

# Means to an End

End Poverty Now Journal



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AN ANNUAL PUBLICATION OF  
End Poverty Now Society/La Société Pour L'Élimination de la Pauvreté  
#1016, Lorne Avenue, Montreal, QC  
H2X 2B1

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# Means to an End

Fall 2008

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# Editor's Introduction

The works collated in this inaugural edition of *Means to an End* are representative of the plethora of issues that surround the study of poverty. Moreover, the reader is privy to the various lenses--whether philosophical, political, or economic--through which researchers and policy makers examine these issues in an attempt to gain a better understanding of global poverty. It is when one has arrived at this understanding that one can fully appreciate the deep complexities that abound in the study of poverty, and it is only upon this realization that one can then attend to the task of effective policy making. The hope, then, is that this publication serves as the foundation upon which such policy making can be based. As well, of course, the readings are such that they are as accessible to academics and policy makers as they are to anyone else; the alleviation of poverty, after all, ought to concern us as all in equal measure.

Aditya Badami  
Montréal, 2008



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# **Resource Crunch and Disresepct: A Critical Theory Perspective on Global Poverty**

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It is generally accepted today that moral claims and norms do not cease to be valid at the frontier of one's own family, tribe or country. This moral shift toward other-regarding attitudes has spurred a number of fresh discussions among scholars and policymakers about global distributive justice and the means to achieve it through more effective foreign aid and different world trade rules. Due to the steep rise of per capita income in China and other parts of Asia, income inequality between nations may have even shrunk in recent decades (Firebaugh, 2003), but this otherwise welcome development has badly failed millions of people still living in chronic poverty. This poverty of large portions of the world's population that has been made visible and exhaustively measured is felt to be not simply unjust but intolerable, particularly among people who are relatively affluent. Yet, the fact that the suffering of distant strangers is felt to be intolerable is by no means merely a symptom of idiosyncrasies confined to particular strata, as can be seen from global surveys which show that a majority of the global public today considers the need to 'reduce the gap between the Rich and the Poor' to be the most pressing of all issues (Gallup International, 2006, Ch. 1).

Against this background of dire facts and changing sensibilities, I wish to examine recent theories of justice and, in particular, Axel

Honneth's critical theory of recognition. I will proceed in four steps. My first task is to draw attention to the sometimes technocratic nature of the debate on global distributive justice with its indifference to questions of moral identity. Second, I examine the exchange between Nancy Fraser and Axel Honneth about the relationship between redistribution and recognition in contemporary capitalist society (Fraser and Honneth, 2003). What I find striking here is that Honneth, in particular, has hitherto shown scant curiosity about the problems of a *global* moral order—unlike the late John Rawls and some of his students and critics. The exclusive focus on the *domestic* conditions in a small number of highly developed societies is mirrored by the corresponding absence of any reference to the dimension of recognition in theories of international distributive justice. Third, I go on to consider whether it is possible to 'globalize' Honneth in the same way as Thomas Pogge was able to globalize Rawls (Pogge, 1989; Pogge, 2002). In order to lay the groundwork for such a project, I will explore possible global extensions to Honneth's catalogue of love, rights and solidarity as principles of recognition which define moral thresholds of what individuals can reasonably expect from each other in terms of mutual attention and respect (Honneth, 1995, Ch. 5). I argue that such additions are essential if we refuse to limit our social and ethical analysis to domestic conditions. The reason is that if we broaden the scope of reflection to include transnational or global struggles, we can no longer take the existence of agreed-upon principles of recognition for granted. In conclusion, I outline some further steps to be taken in order to broaden the concept of struggles for recognition in a way that allows us to better understand the changing ethics in the field of justice-oriented foreign policies.

### **Redistribution without Recognition?**

In many ways, contemporary debates in this field of global poverty alleviation have taken off against the foil of John Rawls's *Theory of Justice*

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(Rawls, 1971). Its chief merit lies in the fact that, unlike many subsequent authors, Rawls does not restrict the scope of distributive justice to material resources alone; inequalities in rights and liberties are central to his theory as well. Moreover, with regard to material inequality Rawls elaborated on the intuition that many income differences are morally insignificant. For instance, it is morally irrelevant whether American soccer players earn more or less than footballers in the English Premiership. Rawls' difference principle only entails that anybody who gains from his or her social position and natural endowments may do so only on terms that improve the situation of those at the bottom of the economic ladder. This line of reasoning has paved the way for a conception in which the value of distributive justice could be formulated not in terms of numerical equality but in the gratification of the needs of the worst-off members of society. Put differently, redistribution is not ipso facto just and that there can even be such a thing as redistributive injustice. A drastic example is the Nazi regime in which the so-called 'Aryanization' of property belonging to Jews was carried out systematically in order to advance the economic welfare of the poorer strata of the population of the German Reich (Aly, 2007).

Prominent among the downsides of Rawls' early theory is, above all, its lack of a global outlook. The theory is constructed in such a way as to appeal primarily to the enlightened public of present-day Westerners. Rawls develops principles of justice that encourage the critique of excessive social and economic inequalities within nations, but has little to say about the same inequalities in global society (Pogge, 1989, p. 250). For Pogge, realizing Rawls is synonymous with overcoming the inconsistencies inherent in the attempt to confine basic requirements of justice to the domestic sphere. Thus, while accepting the premise that only individual persons are the ultimate units of moral concern, he insists that it is imperative to think globally from the start by focusing the attention on 'the *globally* least advantaged' and the prospect of a 'well-ordered *world* society'

(Pogge, 1989, pp. 242, 216; italics added). Many subsequent discussions on global distributive justice have followed this line of critique which does three things: it keeps the individualism of Rawls, opens up to include all individuals on earth, but also restricts the debate on global justice by focusing only on inequalities in material goods (or the rights regulating access to these goods). In particular, contemporary cosmopolitan critics tend to single out ‘poverty’ as the sole cue for thinking about the non-West. The problem of poverty is then formulated with reference to an older panacea, namely the ‘transfer’ of material resources. Such resources are available by definition since their scope is defined in relation to the lack of resources of the poor. It follows that global theories of justice regularly end up in the simple demand for international contributions in the name of solidarity. Resistance to such levies is ascribed to the same power constellations that are used to explain resource inequalities in the first place. No attempt will be made here to give even the sketchiest account of the manifold debates surrounding these developments. Instead I confine myself to three comments on the limitations of any theory of justice that concerns itself only with the distribution of resources, however global its outlook may otherwise be.

Two questions have been ignored hitherto, affecting both the givers and the recipients of international transfers. First, scarcely any thought has been given to the socio-moral premises that have to be developed if a political majority is to be created in favor of a radical redistribution policy that goes beyond national frontiers. What would have to change for higher-earners throughout the world to begin to think of non-citizens in distant climes as effectively their equals?

Second, theories of distributive justice are typically blind to the potential for social disdain that lies in the very process of redistributing goods. A gift, according to Marcel Mauss, ‘debases’ the person who accepts

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it, especially if he has no prospect of ever reciprocating. The beneficiaries of charity, he noted, are constantly at pains to suppress ‘the unconscious harmful patronage of the rich almoner’ (Mauss, 1967, p. 63). This important idea shines through the words of a Sudanese official who in the mid-1980s commented on international aid efforts for his famine-stricken country: ‘It is painful for us to accept these gifts that you bring us’, he said. ‘It is painful to listen to your admonitions as to the manner in which we are using what you are giving us. The Sudanese way is to bestow gifts upon people who come to this country, not the other way round. While you are doing a noble thing, it is hurting us’ (quoted in Deng and Minear, 1992, pp. 91-2). These comments are a strong reminder of the costs of approaches that fail to take the recognition effects of redistributive policies into account.

Third, we can go one step further and question the very premise shared by many who have written in the footsteps of Rawls that matters pertaining to justice are concerned primarily with the distribution of resources. Writers of the early modern period, such as John Calvin, realized that even bread, water and sunshine lose much of their value in countries that are badly governed (Calvin, 1960, col. 1488). Raymond Geuss has made polemical use of this insight to attack the Rawlsian approach in both its parochial and global variants which, he believes, ‘doesn’t make much sense as a contribution to understanding or dealing with the social and political world’ (Geuss, 2005, p. 31). Summarizing his critique, he asks rhetorically,

Are reflections about the correct distribution of goods and services in a ‘well-ordered society’ the right *kind* of intellectual response to slavery, torture and mass murder? Was the problem in the Third Reich that people in extermination camps didn’t get the slice of the economic pie that they ought to have had, if everyone had discussed the matter freely and under the right conditions? Should political philosophy really be essentially about questions of fairness of distribution of

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resources? (Geuss, 2005, p. 31)

### **Recognition within Domestic Boundaries**

Theorists of global distributive justice often think like technocrats who believe that justice can be engineered without bothering about what real people think or feel. Unlike many contributions to the debate surrounding global poverty and distributive justice, Honneth's critical theory of recognition is attuned to real people's sense of moral identity. The key intuition of this alternative critique can be expressed by recalling the important insight of Judith Shklar who insisted that our policies will always be unjust, however well-intended they may be, 'unless we take the victim's view into full account and give her voice its full weight' (Shklar, 1990, p. 126). Honneth puts the individual person at the centre of his theory, but in contrast to Rawls and Pogge, he systematically reflects on the 'self-understanding of victims' (Shklar, 1990, p. 36) of injustice. Similar to other theorists of recognition, Honneth starts from the proposition that individual identity and a healthy sense of self are formed only through conflictual social relations of recognition. 'Recognition' is defined as a reactive behavior that responds to valuable attributes in others (Honneth, 2004, p. 60). Honneth's influential reconstruction of a morality of equal respect (and a concomitant phenomenology of insult) relies on the tripartite distinction between recognition in the form of 'love' or 'care,' which allows individuals to develop a steady sense of self-confidence; recognition which grow out of the legal guarantee of basic rights and fosters a sense of self-respect; and recognition as esteem based on achievements and contributions to a common good, which makes people feel worthy and special, and adds to their sense of belonging (Honneth, 1995, Chs. 5 and 6; Honneth, 2003a, 138-50).

It is important to note that for Honneth questions of distributive justice are not external to struggles for recognition. Rather, in his exchange

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with Nancy Fraser, he contends that recognition claims are both a motive force for members of movements in distributive struggles and normative benchmarks that allow us evaluate the legitimacy of redistributive policies. Without a background of experiences of misrecognition, many struggles over the redistribution of resources would simply not take place; nor would we be able to establish whether observable struggles are morally justified or not. In my reading, this does not imply that the level in the income of individuals or social groups exactly mirrors the extent to which their labour is socially esteemed. Honneth would probably not claim, for example, that at any given moment the average basic salary of a footballer in the English Premiership as opposed to the income of college professors or others necessarily expresses corresponding degrees of social recognition. His point seems rather to be that historical changes in the distribution of wages and benefits across different groups can only be understood as the result of efforts by groups who have been struggling for a revaluation of their hitherto undervalued contribution to the reproduction of society.

Unfortunately, this interesting and innovative theoretical perspective on social struggles is also distinguished by its one-sided privileging of purely domestic conditions. Like Rawls who self-consciously restricted the applicability of his criterion of justice to liberal constitutional democracies, Honneth, too, provides little guidance on how to investigate transnational conflicts over rights and resources. This narrowed focus is reminiscent of the debates about Rawls's theory *before* it was criticized and 'realized' by Pogge. Thus, Honneth explicitly states that his interest is limited to conflicts taking place only in 'highly developed capitalist countries' (Honneth, 2003a, pp. 112, 120). His question is how 'moral progress can be evaluated *within* such societies' (Honneth, 2003a, p. 185; italics added). What is excluded are debates in which the moral experiences and sufferings of social groups in *less developed* countries become visible, as well as the particular relations *between societies* that arise from the moral discontent with a world order that

is perceived to be unjust. The boundaries between societies are regarded as self-evident, as is the choice of a particular geographical scale of social analysis.

