thinking which is established itself in the mainstream, and can be used as a powerful launch pad, or a path for, yeah, a point of departure for more radical, political

> analysis. And I think for us that instrumental use of human rights language and human rights framing is fundamentally what sets us apart from the human rights-based approach of the organizations like Amnesty, or Save the Children for example which bases its entire work on the convention of the rights of the child. (UK Expert, Interview Notes, October 16, 2015)

This speaks to what Williams (2010) calls the "contemporary ascendency of rights as the privileged discourse for the symbolic articulation of international justice in an era of advanced globalized capitalism" (p. xv). Challenging the dominance of human rights language becomes the problem, and one not easily solved.

Similarly, the campaigner discussed at length the usefulness of an HRBA approach in contexts of development dispossession, touching on the importance of understanding power structures, and acknowledging that sticking with the mainstream understanding of rights as laid out by the United Nations can become superficial. The UK expert explains that, "in its most useful form, it can be a way of grounding your analysis in the entitlement under human rights law of all peoples to the basic services and basic provisions they need. And I think that it therefore does have the potential to be used as a politically progressive framing because you can follow it through and interpret political choices through a human rights lens and then lead them to a more progressive outcome." (UK Expert, Interview Notes, October 16, 2015). They cautioned that using a human rights lens also has the potential to act "as a block. It acts as a barrier to being able to take a progressive analysis forward".

Evans' (2005) discusses the universalizing tendency of human rights as a means of maintaining capitalist societal structures, while Gramsci conceptualizes the

universalizing aspects of hegemonic society as a means of maintaining the subordination of minority groups through the appearance of rights. The Canadian expert explains that, "I would say the weakness of that formulation in the first place…and the core of that is, is basically you're still in the position of a supplicant asking for protection from an authority, whether that's a corporation or a government, or whatever it is. It's a different power relationship. And in practical terms, that means that it can be reformulated and manipulated by those same authorities" (Canadian Expert, Interview Notes, February 22, 2016).

They continue, discussing the role that human rights play in contexts of dispossession, not as a means of reforming the processes of dispossession, but rather as a mitigating factor, attempting to stop a process that is already underway:

> Well what it does, it actually provides for mitigation, and if we're actually interested in changing the structure, it doesn't help much at all. And in some contexts you could argue it's actually kind of reductive because you end up with a modified and mitigated implementation of the same structural exploitation that you had before. Only now you've lost the public pressure and whatever political pressure there was to modify things. So, it's all good. It's all looked after. We've got the human rights impact assessment report you can look at. Nothing left to look at. Um, I mean I don't think that's always true, but that's the dynamic that can come into play. But no, it's more a question of trying to figure out how to get those bigger changes in place… and what language and what concepts will get us there. (Canadian Expert, Interview Notes, February 22, 2016)

Fanon (1961/ 2004) expresses that the most meaningful, valuable thing for colonized subjects is land. It provides food and a sense of belonging, if not the concept of human dignity. Emphasising the significance of the land to the people who call it home is important in the struggles against ABD but this might not have the clout it deserves in international law, given where those norms were developed, and which knowledges are privileged. The Canadian expert acknowledges that, "there's also a question about collective rights versus individual human rights. Because a lot of the land rights wherever you go are defined collectively. And the related economic, social and cultural rights are collective, and so questions of livelihood and cultural protections are not- and they're not well protected" (Canadian Expert, Interview Notes, February 22, 2016). While some laws and policies acknowledge the significance of traditional lands, particularly UNDRIP, it is not something that is extended to all people who are being displaced, nor does it fall outside of the existing system.

Human Rights as Book Ends: NGOs and Their Funding Conundrum

It is clear that how the promotion of rights as a regulatory framework in contexts of dispossession is advanced through the work of INGOs. In the neoliberal context of global capitalism and the reliance on grant funding to pursue the activities of the organizations, human rights and their promotion become a means of acquiring funding. As was discussed in a previous chapter, INGOs like International Rivers are challenged by the grant funding they receive, both with how little they are expected to work with, and also how the money they receive from endowment funds was originally earned and invested. Human rights language becomes a check box for grant applications from major foundations. As the UK expert explains,