What reasons can be adduced to justify this narrowing of focus? We might begin by supposing that conflicts about recognition *arise* only in highly developed societies. Such conflicts show less developed societies what their future will be and for that reason may be said to function as the ‘reference societies’ described in classical modernization theory. However, that is not what Honneth actually says. On the contrary, his own criticism of such a development in stages is implicit in his rejection of the idea of a ‘linear chronology’ of distribution conflicts which are successively superseded by conflicts about recognition (Honneth 2003a, p. 122). An alternative interpretation might concede that struggles for recognition may indeed be universal and are not confined to a sub-group of regional societies, while still insisting that such conflicts do not normally arise between societies or between groups in *distinct* societies. Again, there is no evidence that Honneth wants to consciously exclude transnational relations from his theory. In discussing the work of Sartre, he has explicitly mentioned colonialism including anti-Semitism and the European subjection of the Jews until 1945 as examples of drastic misrecognition (Honneth, 1995, pp. 156-9). Yet these remarks have never been translated into a systematic consideration of transnational relations of mutual recognition. Since the proliferation of such relations cannot be denied, it would be necessary to explain why transnational conflicts about recognition fail to materialize or why the transnational disputes that do arise and that are couched in the cultural vocabulary of ‘mutual respect’ are actually concerned with matters other than recognition.

In addition to confining his discussion to highly developed societies in the conventional sense, Honneth introduces a second limiting factor,

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since he wishes only to take into consideration conflicts that feed off claims that can be inferred from the *already institutionalized* principles of recognition characteristic of liberal democracy. These principles are constitutional rights, love (strong emotional relationships between adults as well as between parents and children) and solidarity (or ‘achievement’). Citizens in ‘highly developed capitalist countries’ expect and demand recognition according to these three principles which constitute an ‘institutionalized recognition order’ running on socially well-established ‘discourses of justification’ (Honneth, 2003a, pp. 137, 145). This emphasis on the internal connections between the subjective expectation of being recognized and institutional principles of recognition allows us to still condemn some particular forms of action although they can be understood as the product of a wounded sense of self-worth. Honor killings or terrorist outrages, for example, cannot be rendered acceptable by the fact that those responsible for them feel themselves to have been slighted. If the desire for recognition is released from the institutional framework of a moral and juridical order, it is no longer possible to determine whether the demand for ‘respect’ or the insistence that one has been ‘disrespected’ is anything more than the expression of a purely empirical assertion of power. Depending on the situation, every gesture or action can be interpreted as the symbolic expression of respect or disrespect without its being clear to what degree we are in fact under an obligation to respect such symbolic practices or to placate those who feel offended by their violation. The problem hinted at here has been visibly magnified by the worldwide media coverage of an increasing variety of situations and possible interpretations which have come together to produce an enormous increase in the global potential for giving and taking offence. (We need think only of the international reactions on the part of radical Muslims to caricatures of the Prophet Mohammed that appeared in a Danish daily in the autumn of 2005 and the exercise in global emotion management as the crisis unfolded.)

## **Recognition without Borders**

It is by no means easy to emulate Pogge's project of globalizing Rawls with regard to Honneth's theory of recognition which suffers from parochialisms not dissimilar to those criticized by Pogge since twenty years. The first difference is that by indexing social positions to make them readily comparable, Rawls in a way invited the question why he declined to comment on 'a global order in which the social position of the least advantaged is unimaginably worse than that of the least advantaged in the developed West' (Pogge, 1989, p. 268). From a recognition-theoretical perspective, things are more complicated, because there is no linear measure for recognition. As long as people are not *desperately* poor, there is no simple way to decide whether a person living on two dollars a day in a poor, but free country is really worse off than, for example, the French *malheureux* described by Pierre Bourdieu in *The Weight of the World*, all things considered (Bourdieu, 1999). Mindful of the three-dimensional nature of recognition—and the comment by Geuss quoted above on people in extermination camps—we may also question the assumption that 'the least advantaged' are always and almost by definition located *outside* the 'developed West'.

The first step toward realizing Honneth would be to search for emerging global equivalents of the principles of recognition identified by Honneth. As I have pointed out, according to Honneth, liberal capitalist society can be reconstructed as an institutional order in which love, rights and the just rewarding of achievement are autonomous spheres of recognition that form both the terrain and the engine of the central conflicts of the present age. On a world scale, however, these principles of recognition are backed at best by weak institutional forms. I propose to examine these weak institutional forms in sequence and to search for adequate ways of conceptualizing them, before taking a closer look at the implications of an expanded vision of mutual recognition for the field of

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justice-oriented foreign policy. The question I wish to raise is whether the critical theory of recognition can be modified so as to include societies and lifeworlds other than our own.

(a) Unlike other forms of mutual recognition, love is scale-neutral. Growing numbers of transnational marriages, long distance relationships and global child adoptions show that close emotional relationships between parents and children as well as between adults have little regard for spatial boundaries. In spite of many cultural differences, the basic form of love as reciprocal recognition between ‘a small number of people’ (Honneth, 1995, p. 95) is universal. However, Honneth has so far neglected other, nonpersonal forms of love that potentially involve very large numbers of people. Thus, a neglected parallel phenomenon to love as a principle of recognition are the forms of the ‘ethic of brotherliness’ explored by Weber, in particular that of ‘acosmistic love’ and its non-Christian analogues (Symonds and Pudsey, 2006). This term is now completely out of fashion, but in Weber’s day it was quite a familiar concept drawn from the sociology of religion. It signified a radically other-regarding ethic that was sublimely indifferent to the social ordering of the world and sought to transcend it. Weber uses expressions such as ‘acosmistic love’ or ‘love ethos’ (Weber, 1968, p. 1120) to describe an attitude of impersonal helpfulness or devotion to a ‘neighbor’ in need, the term ‘neighbor’ here being understood typically in the broadest possible sense as including people who are socially very distant or who have come from faraway places.

(b) Unlike love, legal recognition is scale-sensitive for the simple reason that subjective rights are protected by institutions of the modern territorial state. Of course, there are also human rights enshrined in numerous Declarations and Covenants, and overseen by various United Nations bodies. But human rights cannot be routinely enforced as long as they have not been included into state constitutions. Joel Feinberg (1980)

coined the useful term ‘manifesto rights’ to pinpoint the paradox that publicly asserting one’s rights sometimes *precedes* their embodied juridical existence. In contrast to established rights, manifesto rights leave open both the question of the obligations they entail and the identity of those on whose shoulders they fall. In the transnational conflicts of the present day, claims may not be channeled through well-established ‘discourses of justification’ and may have little scope for appealing to already institutionalized forms of recognition. In such conflicts the vocabulary of human rights makes available an indispensable rhetorical tool with which to formulate urgent demands for recognition or to create a scandal when such demands are rejected. Unlike struggles for recognition in well-ordered liberal democracies, however, we see how on the global stage appeals to human rights are frequently accompanied by second-order conflicts about how to *define* these rights appropriately.

(c) Solidarity and meritocratic recognition in the light of a horizon of shared values also presupposes a nested hierarchy of bounded spaces. There is no global equivalent to those ethical values and goals that ‘comprise the cultural self-understanding of a society’ (Honneth, 1995, p. 122). This does not imply that ethical frameworks of orientation are necessarily coextensive with administrative or territorial boundaries. Twenty-four hour companies in which teams contribute to a common good around the world are an obvious example for the existence of sector-specific standards of evaluation that completely ignore any borders. Honneth has no doubt about the status of ‘achievement’ as an autonomous sphere of recognition although he rightly insists on the ideological nature of definitions of achievement (Honneth, 2003a, p. 141). What counts as a contribution to a common good is often heavily contested as Honneth shows when he points to the recent history of feminist struggles over the definition and comparative evaluation of childrearing and housework (Honneth, 2003a, pp. 152-5). There are plenty of analogous cases in the international field.

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For example, cultural value patterns continue to grade the knowledge and work of people in remote non-Western areas as worthless. Activist social scientists, anthropologists and others have highlighted the role of millions of small farmers all over the world in maintaining and developing plant varieties that are the ‘raw material’ for more visible and rewarding activities like scientific plant breeding or drug discovery. Like the underappreciated activities of household labor and care work, which over the last decades were at the center of feminist struggles, the unrecognized activity and qualification of caring for crop species or medicinal plants has given rise to transnational struggles for compensation and acknowledgment (Flitner and Heins, 2002). Various treaties and agreements have transformed the new values about what counts as a contribution to the social reproduction of global society in binding legal commitments. Such questions about the appropriate value to be placed on achievements are frequently overlaid and exacerbated by conflicts about the compensation to be paid to the victims of past crimes and misdeeds of the great European powers. These conflicts cover the entire spectrum of material and symbolic practices from compensation and debt-cancellation right through to gestures of public apology for unpunished historical crimes.

Brotherly love, manifesto rights, struggles for market access and benefit sharing—these transnational extensions of established recognition principles permit us to go beyond an exclusive focus on domestic conflicts within the most advanced societies. Thus, new phenomena emerge on the margins of our attention. I include here not just struggles for material resources and mutual respect on a higher plane (such as those between entire nations and regions), but also interpretive struggles about how to frame social realities in a situation where geographical ‘scale’ is not a pre-given fact but a rhetorical stake for competing actors.

Ethical foreign policy is arguably one of the paradigmatic fields

where such struggles can be studied. This field is constituted by a highly heterogeneous set of organizations that respond (or claim to respond) to the needs and intentions of strangers. Honneth clearly acknowledges that politics is not exhausted by state actions, implying that social analysis might legitimately concern itself with non-state actors as well as state actors. In the attempt to understand the dynamics of struggles for recognition, he even gives precedence to actors populating ‘non-state spaces where the initial efforts to delegitimize the prevailing distribution order are undertaken’ (Honneth, 2003a, p. 151; Heins, 2008).

As long as states are the only drivers of justice-oriented foreign policy, the field is likely to be dominated by egocentric activities that *indirectly* serve the interests of the donor countries even though *directly* they address the needs and preferences of others (Feinberg, 1984, pp. 74-5). Affluent West European nations, for example, lend support to their poorer East European neighbors because they wish to open new markets or erect buffer zones against immigrants from even poorer regions. Even when states act disinterestedly and come to the aid of strategically uninteresting victims, they are generally concerned with enhancing their own ‘moral prestige’ (Löwenheim, 2003). The general public, on the other hand, is composed of private persons who are more or less morally sensitive and who through their donations or volunteering time support disinterested humanitarian projects or else a variety of goals aimed at aiding development. NGOs act as moral brokers between distant strangers. The core of these organizations is recruited from among ‘public-spirited zealots’, who do not simply act selflessly, but whose own well-being and identity depend on the success of their efforts to contribute to the well-being of *others* (Feinberg, 1984, pp. 73, 76).

At a crucial point of his criticism of Fraser, Honneth’s argument culminates in the following conclusion:

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What motivates individuals or social groups to call the prevailing social order into question and to engage in practical resistance is the moral conviction that, with respect to their own situations or particularities, the recognition principles considered legitimate are incorrectly or inadequately *applied*. It follows from this, first of all and contra Fraser, that a moral experience that can be meaningfully described as one of ‘disrespect’ must be regarded as the motivational basis of *all* social conflicts: subjects and groups see *themselves* as disrespected in certain aspects of their capacities or characteristics ... (Honneth, 2003a, p. 157; italics added)

Summarizing my own critique of Honneth, I would point out two flaws in his account. First, Honneth presupposes the existence of principles of recognition that have already assumed robust institutionalized form. As such they are no longer controversial and need henceforth only to be properly ‘applied’ to avoid arousing feelings of disrespect. This is based on the assumption that something that must still be fought for in large portions of the globe, namely stable, democratic conditions, already exists. Thus what is missing is the realization that the analysis of domestic conflicts that can be understood in the context of already institutionalized forms of recognition must be supplemented by the study of struggles over the very establishment (or indeed the undermining) of these forms of recognition.

Second, Honneth neglects other-regarding models of action based on an ethic of brotherliness. These carry the implication that it is not just one’s own experiences that can act as the cause of social conflicts. Instead, the field of global ethics shows very clearly that groups of people may intervene on behalf of others by assuming the role of *advocates* and in this way help to influence the course of conflicts in a multiplicity of ways. Honneth’s theory harks back to the model of the workers’ movement and, to a lesser extent, the struggle against colonialism, which are for him prototypes of modern social movements concerned with self-liberation (Honneth, 1995, Ch. 8; Honneth, 2003a, p. 131). He thereby ignores the

alternative model of the nineteenth-century British and American crusade against slavery in which the antislavery sentiment among mostly white *non-slaves* was crucial for creating a moral climate that encouraged rebellions and ultimately led to the abolition of human bondage. However, it would be incorrect to say that abolitionism only acted as a catalyst for a movement of self-liberation. The historians David Brion Davis has demonstrated that the abolition of slavery cannot be explained by the resistance of slaves which was motivated by moral experiences of being treated with utter contempt. Resistance including the mass exodus of people of African descent from Confederate plantations during the American Civil War did play a role, but overall slave resistance in Brazil, the Caribbean and the North American mainland was much stronger *before* the abolitionist movement gained mass support. The key factor was that white non-slaves, with considerable help from black ex-slaves such as Frederick Douglass and others, empathized with others and acted *vicariously* for them, ultimately achieving a success which, according to Davis, ‘may have no parallel’ (Davis, 2006, p. 331) in the history of the western world.

***Editor’s Note: A longer version of this text will be published in The Journal of Global Ethics***

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# **The Health Security Nexus: A Policy Analysis on Sexual and Gender- Based Violence in refugee camps**

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*Women are the life-sustaining force of any refugee community. We must ensure that their voices are heard, that their potential is developed and that their role is fully recognized.*

- Ruud Lubbers, UN High  
Commissioner for Refugees  
(Martin, 2004.)

## **Introduction**

Refugee women face a myriad of health needs that arise from conditions of individual and community insecurity. On the individual level, physical threats, sexual violence, and maternal death are sources of insecurity which refugee women may face in their daily experience living within a refugee camp. Such vulnerabilities are further exacerbated by conditions of communal insecurity, where the prevalence of unemployment and idleness may lead to increased social tensions. Furthermore, the lack of access to necessary resources in the refugee camps threatens livelihoods and the community's survival. In this regard, sources of insecurity on both the individual and communal levels serve to intensify the health needs of refugee women.

Health is not solely pertaining to access to primary health care and being free from disease, but also entails physical security and control over one's body. Two of the most pressing health needs that refugee

women face are Sexual and Gender-Based Violence (SGBV) and access to Reproductive Health (RH) services. SGBV threatens women's control over their bodies, and infringes upon their sexual autonomy. RH concerns women's access to family planning, and maternal health programs. These two pertinent health issues for refugee women are discussed below in their relation to how insecurity heightens conditions of health vulnerability, and how the denial of the right to health serves to exacerbate individual and communal conditions of insecurity (Martin, 2004).

In an examination of refugee women's overlapping health and security needs, the following draws from case studies in Tanzania, Pakistan and Lebanon to develop a contextual understanding of the challenges to addressing the needs of refugee women, as well to evaluate international policy and its application. The case studies are examined with regard to SGBV and RH, assessing both preventative and reactionary programming established. Before an examination of the case studies, this paper illustrates the theoretical grounds on which refugee women's health can be understood as a security issue. This paper argues for the higher prioritization of women's health-security needs rather than addressing SGBV and RH as lower priorities preceded by concerns of immediate security and the provision of basic needs.

The assessment of the three case studies highlights the challenges which must be addressed in order to ensure that the rights of refugee women are met. While policy is formulated at the international level, its translation into meaningful action is for the most part incomplete, and even at times non-existent. In assessing policy application in the case studies, the following key policy lessons were derived:

- There is a lack of current data and evaluation of SGBV and RH policies and programs within refugee camps. Data is needed to make

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policy implementation effective;

- Coordination within the UNHCR, with its operating partners, with its donors and with the refugees is critical for successful policy impact;

- The UNHCR does not go far enough in recognizing the rights of women and needs to change its domestic violence policies, and work with host governments to ensure policy and programs do not deny women's rights.

While the United Nations High Commission for Refugees' (UNHCR) policies and guidelines on women offer an important step towards meeting the health-security needs of refugee women, they lack the political will and necessary resources to ensure effective application. Refugee women's health needs are also their security needs. Women's ability to remain healthy members of their community is compromised if there is a high level of SGBV and a lack of RH programs. Such an environment not only heightens their insecurity, but also that of the community as a whole. Poor health detracts from a woman's ability to be active and contribute to her family and community. This in turn leads to greater insecurity within the community. Such insecurity create a reinforcing feed-back mechanism whereby new insecurities further detract from a refugee woman's ability to maintain good health. This cycle of vulnerability is the health-security nexus. Breaking such a vicious cycle requires holistic policy measures that support both the health and the security needs of refugee women. SGBV needs to be considered from the initial set-up of the camp through to the long term provision of services. RH also must be integrated within other emergency health needs and continue to evolve alongside the health service.

This policy paper aims to contribute to the broader discourse of constructive criticism of the UNHCR's policies and guidelines. This analysis will contribute to this discussion by exploring the link between

health and security, and how the interaction serves to place women's policy issues higher on the refugee agenda. Rather than treating women's health as a separate policy issue, the role of women and the necessity for their health must be understood in relation to the security and flourishing of the entire refugee community.

### **Overview of Refugee Women**

The international community has ratified international laws that support the basis for refugee protection and secure refugee camps worldwide. Primary and fundamental sources for refugee protection are under the *1951 UN Convention Relating to the Status of Refugees (1951 UN Convention)* and its *1967 Protocol Relating to the Status of Refugees (1967 Protocol)* (UNHCR, 1951). These documents solidify the current definition of a 'convention' refugee under Article 1 (2) of the 1951 UN Convention as someone outside their country of origin seeking protection from fear of persecution based on enumerated grounds.

The process through which a 'convention' refugee leaves his or her country of origin can thus be divided into four stages: flight, short-term/emergency, long-term/care and maintenance, and repatriation (UNHCR, 1991). These stages provide a framework to distinguish the shifting needs and priorities of refugees, so as to assist the design of policy and programs. While all four stages in the refugee process represent significant and unique challenges that refugee women may face, this paper will be addressing the emergency phase, as well as the care and maintenance stage, addressing issues within refugee camp, rather than entry to or exit from the camp. This, however, is not to under-acknowledge the SGBV and RH needs that women refugees may face during flight as well as repatriation. Nonetheless, the settlement within a camp, and continuation of these services if refugees are unable to be repatriated, highlights a unique set of challenges in addressing the myriad needs of refugee women.

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The geographic density and formation of a new community represent a critical developmental challenge. It is this process of providing security and services to refugee camps that will be assessed in relation to the inclusion of gender-programming with respect to SGBV programs and RH services.

While this paper is treating SGBV and RH programs as separate issues, it is important to recognize that often policies and programs will overlap in addressing these needs. RH services can also entail post-rape care, or have counselling components for victims of SGBV. However, as the case studies will reveal, there is also inconsistency among countries in their implementation of these programs in refugee camps, with preference given often to one at the expense of the other. It is therefore important that these be treated as conceptually different.

#### *Sexual and Gender-Based Violence (SGBV)*

The UNHCR defines Sexual violence and Gender-based violence separately to recognize the distinct elements to each (UNHCR, 2000), but uses the inclusive term of SGBV (UNHCR, 2003). Sexual violence is defined by the UNHCR as “any act, attempted or threatened, that is sexual in nature and is done with force or without force and without the consent of the person/survivor” (UNHCR, 2000) and includes such acts as rape, forced pregnancies, sexual torture, forced marriage, and female genital mutilation. Gender-based violence on the other hand is defined as

[P]hysical, mental, or social abuse (including sexual violence) -- including acts, attempted or threatened, done with force or without force and without the consent of the person/survivor -- which is directed against a person because of his or her gender or gender role in a society or culture (UNHCR, 2000).

This encompasses acts such as sexual abuse, sexual harassment, forced prostitution, and domestic violence. This paper will use the combined concept of SGBV to incorporate all emotional, physical and sexual acts

that are based on gender-difference, and are in violation of one's human rights (UNHCR, 2003). While SGBV can be perpetrated by either gender (UNHCR, 2003), this paper will focus on SGBV targeted at women.

The contexts in which refugee women may experience SGBV are diverse and over-lapping. In addition to the myriad of circumstances during which refugee women may experience SGBV, there is also a multitude of different perpetrators, ranging from military personnel, male refugees, the local population, and humanitarian aid personnel (Martin, 2004). The types of SGBV women face range from rape, to bribery for sexual favours, to forced prostitution and domestic violence (Martin, 2004). Factors that may be enhancing women's vulnerability to SGBV include but are not limited to: exploitation, lack of proper documentation, physical facilities and lay out of the camp, idleness, combatants being mixed within the civilian population in the camp, lack of female representation in camp leadership structures and the absence of adequate income and labour market participation (Martin, 2004). These are all conditions of insecurity that serve to heighten the health threat of SGBV.

The variety of contexts, perpetrators and types of violence means that addressing SGBV must entail a complex multi-sector response. Strategies to tackle SGBV include, but are not limited to: preventative measures, creating safe havens, addressing long term economic needs, ensuring legal rights are protected, training police and security personnel, and coordinating all the actors working on the issue in each of these sectors (Martin, 2004). A holistic and diverse response cannot just be a reaction to SGBV and its potential to lead to greater community instability, but must also look at preventative measures. Prevention looks at the conditions of insecurity within the camp, such as economic dependence and vulnerability, and seeks to remedy these. Preventative and reactionary programs address the health-security needs simultaneously.

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*Reproductive Health (RH)*

Reproductive Health (RH) is defined as all health needs relating to ones reproductive capacity, and the well-being and autonomy to make decisions related to that capacity (Palmer, 1999).

RH services, therefore, include an array programs, including family planning and access to contraceptives, maternal and children health, and STI and HIV/AIDS education, testing and prevention. Women in refugee camp, nevertheless, are often giving birth in unsafe and unsanitary conditions, lacking a traditional birth attendant or midwife and septic instruments, and lack access to contraceptives (Martin, 2004). With the high birth rates occurring in camps above what would normally be expected in the population (Ibid), RH services are needed by many of the women frequently. When RH is considered as a regular part of the health service program, it can lead to a delay in the establishment of these programs, which are often needed early on in refugee camps. RH services should not be considered a lower priority as maternal health needs in particular are one of the primary security concerns of refugee women (Lammers, 1999). These fears of women are well grounded; following the emergency phase, the leading cause of death among women in refugee camps are complications during pregnancy (Martin, 2004). In denying RH services to women, this can create high maternal deaths and ill-health among women, which diminish their capacity to fulfill their roles within the community. This in turn can lead to greater tensions and insecurity within the community, which may even in turn increase SGBV within the camp. In this regard, RH is not just an issue of individual security, but one of community security.

*The Experience of Women in Refugee Camps: Gender Construction*

Refugee camps represent a great disjuncture with the normal communal life experienced in the home country, as traditional communities and families

have been broken apart by conflict and are attempting to rebuild a life in a temporary community with new neighbours, new roles, and a reliance on humanitarian workers to provide basic necessities. The rebuilding of a community that is both temporary and dependent on humanitarian aid leads to conditions of vulnerability and violence. Refugees are not just passive victims who are fleeing a civil conflict, but can also be active participants in the conflict. In this regard, refugee camps often face problem of militarization or criminalisation within the camps (Callamard, 1999). Moreover, the close confines within the camp, leading to a lack of privacy, as well as perpetual idleness, and socio-psychological trauma experienced before flight, can lead to high levels of generalized violence (Rajasingham-Senanayake, 2004). However, the way in which gender is experienced by refugees is gendered in nature. This is tied to the roles women take on within the camp, their access to services and programs, and the conditions of vulnerability they may face.