> It can help us in some very specific terms, in relation to giving us greater freedom to engage in political campaigns because we can reference human rights there. I'm particularly thinking of the regulators- we have a charity commission which regulates the work of those who are registered as non-profit charities, and there are certain restrictions there where you have to make sure that you are explicitly using the money which is being given to you from whatever source to advance your charitable objectives, and once you put human rights into your charitable objectives, it's a part of the language which is accepted. Now, obviously it then throws up all of the much greater issues about what human rights are, and so we would, for example, say that the right to self-determination, one of those rights which immediately brings you into very different civil and political sphere, than if you're just talking about freedom from being tortured or put to death, and you know, we know the other organizations have exactly the same internal difficulties that is, I think it's just easier for us because we explicitly frame and use some of our work in human rights language, but we don't in any sense feel bound or directed by it. (UK Expert, Interview Notes, October 16, 2015)

This is contradicted by their annual reports and strategic directions, where rights language is used to book end what the UK expert calls resistance focused language,

> a lot of the language in the formal sections of that framework, for example the vision, the mission, and all of the language, which is sort of in the outside bits of the document… They are very much focused on human rights. Whereas the minute you get inside it, it's trying much more to frame things within the framing of politics of social justice, and of community resistance, and in those situations,

> the human rights framing is much less useful for us, because it doesn't actually speak to the realities of life on the ground, facing our partner organizations, whether they be trade unions, or whether they be local communities of resistance… I think for us that's where we would say that the education work we do is specifically designed to take people away from the reductive human rights framing and to situate our analysis of the dispossession that we are talking about in terms of a political and a liberation and a social justice analysis of that. (UK Expert, Interview Notes, October 16, 2015)

The language of campaigns and approaches to development can also cause issues for those involved and the concepts that are being advanced. The UK expert explained that "A lot of the time we are focused very much on narrow specifics of what we could achieve in a particular campaign, and we need to be really conscious of that we're not just you know perpetuating the problems by failing to get to grips with the people and the deeper issues concerned" (UK Expert, Interview Notes, October 16, 2015).

Rajagopal (2003) argues that designating human rights the only emancipatory language of resistance is detrimental, particularly when those in the Third World have not had a hand in producing that knowledge. Campaigns that base themselves solely on the principle of the Third World as a site of violence have not considered the deeper issues mentioned by the UK expert. Similarly, Williams (2010) advances that NGOs are so dependent on funding and support from the Global North that they will only show violations of human rights in the Global South. When applied to key HRBA INGOs, Nelson and Dorsey (2008) determined that most of INGOs they studied are simply adapting HRBA to their existing work in order to obtain funding and meet the most

recent trend of development work, rather than fully transforming their practice. The UK expert provides an example of going to large INGOs and explaining the processes of dispossession experienced by farmers in Africa. Rather than standing up to these forces, the UK expert experienced staff members from other organizations coming to him, saying that they are "mortified that we are in this position when we know that we should be with you, but we've been told we cannot *cannot* come to stand with you against these things. We've got to act as supporters of it because we've been told that it will be the way in which we get a bit more aid money in our budget" (UK Expert, Interview Notes, October 16, 2015). If we consider that the language of human rights is seen as emancipatory by many INGOs, the problems and issues discussed by Rajagopal (2003) are perpetuated, and the system continues.

Operating from within the System: Tools for HRBA and HRE

International Rivers is not the only NGO producing reports and guidebooks for communities facing displacement and dispossession by major development projects. The Canadian expert explained that while policy guidebooks exist and are intended to be tools for communities, "we haven't really used it much". They elaborated,

> I think it's a useful handbook, but for the most part when we're directly involved with community groups or support groups, those are the kinds of things we're going through anyway. Um, so it's sort of meant for people who are stumbling across these issues and are trying to figure out how to get through them... it's much more aimed at direct action…Well, and I think the policy based approach does need to be grounded in some actual experience. Before it makes sense. (Canadian Expert, Interview Notes, February 22, 2016)

This ties into the use of HRE on the ground by these organizations. While the reports provide some kind of framing for rights, and HRBA, it seems they are not used by the campaigners on the group who are directly working with the people facing the violation of the rights laid out in the perfectly designed documents that live on websites and bookshelves. Finding a way to create materials or tool kits that are translated, and of use to local NGOs or campaigners themselves becomes imperative for HRE to be done well.

In conjunction with the release of their *African Dams, Rivers and Rights* report geared towards people impacted by the Inga 3 dam, International Rivers, along with Scientific Animations without Borders, and the Michigan State University released a YouTube video called "Resettlement Guide for People Affected by Dam Developments" (International Rivers, 2017). The video, translated into French and Lingala, covers the key information including rights and best practices for development displacement through animation. While the intent and the information included in the video are both commendable, it doesn't seem like an appropriate tool for rights education. The language of the video and the visuals themselves pose a stark contrast. The narrator uses technical language to describe what communities should be demanding, while simplistic animations often of cooperating, blinking brown faces, are presented as a means of reinforcing significant points. The video assumes a level of literacy and understanding of the process of resettlement, and yet shows infantile illustrations. The most marginalized deserve materials and support that are truly emancipatory in these circumstances; not merely poorly produced animations of good, subservient subjects politely demanding what is owed to them, based largely on a compensation scheme that was generated outside of their communities, produced outside of local knowledge, and enforced through

the continuation of the neoliberal capitalist and colonial systems. Resistance to these projects lies in the very structured legal means that are laid out by Eurocentric institutions, thus perpetuating the very same capitalist system that resulted in the proposed dam site in the first place.

FPIC as the Saviour of Rights-Based Approaches?

Throughout the interviews, FPIC was raised as the most useful tool INGOs and the communities they support have for fighting development dispossession. One key challenge with FPIC is that it is only recognized as a part of UNDRIP, and does not provide protection for all of the populations that have the potential to be dispossessed of their land and culture. Bustamante (2015) argues that, "while indigenous peoples are gaining more participation in and influence on the governance of extractive projects, national governments have colonized the right to FPIC, rendering it subordinate to their neoliberal and post-neoliberal projects" (p. 179). The Canadian expert explains that,

> [i]t can be totally manipulated, and you can look at Peru for example, I think Ecuador is also bringing in an FPIC law, which I think kind of misapprehends the whole concept, because it's very much, it's an expression of sovereignty and self government, not a colonial construct. So for the national government to decide how that's going to happen, is you know, an illegitimate reading of the whole concept… So I mean, it's based on self-identification and self-determination, so it's a community that will tell the government who's making the decision and what the decision is, it's not the other way around. (Canadian Expert, Interview Notes, February 22, 2016)

Despite this substantive critique of FPIC, the movement of Indigenous rights plays an

important role in challenging the coloniality of development dispossession. The Canadian expert explains that, “it says this essentially colonial relationship can't be perpetuated. It actually needs to be put on a whole different footing”(Canadian Expert, Interview Notes, February 22, 2016). It strikes me that participants did not make the connection between FPIC as an element of the HRBA, but rather consider it a unique element of fighting development projects. Bustamante’s (2015) description of FPIC as subordinate to the neoliberal agenda echoes many of the critiques offered earlier. Sanyal (2007) in particular offers that this offering of rights helps to placate the individual through rendering conflict invisible, and further solidifying the hold of the bourgeoisie. Additionally, Falk (2009) offers that human rights are derived out of hegemonic international law to give the aura of legitimacy, despite continuing to oppress the weak through destructive and exploitative forces (p. 40). In this sense, FPIC, while perceived to be a powerful tool, is merely another tool used within a deeply flawed system of oppression.

Perhaps an alternative to using HRBA could be a return to a movements-based approach. As the UK Expert explains, “the movements in Latin America have been able to rise up and to completely reconfigure the relationship with transnational capital, particularly even in the heartlands of extractivism” (UK Expert, Interview Notes, October 16, 2015). The Canadian expert attributes this ability to resist extractivism due to a “national political literacy…and history of organizing, whether that's through trade unions or indigenous movements. But in some cases it's actually centuries old” (Canadian Expert, Interview Notes, February 22, 2016). This speaks to what Alfred and Corntassel (2005) as well as Coulthard (2014) and Grande and Naadli (2015) are calling for with the resurgence of Indigenous knowledges, and land-based resistance as means of moving

beyond a human rights-based approach to development dispossession.