Gender is the “social construction of femininity and masculinity” which is “culturally and historically specific” and intricately related to the power-relations between men and women that exist within that society (Lammers, 1999). The key element to this definition is that gender is socially constructed, and as such is fluid and changes over time. The refugee experience marks an important time where gender roles can change, as previous gender roles may have been linked to community relationships. With the formation of a new community new roles may emerge. While gender roles may always be considered fluid, civil conflict and displacement create conditions under which this process may be accelerated due to social and cultural changes.

Although the experience of refugee women will vary greatly depending on the context in which they find themselves, there are some overarching similarities in their experiences. First, the particular challenges

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that women refugees may face based on gender has largely been ignored internationally. It was not until 1991 that the UNHCR created guidelines for meeting the needs of refugee women (UNHCR, 1991), and as will be highlighted below, the implementation of these guidelines has been a long and incomplete process. Second, women refugees in the majority of circumstances are portrayed as the victims (Rajasingham-Senanayake, 2004), rather than active agents in policy and program creation addressing their own needs. In addition, the victimization of women refugees also ignores the way in which women in the refugee take on new, more active roles in their communities, including becoming income earners or the head of a household (Ibid). Depending on the local economy of the area in which the refugee camp is, women may have greater opportunities to enter the labour market, or with the loss of husbands during the conflict, women may take on new roles within their households.

There is also great divergence in experiences of refugee women internationally. This can be based on the culture and context from which they are coming, the conditions of their displacement, as well as the way in which gender identities are reconstructed within the refugee camp. Within the camp there are two emerging trends: the adaptation to change due to the deconstruction of families and communities, and the attempt to reconstruct the new refugee community with a degree of continuity to what was lost (Martin, 2004). The first trend of change offers opportunities for reformation of identities, as women may take on more new roles which serve to challenge past gender norms (Meertens, 2004). However, new roles do not necessarily mean greater independence. As Lammers discusses, depending on the particular context, women may gain greater empowerment through new roles, or less empowerment if they become more dependent either on men or the UNHCR or humanitarian workers (Lammers, 1999). This can create new positions of dependency and potential for SGBV. While the changes in roles may offer an opportunity to

alter gender norms (Ibid; Meertens, 2004), there is equally the possibility that gender norms will be further entrenched (Ibid).

Factors that may lead to retention of gender identity and norms may be based on limitations of the refugee camps structures, in addition to an attempt to preserve the culture due to the feeling of vulnerability and threat as a result of the conflict and status as refugee. The possibility for changing gender roles can be limited by the way in which the camp is created; “fear of sexual violence limits and inhibits most women’s mobility and hence their livelihoods, choices and realities” (Rajasingham-Senanayake, 2004). Moreover, the way in which the camp reinforces patriarchy, such as the exclusion of women from power structures within the camp, may also limit women’s abilities to construct new gender roles (Callamard, 1999). Women themselves may also wish to retain their traditional roles. As refugee populations are by definition threatened, there may exist a propensity towards cultural preservation as a means of counteracting the perceived vulnerability. The necessity to maintain one’s group may lead to greater emphasis on women’s reproductive role and the need to have more children to make up for both those who have died during the conflict (Jamieson, 2000), as well as to increase overall population numbers as a means of defence. In fact, refugee populations often have a higher birth rate than the local population of the country they reside in, and the country from which they have come (Ibid). This tendency may be even higher in ethnic-conflicts where ethnic cleansing or genocide occurred.

Emphasis on boosting population numbers and the necessity for reproduction has particular consequences for women, as control over reproduction necessarily means a control over women’s bodies. Kandiyoti emphasizes the way in which women, and the roles to which they are subscribed, get controlled due to their reproductive capacity (Kandiyoti,

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1991). Since children represent the continuation of the nation, women's bodies become controlled and their actions circumscribed as part of the nationalist project (Ibid). The intricate link of women's sexuality and reproductive capacities to the continuation of the community is part of what makes SGBV and RH of utmost concern when addressing the health and security needs of women within refugee camps.

While the above discussion has largely focused on the way women's gender roles may change during the refugee experience, there are also equally important changes within men's gender roles that have reverberating impacts on women as well. Men most often are the primary income earner prior to the conflict, but the camp creates a condition where men are reliant on the UNHCR and aid organizations to provide for their basic needs (Martin, 2004). This, coupled with idleness due to unemployment, can threaten concepts of masculinity being linked to power and providing goods for one's family. In turn, this idleness and challenged masculinity can lead to aggravated men (Turner, 2004) and a resulting increase in generalized violence, family tensions and domestic violence (Martin, 2004). In this regard, gender is constructed anew in the refugee setting for both men and women, both of which have profound impacts on their own as well as each other's experience within the refugee camp.

Understanding the conditions that determine how gender changes with refugee camps form the theoretically underpinning of this paper and tool for understanding the way in which each case study's context plays an important role in shaping the experience of refugee women.

### *International Policy*

Within refugee camps, whose primary function is to provide reactionary

security, both the demographic make-up of camp refugees and the international community's relatively new sensitivity to gender-based differences in conflict and post-conflict situations have led to procedural and substantive changes in regards to women's security. The mechanisms developed and implemented by the two major organizations presiding over refugees, UNHCR and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for non-Palestinian and Palestinian refugees respectively, have broadened the scope of security in relation to gender. While the Executive Committee of the UNHCR initially brought to attention the needs of refugee women by conclusion No. 30 (UNHCR, 2001-08) in 1985, substantive policy was not developed until 5 years later. The current policy document pertaining to women refugees is the *UNHCR Policy on Refugee Women* (UNHCR, 2008b) which sets out the organization's basic principle of mainstreaming/integration as their main approach for rectifying outdated policies or procedures.

The first aspect of this two-fold principle is that of mainstreaming; this is the UNHCR's acknowledgment that every aspect of refugee policy has a gendered nuance and should be looked at through a gender sensitive/critical lens. When further delving into this principle, it becomes clear that this concept of total mainstreaming of gender sensitivity in every aspect of refugee policy inherently precludes the creation of solely women focused programs. This idea of mainstreaming women's issues rather than separating them is a strong policy focus of UNHCR (Ibid).

The second aspect of this two-fold principle is integration, which implies the involvement of women in the process of mainstreaming. This is compounded in the concept of integration to also mean allowing women an active role in mainstreaming women into UNHCR programs. This understanding that programs will ultimately be more successful if those who they are designed for have input and agency in their creation threads

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through other aspects of UNHCR's policies.

The *UN Policy on Refugee Women* sets out organizational goals, policy objectives, and operational objectives, all of which are further described concretely in a second pertinent document, *The Guidelines for the Protection of Refugee Women* (UNHCR, 1991). This extensive document applies the principles and objectives of the above articulated policy to each aspect of refugee protection set out by the UNHCR by establishing questions for staff to pose before, during and after refugee protection endeavours. At the outset of these guidelines, it is stated that,

[R]efugee women and girls have special protection needs that reflect their gender: they need, for example, protection against manipulation, sexual and physical abuse and exploitation, and protection against sexual discrimination in the delivery of goods and services (Ibid).

These guidelines for dealing with women refugees in the camp setting encompass ensuring physical and legal security, improving identification of problems and potential problems, and carrying out actions in order to rectify problems with the needs of women specifically in mind. The Guidelines led the High Commissioner for Refugees to outline five commitments to refugee women in 2001, the third of which is specifically related to SGBV, wherein the “UNHCR commits to developing integrated country-level strategies to address it” (Executive Committee UNHCR, 2005). With this new commitment in mind, the UNHCR drafted an extensive document specific to SGBV, including *Sexual Violence against Refugees: Guidelines on Prevention and Response in 2003* and *The Guidelines for Gender-Based Violence Interventions in Humanitarian Settings*, which was published by the Inter-Agency Standing Committee in 2005 (IASC, 2005). Between these documents there are ample directives towards preventing SGBV: the High Commissioner's broad and overarching, the preventative and reactionary details of the Guidelines for Refugee Women, and the specific

and inter-agency Guidelines for SGBV.

Attempts have been made ameliorate the reporting rates, including informing refugee women of their legal rights, being sensitive to cultural norms, employing equal if not more female staff, and providing adequate protection to those who do come forward to report their experiences in the refugee camp. This is seen in relation to the proceeding section of RH services and is a clause in within the Guidelines,

Health services further serve an important protection function in identifying protection problems arising within a camp or other place of settlement. Health staff become aware of protection problems when women who have been sexually abused or otherwise harmed seek medical care (IASC, 2005).

With regards to policy governing RH services with UNHCR mandated refugee camps, the above mentioned guidelines is again one of the primary sources. The Guidelines provide lists of questions and recommendations for the improvement of treatment that directly address the needs of women within refugee camps. These questions seek to deal with issues of equality in access to services, provision of specific women's health services and education programs, and administering the programs in a culturally sensitive way. In addition to the surveys, there are recommendations related to RH practices and recommendations to give them high priority (Ibid).

### *Policy UNRWA*

Palestinian refugees, who constitute our final case study of the female refugees in Lebanon, are governed by slightly different international structures than all other refugees; this is because they do not fall within the mandate of the UNHCR but rather within that of UNRWA. Clause 7 (c) in the UNHCR policy indicates that services do not pertain to those who continue to receive protection or assistance from other organs or

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agencies of the United Nations (UNHCR General Assembly, 1950). The UNRWA organization was formed in 1949 by the General Assembly with the intention of creating a temporary mechanism to aid the massive number of Palestinians displaced by the conflict between Arabs and Jews between 1947 and 1949. Due to the persistent nature of this conflict, UNRWA currently continues to function, providing more services than its original mandate had indicated. A clause in UNRWA states that ‘any person whose normal place of residence was Palestine during the period 1 June to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict’ is under the mandate of UNRWA (UNHCR, 2001-08). This indicates that a large population of people who fall under the policy of the UNRWA. The initial mandate of UNRWA was broad and humanitarian, and has since been divided to encompass four main sectors: education, health, relief and social services. UNRWA’s mandate is characterized by this broad objective of humanitarian assistance, which extends beyond UNHCR’s less exhaustive mandate to protect against persecution (UNRWA, 1999-2003), due to the specific nature of the Palestinian refugee problem.

UNRWA has attempted to directly address the disenfranchisement many women in post-flight refugee contexts feel. In 1978, after almost 30 years of managing the Palestinian refugee situation, the ‘special hardship’ programme was initiated. This program recognizes those who fall into the category of; “[t]he most disadvantaged and vulnerable refugees, such as women whose husbands have died or whose husbands have divorced or abandoned them, the elderly, the chronically ill, refugees with disabilities, or the very young” (Ibid). In general, these programmes recognize the disadvantaged position of these particular refugees and attempt to correct discrepancies and meet their needs.

Another structural mechanism which UNRWA attempts to directly

confront the specific plight of women Palestinian refugees began in the 1950's by the creation of Women's Programme Centers (WPC), which offered courses in everything from "sewing, health education and nutrition [and] home economics" (Ibid, Publications, 6). Since 1987, WHC's have, offered services and programmes more concretely focused on women's rights and the programmes now offer a "legal literacy programme and legal advice bureau, which provide awareness training and advice on a wide variety of legal and civic matters" (Ibid). While programs are set up to address RH needs, there is no clear articulation of UNRWA's policy on RH and SGBV.

While international policies attempt to outline the multitude of programs and responses needed, the international community's success in tackling problems of SGBV cannot be measured by policy alone. In fact, there may be great inconsistency between what the policy outlines and how it is practically applied (Carlson, 2005). While international policy is one important measure of assessing whether women's RH and SGBV needs are being met in refugee camps, this cannot be divorced from an international human rights discourse, and an understanding that the ultimate criterion is the protection and provision of all refugees' basic human rights.