Summary

It is clear from the literature and the comments of the expert interviews that human rights and HRBA are not the liberatory framework for people experiencing dispossession due to major development projects that they claim to be. While the experts call for revolution, International Rivers adapts their strategies to best meet the need of the people on the ground, while using regulatory frameworks to fight the projects. Campaigns and tools utilized by NGOs in contexts of development dispossession should be analyzed for their reinforcement of capitalist hegemony, and the promotion of Eurocentric knowledge. Finally, FPIC, while touted by development agencies, and the experts here as the most promising tool for the opposition to major dam projects, still can be coopted by the forces of capital and nation states. The challenge for organizations like International Rivers will be to find approaches that exist outside of the structures that still prove effective in fighting major dam projects.

CHAPTER SEVEN: Concluding Reflections

Revisiting the Research Purpose and Questions

In this study, I utilized a critical interpretive methodology and an instrumental case study strategy to critically explore rights-based approaches being utilized by International Non Governmental Organizations (INGOs) in addressing dam related development dispossession in neo/colonial contexts in Africa, Asia, and the Americas. This research has addressed the following two questions: 1) How is HRBA being used by INGOs to address dam development dispossession in the neo/colonies? How is HRE playing a role in this process?; and 2) What are some of the criticisms of and problems with HRBA to addressing dam development dispossession in the neo/colonies?

The case study of International Rivers discussed at length their approaches to HRBA and the tools they use for its attempted activation. International Rivers has existed for over 30 years. In that time, they have played a significant role in the fight for rivers and the rights of people(s) who call their banks home. Without International Rivers, there would not have been three meetings of dam-affected peoples, nor, arguably, would there have been a World Commission on Dams.

Despite their many successes, their approach working within the neoliberal capitalist system, inclusive of their use of HRBA in reports and as a tool for fighting harmful dam projects, does not necessarily allow for the liberatory potential they believe it should. Staff have mixed feelings about the usefulness of HRBA approaches, some citing examples where they have worked, and others where the slightest mention of human rights ceases all discussion and an environmental approach is taken instead. This becomes problematic for communities that are experiencing dispossession at the hands of major dam projects and who are looking for tools to fight these projects from within the

existing structures and frameworks. Rarely do rights-bearers and duty-holders meet on an even playing field when it comes to development projects and dispossession. Rarely, too, do these harmful dam projects actually die a complete death, often coming back again after some time with a new justification for why they should be built. I would suggest that while the organization punches above their weight in the work they do throughout the neo/colony with communities and partnering with local organizations on the ground, their fluidity in their approach may create challenges for their staff headquartered in the US, who, understandably, have a limited engagement with realities on the ground, and how the approaches they promote may in fact be another piece in the neoliberal capitalist scheme.

International Rivers' approaches to HRE in the US through engagement with donors and other communications activities varies deeply from the more on the ground, informal approaches taken by their campaigners in the regional offices. The diffuse nature of these approaches sometimes comes into conflict, as is the case of telling the single story of river defenders, seen favourably by the team in Berkeley, and countered as damaging to the case of the collective movement by the campaigner. How they negotiate the two is crucial to how they move forward with the fight against major dam projects. By utilizing INGO best practice in communications, International Rivers falls into the trap of NGOization, rather than working with the movements themselves to craft a story about their impending dispossession that they would like to see communicated more broadly. The informal version of HRE offered by the campaigners differs dramatically from the idea of formalized, institutionalized HRE to donor countries conceived of at the headquarters and for which they have a limited capacity.

Through this research it has become clear that a human rights-based approach assumes capitalist development. Given the hegemonic nature of global capitalism, as well as the forces of neo/colonialism, this approach promises something that it cannot deliver. Further to that, it assumes a defensive position, where rights have to be defended even within frameworks like FPIC. Staff members seem to have an awareness that the version of HRBA they promote is not effective in the fight against major dams, citing these very forces as barriers they are coming up against. Gramsci's (1934/ 1971) notion of hegemony, as demonstrated by the case of the global, capitalist institutions use of human rights as the moral universals or set of values put forward by hegemonic powers in the name of fostering a consensus for the dominant class' rule becomes more and more apparent when examining the inefficiencies of rights-based approaches.

Given the critical literature on the subject, the perspectives shared by International Rivers interview participants as well as the experts I interviewed, INGOs appear to be limited in their ability to act as agents of social change in these contexts, largely due to their place as another agent, albeit an agitational one, of the larger imperial system. Because INGOs operate through and within capitalism, they require donations from supporters and foundations, and are very limited in their ability to fight the systems. Based largely in western states, they tend to be shaped predominantly by Eurocentric ideologies and knowledge bases, with little acknowledgement of other forms of resistance and power. As the UK expert said, it will take years and years and years for the changes to occur that are truly moving outside of neoliberal capitalist development.

It is clear that a new approach, or a re-engagement of some of their continuing movement-based work needs to occur in order for the plight of dispossessed people to be

addressed, before another 80 million people are dispossessed of their traditional lands via major dam projects in the name of sustainable development. International Rivers is deeply connected to movements throughout the neo/colony, and are able to switch their approach to best fit the needs of the communities they are supporting. Land and a sense of place are crucial to understanding anti-colonial struggles (Fanon, 1961/2004). The hegemonic nature of the global governance institutions, and particularly the individualizing nature of human rights do nothing to advance the cause of the collective.

International Rivers' use of environmental and rights-based approaches allows them the flexibility to work within countries that accept and hold human rights as aspirational, while also acknowledging that some states will not engage with that language. Their recent shifts towards climate change may provide them with the funding needed to pursue more work through their regionalized offices, while the emphasis on FPIC provides the legal framing to pursue action, working within the system itself. The challenge faced by International Rivers is whether or not they want to remain complicit in capitalist development by continuing to promote the rights-based approach through reports like *Dam Standards*, and the *African Dams, Rivers and Rights* strategies or whether they pursue more radical, counter-hegemonic approaches. Perhaps re-engaging with movements outside of the formal approaches to human rights, and rights-based approaches will prove more effective, while also addressing the concerns of dam-affected people outside of the hegemonic neoliberal international systems.

Conversations with International Rivers: Some Suggestions and Pointers

International Rivers has been at the forefront of protecting the rights of peoples impacted by the development of major dams for over thirty years. Their influence and

expertise cannot be ignored. This is not to say that they cannot continue to improve their practices, and work through different frameworks.

The first suggestion I offer is to develop some kind of report, or guiding document that offers tips and advice to resisting development dispossession, rather than simply best practices for how to accept, and get the most out of the resettlement and compensation offered by such processes. The World Commission on Dams report is nearly twenty years old, and it would seem that attempts at reinvigorating the principles behind it through the *Dam Standards* report have been in vain with harmful dam projects coming back from the dead, rebranded as sustainable energy. Through the interview process I heard a staff member say that the alternative option to what became the *Dam Standards* report was defining a bottom line for dam standards from the perspective of the network of dam-affected peoples as a whole. Given the critique of rights-based approaches discussed here, this sounds like an option that should be re-explored.

The employees that I spoke with emphasized the importance of FPIC for the preliminary planning phase of dam development, and as a means for legally stopping dam projects. Because FPIC is only a right under UNDRIP, it might be wise for the organization to push for a similar protection for all of the populations who may be impacted by ABD through dam development, and found outside of the hegemonic global governance system. This would include landless peasants, forest dwellers, pastoralists, fisher people, and many other groups as outlined elsewhere. Working with large social forums and movements such as La Via Campesina or hosting a fourth meeting of dam-affected peoples could provide an appropriate, grassroots response to these processes, and a redefinition of what constitutes rights. Incorporating or working with Indigenous

sovereignty and resurgence movements within settler colonies may also help advance new ways of thinking in the struggle at the site of dispossession. It is important that alternatives to human rights be explored from the bottom up, and that Rajagopal's (2003) fear that human rights be the only emancipatory language for the third world be taken seriously.

Moving away from the global institutions will prove challenging, especially when it comes to funding, and informal partnerships with other similar INGOs. Working within the movements, should the movements have them despite currently operating within the prevailing capitalist system, has the potential to allow for space to create new possibilities for fighting dam projects. This may limit the budget even further and is likely to damage the organization's political capital with the World Bank and US Congress. International Rivers has been at the forefront of these struggles for three decades. This return to the networks and continued engagement with the movement of dam-affected people may re-invigorate the strategies the organization undertakes.

In order to operate as an effective opposition to dam development, International Rivers should evaluate their financial policies in order to exclude foundations whose investments help to fund and perpetuate the dispossession of the very people they aim to protect. Though their budget be small, the organization punches well above their weight. This could be an opportunity to show leadership within the INGO field to really consider ethical funding sources. Based on the interviews, this consideration is already there and should be implemented.