The following case studies will therefore analyze the implementation and applicability of international policy for both SGBV and RH in refugee camps in Lebanon, Tanzania and Pakistan. These studies will highlight the intricate and complex link between refugee women's health and security in refugee camps, and what the international community has done and should do to ensure that the pertinent gendered health and security needs are adequately addressed.

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## **Case Study: Tanzania**

### *Background*

Tanzania is home to 548,824 refugees, with the majority from Burundi (over 70%), with refugees from the Democratic Republic of the Congo, Rwanda and Somalia making up the remaining 30% (UNHCR, 2005). In examining the provision of SGBV and RH services in Tanzanian refugee camps, the following analysis will mainly address the plight of Burundian refugee women due to their large proportion of the total refugee population. While Burundian refugees have been entering Tanzania since the 1970's due to ongoing ethnic conflict and tensions between the Bahutu and the Batutsi, the pattern of settlement has been markedly different since the 1990's. Prior to the 1993, many Burundian refugees were given larger plots of land or attempted to resettle into the local population (Daley, 1991). However, since the assassination of the Burundian President Melchoir Ndadeye in 1993 (Hoes, 1994), the numbers of Burundian refugees in Tanzania has increased exponentially. In 1993 from October to December alone, 295,000 Burundian refugees entered Tanzania (Ibid). Of the large influx of refugees in the 1990's, 63% have been settled in the eleven UNHCR refugee camps (UNHCR, 2005) situated in Western Tanzania, bordering Burundi and Rwanda. The gender ratio within Tanzanian refugee camps is actually 50/50 (Ibid), contrary to normal demographic assumptions that refugees are disproportionately women and children. This ratio may indicate a lower impact on gender roles due to women not needing to take on the roles of men in the same way they would need to if there were fewer men in the camps.

Being home to over half a million refugees, Tanzania has played a leading international role as a host country (Ally, 2005), especially having signed on to the 1951 Convention, and the 1967 Protocol on Refugees (UNHCR, 2005) and the Organization of African Unities *Convention Governing the Specific Aspect of Refugee Problems in Africa* (Jullu, 2005). In

addition to being a signatory to international conventions, Tanzania has also taken an active domestic role, creating the Department for Refugees as a subset of the Ministry of Home Affairs (Human Rights Watch, 2000) and in 1998 creating the Refugee Act (Jullu, 2005). While international and domestic laws may ensure the protection of refugees within Tanzania, the local reception of refugees is not as hospitable. Particularly in Western Tanzania, there is a growing xenophobic, anti-refugee sentiment within the local population (Human Rights Watch, 2000). However, there is still formal local presence within the camps, with a representative from the Ministry of Home Affairs and twenty Tanzanian police officers in each camp (Ibid).

In addition to Tanzania authorities within the camp, there is a myriad of additional actors associated in running the refugee camps. There is eight local and international NGO's operating in the area, each providing specific services to specific camps (Ibid). From the UNHCR, each camp has a Protection Officer, a Community Services Officer, and a Field Officer. Bodies of authority have also been created from within the refugee population itself, including the block/street leaders, security committees and the Refugee Council (Ibid). Of the political and symbolic leadership structures within the camp, women hold few leadership positions. While the Human Rights Watch Report in 1999 mentions the creation of a Women Representation as a part of the SGBV strategy (Ibid), this did not change the continued pattern of women being excluded from the mainstream leadership structures within the camps.

For the refugees in Tanzania in the 1970's and 1980's, the UNHCR's activities were seen to enforce gender roles, leading to the perception of the UNHCR as an agent in the continuation of patriarchal patterns within refugee settlement areas (Daley, 1991). For example, Daley highlights the way in which UNHCR projects focused on income

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generating projects for men, and the limited ones that were geared towards women were not profitable, and eventually discontinued (Ibid). On these grounds, prior to the emergence of gender as an issue on the UNHCR agenda, the organization appeared to be intensifying vulnerabilities based on gender, rather than alleviating them. Looking at the contemporary refugee population arriving predominantly after 1993, the UNHCR's response to gendered needs have been positive, but slow.

### *Sexual and Gender Based Violence*

Data collected from 1999 indicated that SGBV is a prevalent and widespread problem in Tanzanian refugee camps, estimating that 1 in 4 Burundian refugee women had faced SGBV as a result of their refugee experience (Human Rights Watch, 2000). The upsetting pervasiveness of SGBV in the lives of refugee women eight years after formulation of the UNCHR's *Guidelines on Refugee Women* supports HRW's claim that the "guidelines have often represented little more than theory" (Ibid) to those in refugee camps in Tanzania. However, since 1999 and the growing international attention to the plight of refugee women in Tanzanian camps, the UNHCR and other operating actors in the camps have sought to improve their implementation of SGBV policy. Therefore, this SGBV policy analysis will first address the problems associated with policies in place in 1998 and 1999, then discuss the improvements since that time, and finally propose ideas about what still remains to be done for woman refugees in Tanzania.

With the International Refugees study on SGBV prevalence in refugee camps in Tanzania, and the Human Rights Watch (HRW) extensive investigation into responses to SGBV, 1998 and 1999 marked a period where great international attention and pressure was placed on the performance of the UNHCR and the Tanzanian government. The HWR report reveals that rape was a pervasive problem in the camp, committed

mainly by other refugees and local Tanzanians. Tanzanian perpetrators, with growing xenophobic sentiment in their communities, used SGBV as a means of acting out their aggression towards refugees, and often went unpunished within the domestic judicial system (Human Rights Watch, 2000). Many cases of rape within the camps, rather than being reported and going through the Tanzanian domestic courts, were often dealt with by the Refugee Council. However, as a male-dominated institution that lacked any legal authoritative power within the camps, the Council focused on dispute mediation, seeking reconciliation in rape cases through the perpetrator paying a small fine (Ibid). The Refugee Council's only using reconciliatory measures is problematic due to its role in creating a culture of impunity, setting the precedent that perpetrators can commit acts of SGBV and go largely unpunished. Within the UNHCR, HRW found that despite the UNHCR's official guidelines and policies, the attitudes of the UNHCR staff were often dismissive of SGBV, blaming either the victim or Burundian culture for incidents of SGBV (Ibid).

Following HRW's initial investigation, which revealed this finding, the UNHCR attempted to improve its response to SGBV in Tanzania. This included strengthening and expanding the programs offered, implementing community education programs, creating safety nets for victims of SGBV, fixing problems in food distribution, and following up with cases in the Tanzanian judicial system (Ibid). The UNHCR has set up an internal SGBV Coordinator for Tanzania, hired two Tanzania lawyers to assist court cases on SGBV and organized for a security liaison to train police officers on SGBV (Ibid). The UNHCR is not only conducting trainings, but is also finding small concrete solutions to mitigate situations of vulnerability. For example, SGBV attacks with some of the camps were occurring when women were walking to latrines at night. UNHCR therefore gave torches to women, coordinated women to walk in groups, and set up a neighbourhood watch program (Jullu, 2005). While the

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UNHCR's response in following the HRW report is commendable and highlights their commitment to combating SGBV, much of what was achieved would not have been possible without new funding. This funding came in 1999 from the UN Foundation as part of the Ted Turner Project, which provided money to the UNHCR specifically designated for SGBV programming in Africa (Human Rights Watch, 2000).

Despite attempts to fix reoccurring problems, the UNHCR is still insufficient in tackling the problem of SGBV. First, SGBV in Tanzanian refugee camps face many obstacles with respect to problems of coordination. Due to the diverse set of actors within the camps and multi-sectoral nature of SGBV programs, coordination entails the following: communication on roles and responsibilities, the creation of a clear referral system, and coordination between the different camps (Human Rights Watch, 2000). Additionally, more emphasis needs to be placed on linkages between SGBV and humanitarian aid programs operating within the camp. Women reported that incidents of SGBV perpetrated by local villagers often occurred while they were travelling long distances to collect firewood for fuel (Ibid). In addition, despite the possibility for the provision of individual ration cards, most men still controlled access to ration cards and women were afraid to ask for their own for fear of retaliation from their husbands (Ibid), as women holding ration cards is perceived as a challenges to her husbands authority. No clear solution was articulated by the UNHCR to address this. While providing individual ration cards was an important step, this has not changed the problem of women's dependency on men for food, which the HRW saw to create vulnerabilities to domestic violence and prostitution.

One of the largest gaps identified in UNHCR programs to address SGBV derives from a policy gap within the organization. The UNHCR to a large extent separates domestic violence from sexual violence, and

has little to no programs targeted at addressing domestic violence (Ibid). Moreover, the *Guidelines of Refugee Women* do not clearly articulate what the role of UNHCR staff should be in response to domestic violence, which has discouraged UNHCR staff from tackling the issue (Ibid). This gap remains a crucial failure of the UNHCR operations in Tanzania, not adequately accounting for the totality of ways in which violence is a health and security concern for refugee women. A final gap with UNHCR policy and programming in Tanzania is with regards to ensuring justice for survivors of SGBV, including working with the Refugee Council, and attempting to move beyond the internal reconciliation mechanisms, which do not have the same deterrent effect as the judicial system (Jullu, 2005).

While using the local judicial system is important in ending impunity surrounding crimes of SGBV, it is important to recognize the potentials and failures within the Tanzanian legal system. Under Tanzania's 1998 *Sexual Offences Act*, rape is narrowly defined as forced penile intercourse with someone other than one's wife, meaning that rape within a marriage, and rape other than through penile penetration are not defined as criminal offences under the Act (Ibid). Tanzanian law, as with the UNHCR, fails to seriously address issues of domestic violence in the same way that it treats other forms of sexual violence. While failures exist within the Tanzanian system, the Tanzanian government holds certain responsibilities as a result of international obligations that would require them to remedy these failures. Tanzania has ratified the Convention on the Elimination of all forms of Discrimination against Women, and is also a member of the UNHCR Executive Committee. As such, the Tanzanian government has an obligation to abide by Conclusion No. 73, which specifies a host country's responsibility to protect refugees from sexual violence (Human Rights Watch, 2000).

While the UNHCR and local operating NGO's have been critical

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in creating the existing SGBV programming in Tanzania, there have also been remarkable initiatives taken from within the refugee community itself. A group of Burundian refugees conducted their own needs assessment on incidents of SGBV, after which they established a drop-in centre for survivors, led community awareness activities, held social forums for women to discuss the issue, and conducted trainings with service providers (Martin, 2004). The international community has been instrumental, but by focusing on its role we wish not to exclude or negate the impact that refugees have had within their own communities in combating SGBV.

### *Reproductive Health*

RH is an important issue facing women in refugee camps in Western Tanzania. However, the programs have been unevenly implemented between camps and not given the same international attention. A study of Burundian refugees revealed poor pregnancy outcomes, with a high proportion of neonatal and maternal deaths (Jamieson, 2000).

The lack of standardized RH programs across the eleven refugee camps could be in part explained by the organizational structure of health services, and how different NGO's provide such services in different camps. Part of the discrepancy between different NGOs' RH services can be attributed to variation among organizational beliefs with regards to whether RH should be prioritized (Hargeaves, 2000). Despite a lack of standard implementation of RH programming, some NGO's are doing a significant amount of work on the issue. The International Red Cross (IRC) in their work in Lumasi refugee camp has gained international attention for the initiative and success of their RH programs. The program devised was unique as it was the first time that the UNHCR and IRC had created such a comprehensive program during the emergency stage of the crisis, with RH services being offered separately from regular health services (Courtney, 1995). The extensive program entailed: general

health, education and prevention services, family planning, child spacing, antenatal/postnatal care (with three clinics established), STI services, AIDS education and treatment programs, and the training of traditional birth attendants (Ibid). All of this was set up in 1995 at the height of refugee inflows, highlighting that it is possible to meet RH needs during emergencies.