The single story approach presented through the case of Berta Caceres and the river defenders, while a useful means of capturing an emotional response from donors,

also has the potential to place campaigners in harm's way. The individualization of rights holders is exactly what neoliberalism wants. The movement of dam-affected people started out as collective and grew strong through that approach. Perhaps it is time to return to that notion of a strong collective against the hegemonic structures of dam development.

I believe that International Rivers does a more effective job of HRE than they think they do. By engaging with communities who are facing development dispossession and arming and supporting them with strategies aimed at preventing the dam projects from being built, International Rivers is performing HRE. Their fact sheets and reports are utilized the world over by dam-affected peoples, translated into multiple languages and even transformed into art. As such, they are an important resource in the movement against development dispossession. With great power, comes great responsibility, and in the case of International Rivers, a retooling of their approaches may be in order. I would also suggest that International Rivers underestimates their ability to deliver HRE to communities threatened by dispossession via dam projects through the work of their campaigners on the ground. The educational materials on their website, and their approach to HRE in the US is geared more towards a cursory understanding of the threats of global capitalism for the purposes of fund development and awareness, and the examples provided seemed less than emancipatory. A complete overhaul of the Tools for Educators section on the website is warranted, and presents an opportunity to create a space of knowledge sharing and generation based in the facts and data the organization is so well respected for providing. Should the organization move away from the rights-

based approaches, this section of the website has the potential to be a credible anti-capitalist development dispossession learning platform.

Finally, and based on my conversations with staff, it would be worthwhile to make HRBA and HRE topics for discussion at the next Convergence. While capacity to update HRE materials is limited, it is a necessary piece of the work to advocate with communities facing potential dispossession. If human rights are the framework from which International Rivers hopes to continue to operate, all of the staff, no matter location or position, should have a firm grasp of the concepts and their critiques. If it is the belief of the organization that HRBA is another fad for funders, or the organization makes the realization that HRBA is complicit as a tool of hegemonic global capitalism, International Rivers should consciously decide to move away from that approach and towards a stronger political alignment with the movements and struggles of the dispossessed at the points of dispossession. The regionalization of the organization offers the opportunity for campaigners, located in the neo/colonies and supported by headquarters staff located in the US, to engage in direct action related praxis and solidarity work in the trenches with the dispossessed in the struggles being waged against capital.

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APPENDIX B: Information Letter and Consent Form
INFORMATION LETTER AND INTERVIEW CONSENT FORM

Study Title: Human rights-based development and human rights education in contexts of development dispossession in the Global South: Probing the limits of human rights

Research Investigator:
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What is this form?
This form is called an Interview Consent Form. It gives you information about the study so that you can decide if you want to participate in the research. This form will provide you with the background and purpose of this research and describe what you will need to do to participate. If you decide to participate, you will be asked to sign this form and you will be given a copy for your records. This information will be kept confidential and private.

Background
I am currently undertaking a small research project for my Master's thesis. I am writing to ask if you will be willing to participate in a face-to-face interview as a part of my research.

Purpose
The purpose of this study is to examine how human rights-based approaches to development (HRBA) and the related human rights education (HRE) are being deployed by NGOs in relation to contexts of development displacement and dispossession in the Global South.

Study Procedures
As part of this research, you are being asked to participate in a face-to-face or skype interview. Interviews will be a maximum of one hour in length. You will be asked questions about HRE and HRBA and how it is used within contexts where people may have been displaced by development. Interviews will be conducted at a time and place that is suitable and central for you. The interview will be audio recorded with your permission.

Benefits
There are no personal benefits from participating in this study. There are no costs involved in participating in the research. There is no compensation or reimbursements for participation in this study.

Risk

This study involves minimal risk. There are no risks to physical or mental health beyond what is faced in everyday life.

Voluntary Participation

Your participation in this research is voluntary. If you decide to participate, you are free to withdraw at any time during the interview or decline to have parts and/or all of your information removed from the study within six weeks of the interview taking place for any reason. If you withdraw from the study your information will be destroyed.