There are two important factors however, that led to the implementation of the IRC's RH program in Lumasi. Part of the reason RH was seen as an immediate need during the emergency stage was due to HIV prevalence in the region, and therefore suspected within the refugee population (Ibid). The threat of increased transmission of HIV provided a strong impetus for the IRC and the UNHCR to be more proactive in RH planning. However, it is disconcerting that no evidence for similar HIV prevention programs was found in other camps, considering the challenges relating to HIV would be remarkably similar in all camps. The second factor influencing the creation of the program in Lumasi was the lobbying of the refugee women themselves for these services to be implemented. Lumasi has a higher proportion of Rwandan refugees within the camp. Coming from an environment where they were accustomed to RH services as part of a regular and basic health need, the Rwandan women in Lumasi pushed for the creation of RH programs (Ibid). This highlights the essential role of refugees themselves in pursuing the services they need, and also the way in which expectations from their home countries can influence refugees' concept of mandatory health services that should be available.

### **Case Study: Pakistan**

#### *Background*

The largest group seeking protection in Pakistan is by far that from Afghanistan; as of 2008, UNHCR has indicated that there are

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approximately 2.4 million remaining Afghani refugees in the country (UNHCR, 2008a). The influx of refugees has come in waves to Pakistan, the largest of which was in reaction to the Soviet invasion of Afghanistan in 1979 and also reaction to the Taliban post-1996 (Oberoi, 2006, p.136-169). Since renewed efforts for repatriation in 2003 UNHCR purports to have successfully returned 2.9 million Afghans home. Of the remaining refugees, about 1 million live in camp settings and the other 1.4 million live in the surrounding rural areas (UNHCR, 2008a).

The refugees are settled in the regions of North-West Frontier Province (NWFP) and Buluchistan and are 85% comprised of the Pashtun ethnic group (Oberoi, 2006, p.145). The some 85 refugee camps, known in Pakistan as Refugee Tented Villages (RTV), are generally divided up along tribe and clan bases (Ibid). This continuation of tribe and clans has important impacts on the socio-economic roles that women may take (UNHCR, 2008a). Patriarchal, male-kinship based structures that permeate into refugee camps can have a significant negative effect on how much access women have to security in the forms of SGBV and RH services. The structure's inherent dependence of women upon men for access to livelihood can inhibit possibility of access to medical services, mainstream means of livelihood, as well as opportunity to report SGBV.

Pakistan has itself had a turbulent political history, and its 1948 partition from India was centered on the concept of a nation state comprised primarily of Muslims in opposition to a Hindu India. It is upon the reality that the majority of the Afghani refugees are Sunni Muslims that Pakistan has, without signing onto the 1951 UN Convention, the 1967 Protocol or incorporating refugee rights into national law, willingly accepted so many refugees (UNHCR, 2007). Based on the common Muslim understanding of "the justice of the flight from persecution" (Oberoi, 2006), Pakistani policy granted a *prima facie* to all Afghans entering Pakistan as refugees; in

concrete terms this meant that all were granted temporary status but not citizenship and were given free mobility throughout the country.

The primary result of this policy was that refugees were not registered, documented or counted; they were not granted citizenship rights but were bound by the countries laws and norms nonetheless. This becomes problematic for women when the outcomes of political tensions regarding inter-tribal politics and federal/provincial tensions in Pakistan are seen to effect the host countries' legal treatment of gender. As of 1977, after a military coup, all fundamental rights were suspended for Pakistanis which consequently put an end to anti-discrimination rights which had been previously upheld. Even more importantly in regards to refugee security was the subsequent implementation of a series of laws which solidified the subordination of women.

#### *Sexual and Gender-Based Violence*

The UNHCR *Guidelines for the Protection of Women Refugees* were used as a mechanism in Pakistan to attempt to align older UNHCR structures on the ground with the new policy objectives. UNHCR's overall implementation of these guidelines was evaluated at its ten-year mark by the Women's Commission for Refugee Women and Children 2002; Pakistan was one of the five countries studied (Women's Commission, 2002).

The main conclusion of the assessment of SGBV within the context of Pakistan was that of stagnation leading to little improvement. It was found that while host country officials were aware of pertinent UNHCR policy objectives in regards to SGBV and the underlying causes which created the need for them, they expressed a lack of information. The under reporting and misreporting of the rate of SGBV's occurrence in the Pakistan context was cited as an obstacle to any change on the issue. Officials held that there was a causal relationship between under reporting,

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specifically in regards to domestic violence, refugee culture of acceptance of domestic abuse, reluctance of women to discuss private matters publicly and a lack of female staff in facilities.

While lack of female staff remains a significant problem for UNHRC internationally and within Pakistan, the country was shown to possibly have had some positive movement on this issue. As part of the UNHCR's program in rural areas, couples were enticed to come work in the facilities in the area, so as to attempt to offset the lower proportion of female to male staff. It was noted by the assessment team to have been a success on a small scale in Pakistan and a positive potential instrument which could be used in other similar contexts (Ibid). Unfortunately, apart from new manners of recruiting more female staff, none of the other factors identified with not reporting SGBV have been targeted. Also, the issues pertaining to cultural differences of violence and women's public/private realm qualms were not directly addressed in Pakistan.

The waves of inflows and outflows of refugees in Pakistan has led to an unstable amount of UNHCR funding. In the late 1990's, budgets for programming dropped dramatically with the intentions of repatriation at the end of Soviet threats (Oberoi, 2006). Even after the newer Afghan threat of the Taliban, budgets were never brought back up to the levels they were before repatriation became the forefront of refugee issues in Pakistan. Some preventive programs had been set up to address women's limited access to economic opportunities as refugees from Afghanistan, however, with budget cuts came program cuts, and many of the women who were once aided by these programs had, like many Afghan women refugees who were not reached by these programs, "no alternative to prostitution" (Women's Commission, 2002). The removal of these programs was premature, especially since the disadvantages to women in these situations had been identified and the threat of SGBV had not been stifled.

*Reproductive Health Services*

Within the 2004 and 2008 UNHCR Country Operation Plans (COP) for Pakistan there are several references to the previous intention towards and now current state of affairs for RH services for Afghan refugees. It was proclaimed in the 2004 COP document that, “UNFPA will assist in the implementation of Reproductive Health and awareness-raising in family planning and child spacing (UNHCR, 2004). The later 2008 document makes reference to fifty-five basic health units which are noted to provide, among other services, HIV/AIDS prevention and maternal and child care (Ibid). This information is limited in its scope, size and extent concerning the augmentation of RH services for Afghanis. Nonetheless, the move towards RH programming does exist within the refugee context in Pakistan.

**Case Study: Palestinian Refugees in Lebanon***Background*

The 1948 exodus led to large numbers of Palestinian refugees residing in neighbouring countries and disputed areas have themselves become a central issue of the Arab-Israeli conflict. The majority of Palestinians who fled to Lebanon came from the UNRWA defined region of Galilee (UNRWA, 1999-2003). The ethnic and religious composition of the Palestinian people who now reside in Lebanon is approximately 95% Arab, the majority of whom are Sunni Muslims (Haddad, 2003). The territorial nature of the dispute from which the Palestinian refugees who reside in Lebanon have fled has led to the population being displaced for nearly 60 years, their state-less status having no real viable resolution in sight. Currently there are nearly 400, 000 Palestinian refugees in Lebanon, half residing within the borders of UNRWA managed refugee camps.

The Lebanese power-sharing mechanism of consociational democracy, divided primarily between three main religious groups is precariously balanced in the political structure (Ibid). The oscillating

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nature of peace in the country has resulted in a conscious stagnation of information regarding population demographics, insofar as a national census has not been taken since 1932 (Lijphart, 1977) since power-sharing divisions were drawn out. The potential for refugee resettlement in Lebanon creates a very real threat to some religious groups in the country along religious demographic lines. These political realities are directly related to the subsequent legal treatment of Palestinians who have sought refuge on Lebanese soil. This is seen in the constitutionally entrenched prohibition against Palestinian permanent settlement in the country (Haddad, 2003); it follows thus that Palestinian refugees are relatively disenfranchised within Lebanese society to the extent that it has been commented that, "...granting Palestinians civil rights would be one step towards their permanent resettlement in the country..." (Ibid). This sets up a situation that is not only problematic for refugees in general but more specifically in regards to the rights of refugee women, who may be denied both their rights as a refugee and their rights as women.

Another large implication of this aversion by the host country to permanent residence and potential population demographic shifts is the result that in Lebanon the severe segregation of refugees to camp dwelling is persistent even after nearly 60 years. Within Lebanon there are currently 12 functioning refugee camps throughout the country and these camps range in size from just over 616 occupants to nearly 46, 000. In addition to five decades of temporary living arrangement, Palestinians also face barriers to employment, leading to irregularly high rates of unemployment among the refugee population within Lebanon (UNRWA, 1999-2003). This host country policy has dire implications for women refugee who are more often in a position which inaccessibility to means of income creates a higher potential for economic manipulation and the potential for SGBV.

*Sexual and Gender Based Violence*

UNRWA's generally comprehensive detailing of the state of Palestinian refugees is plagued with a general lack of information in regards SGBV. Some information has been drawn from external reporting that domestic abuse is quite prevalent and accepted by both Palestinian men and women in Lebanon (Fafo, 2003b). In regards to sexual violence specifically there is even less evidence, discussion or documentation within the literature, policy or programming in regards to women under UNRWA's protection in Lebanon. There are several conditions which are known to increase vulnerability to SGBV; they are the limited access to adequate income and the labour market, exploitation, and lack of access to knowledge on legal rights. UNRWA has been taking action on eliminating these vulnerabilities, which can help prevent SGBV. However, by UNRWA not explicitly framing these programs as preventing SGBV, it detracts from their capacity to address SGBV comprehensively. The lack of an explicit SGBV framework also creates gaps in creating reactionary programming.

There are two main services directed at correcting the inequalities which facilitate conditions of SGBV among Palestinian refugee women. One mechanism specifically directed at women is UNRWA's WPC, community managed centres exist in 10 of the 12 currently functioning refugee camps. The WPC's in the Lebanese context generally focuses on running "...skill-training courses, organizes awareness raising sessions on health, social, legal, human rights and gender issues and coordinates with local NGOs to respond to community needs" (UNRWA, 1999-2003). These programmes provide education and training on social issues that are related to SGBV among refugee women.

UNRWA's other mechanism is that of the 'special hardship' program which in Lebanon services over 46, 000 people (Ibid). There is little comparative insight to gain from the fact that 'special hardship' cases

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somewhat disproportionately encompasses 11% of Palestinian refugees in Lebanon in contrast to that of 6% of overall Palestinian refugees (Ibid). In attempts to address social inequalities, the program provides nutritional and economic aid to many women and other vulnerable groups who would otherwise be unduly disadvantaged within the refugee camps. This program addresses how women are particularly affected by the policies put in place to give disincentives to the Palestinians to resettle in Lebanon, such as the exclusion from a large portion of the labour market. This host country policy has specific implications for women who as refugees are more often in a position which inaccessibility to means to income creates a higher potential for economic manipulation and the potential for SGBV. The 'special hardship' program targets groups vulnerable to be affected by a severe limiting of access to the job market such as young women and female headed households.

### *Reproductive Health*

Due to the complex political situation in Lebanon regarding Palestinian refugees the majority do not benefit from any of Lebanon's health services, but obtain them through UNRWA (Ibid). Both local and international NGO's play a role in the provision of health services under the coordination of UNRWA. Palestinian refugees in Lebanon have access to 25 UNRWA primary health care facilities (UNRWA, 2005), 13 inside and 12 outside of official refugee camps, of which many have evolved far beyond the short-term emergency health care to encompass long-term preventative health care. These facilities still operate on a primary health care basis, however, and the vast majority of secondary and tertiary care is contracted by UNRWA from private facilities (Fafo, 2003b).

From its initial set-up UNRWA has had a focus on children's health and the creation of Mother and Child Health (MHC) clinics which provide preventive health services (Fafo Report 176, 1994). Along with this focus

on children's health came many positive externalities for females in regards to reproductive health in Lebanon. Antenatal services are purported to be reaching 73% of women as of 2005 (UNRWA, 2005) and postnatal care at 96.3% to women at these clinics; UNRWA keeps detailed records concerning the welfare of both mothers and children. This is in specific relation to the fact that Palestinians in general have one of the highest birth rates which necessarily implies shorter-intervals between childbirths; in Lebanon the percentage of women with birth interval less than 24 months was 32.2%. Neonatal mortality rates, as of 2005 for Palestinian refugees in Lebanon was 15.3 per 1000 live births (Ibid), the crude birth rate was 24.6 (UNRWA, 2000) and reports that the percentage of high to moderate risk pregnancies that occur rests at 30.9%. Despite the shorter birth intervals, Palestinian refugees within Lebanon in fact have a lower maternal mortality rate than that of the regular Lebanese population (Fafu, 2003a).

Also UNRWA expanded services in all its MHC clinics in 1993 to include family planning services in all 25 primary health care facilities in Lebanon (UNRWA, 1999-2003). As of 2005 internal sources produced data regarding the prevalence of the use of modern contraceptive awareness and use by Palestinian women in Lebanon; the generous numbers of nearly 100% and 69% respectively refers only, however, to those women who use the services of the UNRWA MHC clinics (UNRWA, 2005). Other external sources report a similar total number of contraceptive use but the statistics are broken down into 53.1% modern and 12.7% traditional methods (Fafu Report 409, 2003). The broader understanding gained by both internal and external sources, however, is that UNRWA is doing a sufficient if not commendatory job of family planning education and availability, this understood to have been accomplished in the push directed from women's NGO's (Ibid). It was noted from the external sources that Palestinian women actually we found to have higher numbers

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of women with information about contraceptive than within the Lebanese population itself (Ibid).

UNRWA does much to monitor Palestinian refugees in Lebanon specifically, other areas in which Palestinians have sought refuge and the population as a whole. Health statistics are generally quite comprehensive especially in contrast to other refugee camp monitoring. However, it can be noted that since women's access to reproductive health services stem UNRWA's focus on the protection of children, there is less and in some cases no data in official reports on some issues specific to gendered differences. There is a lack of information regarding service provision some gender specific issues such as gender discrepancies in staff of doctors and service providers, post-rape services, or any real focus on women specifically in a medical sense outside of the realm of maternal care.

In Tanzania, SGBV programs are considered both reactionary and preventative. Preventative programs included deterrent measures such as neighbourhood watch groups and providing additional police officers within the camps. Reactionary measures taken by UNHCR in Tanzania included the greater attempt to legally prosecute perpetrators, and the creation of a referral system. It is important to notice however, that despite having preventative and reactionary programs, gaps still exist in regards to SGBV. In addition, it is important to distinguish whether preventative and reactionary programs have as their target the individual or the community. In this regard, programs in Tanzania had a largely individualistic focus that did not address community insecurities.

In Pakistan, SGBV programs were found to be preventative but services were later retracted due to budgetary limitations. Some indicators of this were initiatives geared towards hiring couples to entice elevated numbers of female staff, as well as the implementation of income generating

programs to raise women's socio-economic status. Unfortunately, the latter of these preventive type measures was severely downsized based on a shift in policy orientation. Following the retraction of programs, neither preventative nor reactionary programs were in place to address SGBV.

In Lebanon, SGBV programs are preventive but not explicitly so. The highly preventive nature of programs can be seen through the extensive integration of WPC's which attempt to deal with women's social inequalities as well as 'special hard ship' cases which actively work to combat the economic inequalities women face. These programs address many underlying conditions in refugee camps, which create the conditions for SGBV. However, the programs do not explicitly state eradication of SGBV in their mandates, nor are they found to have any functions, which deal specifically with women to whom SGBV has occurred.

RH programs in Tanzania were only preventative, offering family planning, HIV/AIDS education and treatment, and providing maternal clinics. Programs were set up to prevent poor RH health-outcomes, but not to deal with maternal deaths and ill-health that already existed. It is also important to note that even though Tanzanian RH programs were preventative, they were also limited and not consistent across camps.

In Pakistan, RH services are preventative, though only newly developed and limited in scope. The program includes HIV/AIDS prevention and maternal and child health programs. However, initiation of these programs came late in 2004 and there is a lack of comprehensive information surrounding the permeation of the programs throughout the refugee population (UNHCR, 2004; UNHCR 2008a). The scope of the preventative nature of the programs is also not clearly documented, and important programs that espouse fully preventive RH services such as contraceptive information and family planning are not cited to be in the

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works.

In Lebanon, RH services are both preventative and reactionary. The comprehensiveness of UNRWA's RH services in Lebanon is commendable due to their early establishment and the later integration of family planning services into all primary health facilities. Though Lebanon does have reactionary programs, the needs for these are less due to the diminished RH concerns as a result of initial comprehensive preventative programs. However, whether this was done with the express intent of protecting women rather than children is questionable. In this regard, Lebanon reactionary RH programs were limited in that women were not the main targets of their programs.

The above analysis provides a framework for assessing overall policy and program orientation within each country, and to highlight the ways in which all three case studies are failing to fully address aspects of refugee women's health-security needs. Both reactionary and preventative programs are needed to address the insecurities that create conditions of vulnerability for SGBV and poor RH outcomes, and the insecurities that a failure of SGBV and RH programs may produce, at both the individual and community level.

### *Lessons Learned*

The three main lessons drawn from the case studies are: (1) there is a lack of current data and evaluation of SGBV and RH policies and programs within refugee camps which impeded policy implementation; (2) coordination within the UNHCR, with its operating partners, with its donors and with the refugees is critical for a successful policy impact; and (3) the UNHCR does not go far enough in recognizing the rights of women, and needs to change its own policies, while working with host governments on theirs to ensure policy and programs do not deny women's rights.

## 1. Data and Evaluation

In all three case studies, a lack of in-depth information on the extent of SGBV, and RH was apparent. Only Tanzania had data on possible rates of SGBV, but this was from 1999 and conducted externally from the UNHCR. Lack of data translates into a lack of knowledge on the extent of the problem. In turn, not knowing whether a problem exists with regards to SGBV and RH for refugee women can lead to a lack of programming. Both Pakistan and Lebanon had no information on prevalence of SGBV, which can in part explain the lack of programs explicitly addressing this issue. There are large gaps in information in Lebanon in regards to treatment, reporting and justice surrounding problems of SGBV, in particular, which highlights that this is not just a weakness of the UNHCR, but is also a problem within UNRWA.

Of the programs that did exist, proper evaluative mechanisms were not discovered. While Pakistan was part of an external UNHCR evaluation on the *Guidelines for Women Refugees*, and Tanzania was part of a HRW evaluation, these investigations occurred once, and are becoming outdated. Nothing of the equivalent was found for UNRWA in Lebanon; by not having proper documentation of incidents of SGBV within camps there is no instrument with which to evaluate the agency's 60 years of evolution in regards to treatment of this issue concretely. What is more, the evaluations in Tanzania and Pakistan focused on the implementation of policy, and not its effect. In this regard, little is known about the effectiveness of the programs proscribed in policy, and whether or not it is having an impact in mitigating the problems it is supposed to address.

Coupled together, the lack of information and evaluation on UNHCR and UNRWA's SGBV and RH programs left gaps in the case studies. Only in Tanzania did the UNHCR recognize the importance of program monitoring and evaluation. However, recognition of a need has

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not yet translated into actual change. In comparison to literature and policy that can be found on repatriation or income generating activities, SGBV and RH largely remain under the policy radar.

## 2. Coordination

Coordination continues to be a major challenge to the implementation of SGBV and RH programs. Coordination is needed not only within camp and organizational structures of the UNHCR, but also, due to the nature of women's health-security needs, between different sectors within the camp as well. Coordination there needs to happen internally between UNHCR employees, externally with UNHCR operating partners, between UNHCR and donors, and between UNHCR and refugees.

First, the UNHCR needs to work on internal coordination among its employees. Policies are formulated on the international level, but in all three case studies there was incomplete implementation within the camps. Second, the UNHCR needs to work more closely with NGO operating partners who run services in different camps. For example, the IRC RH program set up in Tanzania was only running in one camp. Successful programs such as this could be transferred to other camps through UNHCR coordination. In regards to coordination between policy makers and service providers, UNRWA has a particular advantage over UNHCR. Through the unique context which UNRWA operates, that is over a homogenous group who have been displaced for nearly five decades, there arises the opportunity to create policy and programmes more context specific and testable in the longer term. This creates the potential for UNRWA's programmes to be a learning tool for other refugee situations.

The third area needing coordination is between the UNHCR and its donors. As both Pakistan and Tanzania highlight, SGBV and RH programs are highly contingent on the availability of funds. The

SGBV program in Tanzania only came into existence because of particular earmarked funding. Pakistan on the other hand lacked earmarked funding, so when the UNHCR in Pakistan faced budget cuts, RH programs were removed. In this regard, the UNHCR must coordinate better with donors, and seek to find specific earmarked funding for SGBV and RH programs.

Coordination between international agencies and NGOs, and the refugees themselves is also critically important. RH programs in Tanzania and in Lebanon came in part from the mobilization of refugees for issues that they saw as important to them. Top-down policy is therefore not always the determining factor that leads to the creation of programming – rather SGBV and RH programming can be created from the bottom up.

### 3. Women's Rights Perspective

The UNHCR guidelines and policies are insufficient in addressing the totality of women's rights with respect to SGBV and RH. As HRW notes, the UNHCR's *Sexual Violence against Refugees: Guidelines on Prevention and Response* does not adequately address issues of domestic violence (Human Rights Watch, 2000). Under section 3.5 of the guidelines, the UNHCR stresses extreme caution for employees seeking to get involved in issues of domestic violence (UNHCR, 2003). The language used in the guideline may have a strong deterrent effect, and is markedly different from the guidelines on non-domestic sexual violence. By not addressing domestic violence with the same concern as other forms of SGBV, the UNHCR fails to fully ensure the rights of refugee women are being met within the camps. As Olsen highlights, "condoning or ignoring [gender-based violence] out of respect for cultural differences is a grave misunderstanding that only helps to perpetuate the vulnerability of refugee women. It also contributes to the vast silence enshrouding rapes of refugee women" (Olsen, 2004). The UNHCR needs to develop stronger policies surrounding domestic violence; their current failure is allowing for the continuation of the

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violation of the rights of refugee women.

Additionally, the UNHCR must also coordinate with host-country governments, whose laws on SGBV and RH may limit the UNHCR. None of the case studies had governments that recognized forced intercourse within marriage as rape. This is indicative of domestic violence laws that do not protect the rights of women, and in particular refugee women. Pakistan clearly highlights the vulnerability of refugee women to the host-governments laws, which has led to a general condoning of violence against refugee women, and an obstruction of attempts at progress in ensuring women's security. While domestic laws are not the primary concern of the UNHCR, they still need to work with and put pressure on the government to ensure that refugee women's rights are not violated.

The three main policy lessons derived from the case studies highlight the extent to which issues effecting women refugees have rarely been thoroughly implemented and where successes have occurred, they have hinged on a delicate combination of factors. Tanzania's SGBV program resulted from earmarked donor funding and international pressure on UNHCR, and its RH program in Lumasi came as a result of refugee mobilization on the issue. In Pakistan, the RH programs that were developed were contingent upon external funding, with RH being sacrificed with budget cuts. Moreover, these programs were often at the whim of host country policy, which hindered attempts to construct a SGBV program. In Lebanon, the long-term nature of the conflict allowed for the establishment of RH services across the refugee camps, but lack of information and knowledge on SGBV led to an absence of programming. Rather, preventative programming that did exist addressed underlying vulnerabilities; by never explicitly employing a SGBV framework, however, the issue itself remains unresolved.