Confidentiality & Anonymity

Careful steps will be taken to protect your identity. Individual participant data for this research will be kept confidential by the researcher. The typed interviews will NOT contain any mention of your name and any identifying information will be removed. All written recorded data will be kept in a locked filing cabinet at the researcher's home in Edmonton, AB, Canada. All digital data will be secured on an external hard drive protected by anti-virus and data encryption software. Only the principle researcher (sworn to confidentiality) will have access to the data. All information will be destroyed after 5 years time.

Further Information

Contact Kyla Fisher if you have any questions or concerns via email at klfisher@ualberta.ca. The plan for this study has been reviewed for its adherence to ethical guidelines by a Research Ethics Board at the University of Alberta. For questions regarding participant rights and ethical conduct of research, contact the Research Ethics Office by email at **reoffice@ualberta.ca** or by telephone at 1-780-492-2615.

Consent Form

November, 2015

Dear _____,

Thank you for responding to my invitation to participate in this research study. The purpose of this study is to better understand how Human Rights Based Approaches (HRBA) to development and human rights education (HRE) are being advanced by non-government organizations (NGOs) in the post-colonial regions, specifically in contexts of development displacement and dispossession.

By participating in this research, there are no direct personal benefits, but your participation will help to inform the research and policy recommendations. This study involves minimal risk. There are no risks to physical or mental health beyond what is faced in everyday life.

Interviews will be a maximum of one hour in length. You will be asked about how Human Rights Education (HRE) and Human Rights Based Approaches to development (HRBA) approaches are utilized in contexts of development displacement and dispossession. The interviews will be conducted at a time and place convenient for you and the interviewer. With your permission, the interview will be audio recorded.

Your participation in this research is voluntary. If you decide to participate, you are free to withdraw at any time during the interview or decline to have parts and/or all of your information removed from the study within six weeks of the interview taking place for any reason. If you withdraw from the study your information will be destroyed.

Careful steps will be taken to protect your identity. Individual participant data for this research will be kept confidential by the researcher. The typed interviews will NOT contain any mention of your name and any identifying information will be removed. All written recorded data will be kept in a locked filing cabinet at the researcher's home Edmonton, AB, Canada. All digital data will be secured on an external hard drive protected by anti-virus and data encryption software. Only the principle researcher (sworn to confidentiality) will have access to the data. All information will be destroyed after 5 years time.

The results from this study will be used to complete my Master's thesis. The results may also be used in presentations and for publication in academic journals. I expect that this study will be completed by April 2016 at which time you can receive a copy of the results, if you choose.

If you have any questions or concerns, please contact Kyla Fisher at klfisher@ualberta.ca. If you wish to discuss this research with the researcher's supervisor, please contact Dr. Dip Kapoor via email at dkapoor@ualberta.ca.

If you agree to these terms, please sign the consent below.

I have read the above information regarding this research study and consent to participate in this study.

_____	_____	_____
(Printed Name)	(Signature)	(Date)

By signing below I indicate that the participant has read and, to the best of my knowledge, understands the details contained in this document and has been given a copy.

_____	_____	_____
(Printed Name)	(Signature)	(Date)

APPENDIX C: Interview Guide

UK Expert Questions:

1. Could you briefly sketch how development dispossession is happening with a specific example or two?

2. In relation to this process, _____ has identified a strategic framework for the next 5 years. Does a HR approach enter these directions in any way? If so, how and how useful do you find an HR-based political approach to advancing these directions (any one or all of them)?

3. What is your understanding of the Human Rights Based approach promoted by the UN (rights holders/ duty bearers), and used by the big NGOs (such as Oxfam)? How are they approaching questions of development dispossession in international/ global forums? And relatedly, what is your analysis of how they are using HRBA in this discussion?

4. How do you think these approaches will better address issues of development dispossession, given the necessity for resource development (Bolivia, Venezuela, Ecuador)? How can the rights of specific groups be best protected?

5. Do you think that Human Rights Education is an effective tool for addressing development dispossession in areas where it is taking place? What about in donor countries where NGO head offices/ donor bases are located?

Canadian Expert Questions:

1. What does your role with your current organization entail?

2. Could you briefly sketch how development dispossession is happening with a specific example or two?

3. What is your understanding of the Human Rights Based approach promoted by the UN (rights holders/ duty bearers), and used by the big NGOs (such as Oxfam)? How are they approaching questions of development dispossession in international/ global forums? And relatedly, what is your analysis of how they are using HRBA in this discussion?

6. Do you think that Human Rights Education is an effective tool for addressing development dispossession in areas where it is taking place? What about in donor countries where NGO head offices/ donor bases are located?

4. When you're doing advocacy work, do you find that messages about what's happening in Canada around extractivist industries resonate, or are people more receptive to what Canadian corporations are doing elsewhere?

5. What are your impressions of the Indigenous rights frameworks, particularly UNDRIP?

Questions for International Rivers Staff Members

Communications Staff Member Questions:

1. What is your role with International Rivers?

2. What kind of impact do you see your role with International Rivers having in terms of educating people about the environmental and human rights issues posed by big dams? Who is your audience?

3. Your website is a wealth of information; one can get lost in the many reports, web articles, blog posts that you maintain. What are the areas that generate the most traffic?
    - Does the human rights approach angle get attention?

4. Do you manage your social media feeds? You have over 27,000 followers on facebook, and 10,400+ followers on twitter. Do you find that people reach out to you about specific stories?

5. International Rivers really does have a winning combination of pairing the environment with human rights to garner support and attention to the impacts of large dam development projects. When do you find it beneficial (or do you find it beneficial) to emphasize one message over the other?

6. I noticed you have a section on your website called tools for educators. Have you been involved in producing any of those materials? If so, would you consider part of the work you do to be human rights education?

7. How would you define a human rights based approach? What about human rights education?

Junior Staff Member Questions:

1) What is your role with International Rivers?

2) How do you see your role contributing to the overall mission of International Rivers?

3) What sorts of messages do you find yourself pushing in order to garner support from donors? Do you find your donor base is largely North American? What are the biggest barriers you face when sharing these messages? Is development displacement seen as the unfortunate consequence of progress? Is human rights an effective way to generate funds?

4) When discussing the human impact of dam development, are you educating your donor base about human rights? If so, what kind of approach do you use? How does International Rivers distinguish itself from the other large NGOs who are competing for funding?

5) How would you define a human rights-based approach? What about human rights education?

6) What do you think are some of IR's greatest successes and failures when it comes to using these types of approaches?

Finance Staff Member Questions:

1) What is your role with International Rivers?

2) How do you see your role contributing to the overall mission of International Rivers?

3) What sort of messages do you find yourself pushing in order to garner support from donors? Is using human rights an effective way to generate funds?

4) Do you have to educate donors about the human impacts of dam development? How do you do this?

5) How does IR distinguish itself from other large NGOs who are competing for funding?

6) What are some of your strategies for fund development? How do you choose foundations to approach? How do you approach major donors?

7) Does your policy on conflict of interest funding impact your ability to seek funding? How?

Senior Staff Member Questions:

1) You have been with International Rivers for X years. How have you seen IR's policy directions around human rights and rights based approaches change during that time?

2) How would you define the rights-based approach utilized by IR? Can you give me an example?
    - Does it adequately address issues of dam displacement and dispossession for those communities you work with?

3) Because you are based in Berkeley, what do you see as your main activities in the US? How does the language used in the regional offices differ from that used at your main office? Would you consider Human Rights Education to be one of those activities?

4) Do you think that Human Rights Education is an effective tool for addressing development dispossession in areas where it is taking place? What about in donor countries where NGO head offices/ donor bases are located? How?

5) What are the greatest challenges currently faced by IR in meeting their mandate to protect the rights of dam affected people and communities in the post-colonial regions of the world?

6) What would you consider to be one of IR's greatest rights-based successes?

Questions for the Campaigner:

1) How would you define your role as a campaigner with IR? What drew you to this work?

2) How do you define a human rights-based approach to development? How does International Rivers?

3) Can you provide an example of how HRBA is being applied in the areas where you work, specifically in the context of development dispossession?

4) Have you ever seen an HRBA stop or slow down a dam development?

5) Who are the actors involved in violating the rights of people and communities in dam developments?

6) Do you think that human rights are a useful way to frame development displacement and dispossession? What are your critiques of these approaches?

7) How do you educate people about their human rights in these contexts?

8) How do you see (or do you see) the rights-based work you do translated into HRE in the west? (campaigns, school programs, etc). How can this be better?