## **Conclusion**

Refugee women's issues have not been mobilized enough to ensure full preventative and reactionary programs, leaving unaddressed insecurities which will continue to perpetuate the negative feedback between health and security. Rather than frame refugee women's issues within a separate policy, the issues need to be embedded within a security discourse that recognizes how the right to individual security and the security of community hinge upon the attainment of refugee women's health. Recognizing the health-security link within policy provides tangible and instrumental benefits. By taking a holistic individual and community security perspective it would lead to higher overall security within the refugee community. Moreover, with women normally as the primary caregiver in the household, improvements in women's health and security would also have positive externalities on the health and security of men and children. On an instrumental level, a security discourse may provide high levels of mobilization of political will and resources that can be directed towards issues of women's health and security. This would lead to a higher prioritization, where women's rights are placed as an essential component of security within the camp. With the protection of refugees as the fundamental driving policy of the UNHCR and UNRWA, the interconnected health-security issues for women refugees may receive a higher chance of successful implementation and effect.

The reinvigoration of policy application could serve to increase political will and resources on the issues, understanding refugee women's health not just as a gender issue, but more broadly as an matter of overall camp security. The relative failure to seriously pursue both SGBV and RH programs in a preventative and reactionary way, addressing policy gaps, highlights the way in which women's health is currently portrayed as a lower priority. The security analysis of health seeks to invert this paradigm, considering instead women's health as a central indicator of security and of utmost importance when looking at the protection of refugee communities.

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## **Annex 1**

### *Acronyms*

1951 UN Convention	1951 Convention Relating to the Status of Refugees
1967 Protocol	1967 Protocol Relating to the Status of Refugees
1991 Guidelines	Guidelines for the Protection of Refugee Women, 1991
COP	Country Operation Plans
HRW	Human Rights Watch
IDP	Internally Displaced Persons
IRC	International Red Cross
MCH	Mother and Child Health
NGO	Non-Governmental Organization
NWFP	North-West Frontier Province
RH	Reproductive Health Services
RTV	Refugee Tented Villages
SGBV	Sexual and Gender-Based Violence
STI	Sexually Transmitted Infection
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
WHC	Women’s Programme Centers
WPC	Women’s Programme Centers



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# Global Inequality, Human Rights, and Sex Tourism

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The proliferation of sex tourism over the past half century has provoked increasing concern regarding human rights. While the media has focused on the human rights violations involved in child prostitution and the trafficking of women, less attention has been paid to the phenomenon of sex tourism which in itself represents a human rights problem. The key issue here is the inequity of the global political and economic order which gives rise to both the supply of sex tourism (poverty in the Third World), and demand for it (created by a mixture of desire, power, sexism and racism). In this essay I will use a socialist critique of human rights and a Marxist view of prostitution to argue that sex tourism, as a product of the inequality between rich and poor countries within the global capitalist system, poses a human rights problem. I will first define sex tourism and then investigate differing paradigms for understanding human rights and prostitution. Next, I will examine the political economy of sex tourism, specifically looking at the power relations behind supply and demand in the Caribbean in particular. Ultimately, sex tourism violates human rights through the exploitation of peoples from the Third World by the First.

## **Part 1: Sex Tourism, Human Rights, and Prostitution: Definitions and Paradigms**

In order to evaluate the human rights problems of sex tourism, a clear conception of what sex tourism constitutes is required. The term 'sex tourism' is often associated with organized tours (usually for men) which

provide access to prostitutes along with flights and hotels (O’Connell Davidson 2005: 126). However, sex tourism is much larger than the phenomenon of organized tours, and includes a variety of activities and individuals – those who travel with the explicit intention of buying sex, those who incidentally purchase sex while on holiday, and those who engage in a holiday romance with a local but also provide them with gifts, meals or sometimes money (O’Connell Davidson 2005: 126). In this way, sex tourism includes a variety of relations involving ‘straightforward cash-for-sex transactions’ as well as a ‘wider range of sexual-economic exchanges than those conventionally implied by the term “prostitution”’ (O’Connell Davidson and Sanchez Taylor 2005: 83). What these different forms of interaction share, however, is the fact that the sexual relations between tourists and locals are unequal in terms of economic, political, and social power (O’Connell Davidson Sanchez Taylor 2005: 83).

The standpoint from which I define sex tourism as a human rights problem derives from a socialist critique of the liberal human rights discourse. The United Nations Universal Declaration of Human Rights (1948) states in Article One, ‘All human beings are born free and equal in dignity and rights’ (UN 1997: 407). The Declaration enshrines the human right to Liberty, setting forth civil and political rights, as well as Equality, promoting social, economic, and cultural rights. However, liberal human rights discourse tends to privilege freedom over equality with a belief that the latter will follow as a ‘consequence of the free exercise of the former’ (Massa Arzabe 2001: 29). A socialist critique criticizes this assumption and highlights the crucial indivisibility of both kinds of rights. The International Covenant on Economic, Social and Cultural Rights affirms that ‘the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights’ (Massa Arzabe 2001: 30). This would entail a limit to the

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free pursuit of property rights so as not to infringe on the right of others to enjoy economic sustenance.

Within the capitalist system equality is often sidestepped or indefinitely postponed, which from a socialist viewpoint of view violates human rights. Massa Arzabe observes, ‘This dissociation of the two groups of rights legitimates a view of human rights which contributes to the maintenance of social exclusion and extreme poverty...It also allows for the permanent violations of social rights, these being perceived as normal in our societies’ (Massa Arzabe 2001: 29). This carries significance for workers in the sex tourism industry as prostitutes are often socially marginalized and stigmatized by both the state and society, and their entry into prostitution is often precipitated by poverty. Furthermore, globalization thrives on global inequality – capital rich countries exploit cheap labour supply in developing countries, and in much the same way tourists from the First World exploit the cheap sexual labour available in the Third World. The exploitation of one stems from the position of power by the other.

Linking prostitution with exploitation can, however, be problematic and requires an examination of different ways of understanding and defining prostitution. Radical feminists/feminist abolitionists view prostitution as an extension of male dominance in patriarchal society and therefore necessarily exploitative and degrading. Prostitution perpetuates the oppression of women by rendering them mere sexual objects, reinforcing female inferiority and subordination (Jaggar 1994: 108). Radical feminists view all prostitution as coercive and thus akin to rape, and deny the existence of ‘voluntary’ prostitution based on the belief that genuine consent is impossible due to the economic coercion which causes a woman to sell her body (Jaggar 1994: 108).

One of the problems with the radical feminist perspective is that it casts all prostitutes as victims and denies their agency and subjective experience. For some, entry into prostitution is based on a weighing of economic alternatives which they may feel are more degrading than sex work (such as menial, underpaid factory work) and would appreciate professionalization of their sector in order to ensure better working conditions, rather than abolition as radical feminists propose. Furthermore, in terms of understanding sex tourism, the radical feminist perspective falls short. For instance, it is unable to explain the phenomenon of female sex tourists. Here there are other power relations at work other than male dominance. Also, equating prostitution with violence does not help explain what O'Connell Davidson (1999) describes as 'quasi-relationships' that some men and women have with prostitutes while on holiday.

Liberal feminists see prostitution in a radically different light. They distinguish between 'forced' and 'voluntary' prostitution, and believe consensual prostitution should be treated as an 'ordinary business transaction, the sale of a service' (Jaggar 1994: 103). Liberal feminists are concerned with equality before the law and protection of individual rights, and believe that criminalization prevents sex workers from freely entering contracts (Jaggar 1994: 103). Prostitution, they purport, should be treated as sex work and afforded labour rights as legitimate workers and secure working conditions.

A liberal feminist perspective is relevant to issues involved in sex tourism. Mellon asserts,

Where sex work is illegal, sex workers may be arrested or harassed by the police without having access to basic human rights or protection under their own national laws. Where sex work is legal but not viewed as a labour activity, it remains difficult for sex workers to achieve minimum standards of personal safety in their work (Mellon 1999: 311).

Professionalization of sex work is necessary for the protection of individual

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rights in sex tourism, but where my point of view departs from that of liberal feminism is in its conception of ‘consent’. Consent cannot always be neatly separated from coercion, since ‘the conditions that give rise to “choice” may be constrained by economic necessities among other factors’ (Ryan and Hall 2001: 151). This is not to say that sex workers, by definition, are victims, but that, ‘power structures exist whereby there is undoubtedly exploitation’ (Ryan and Hall 2001: 151). A Marxist critique of prostitution is more adequate in this regard.

A Marxist theory likens prostitution to wage labour, and identifies exploitation as a result of inequality of wealth. In this respect, the underlying problem is a result of capitalism. In summarizing Marx’s perspective on prostitution, Jaggar writes,

Just as the capacity to labour becomes a commodity under capitalism, so does sexuality, especially the sexuality of women. Thus prostitutes, like wage labourers, have an essential human capacity alienated. Like wage labourers, they become dehumanized and their value as persons is measured by their market price. And like wage labourers, they are compelled to work by economic pressure (Jaggar 1994: 106).

This perspective has much to offer a critical evaluation of human rights issues in sex tourism for a number of reasons. First, this perspective speaks to the commodification of Third World bodies under capitalism and tourism. It also refers to an alienating effect involved in selling one’s body and sexual labour, which is not present in a liberal feminist perspective. However, Marxist theory also likens prostitution to other forms of wage labour which an individual may find equally demeaning. Mellon, on writing about sex tourism in the Caribbean, recognizes that ‘sex workers frequently experience conditions similar to those found in other low-status jobs in the informal sector, including long hours, lack of job security, low wages, and unsafe working conditions’ (Mellon 1999: 311). Furthermore, a Marxist perspective highlights the fact that economic pressures, such as

poverty, may function as a coercive element in prostitution.

Marx and Engels view abolition as desirable, but their perspective differs from the radical feminists in that they do not suggest this goal is achievable by legal prohibition (Jaggar 1994: 106). Rather, in their view, 'since all forms of prostitution result from inequality of wealth, such inequality must be eliminated' (Jaggar 1994: 106). This Marxist critique of prostitution returns us to human rights issues in sex tourism regarding inequality, exploitation, and power.

## **Part 2: Inequality and the Political Economy of Sex Tourism in the Caribbean**

Inequality and the political economy of sex tourism in the Caribbean are inextricably linked. The supply and demand of the industry relies on power differentials between the developed and developing world, tourist and sex worker, and capital and labour. Enloe succinctly describes the political economy of sex tourism:

Sex tourism requires Third World women to be economically desperate enough to enter prostitution; having done so it is made difficult to leave. The other side of the equation requires men from affluent societies to imagine certain women, usually women of colour, to be more available and submissive than the women in their own countries. Finally, the industry depends on an alliance between local governments in search of foreign currency and local and foreign businessmen willing to invest in sexualized travel (Ryan and Hall 2001: 145).

In this way, sex tourism rests upon poverty in the developing world, as well as racism, sexism, and the increasing dependency of Third World economies on tourism revenues.

The growth of sex tourism has created a wealth of sexual

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opportunity for adventuring tourists, and has led both male and female sex tourists to refer to some Caribbean destinations as ‘Fantasy Island’ or ‘Disneyland’ (O’Connell Davidson and Sanchez Taylor 2005: 84). However, as O’Connell Davidson has recognized, Sexual Disneylands do not exist in nature – they have to be created (O’Connell Davidson Sanchez Taylor 2005: 84). This leads us now to look at the supply and demand behind this creation, which I argue are the products of the inequality between rich and poor countries within the global capitalist system.

## **Neoliberalism, Poverty and Sex Tourism:**

### **The Supply-Side**

The supply of sex workers in the sex tourism industry is, simply put, due to poverty and economic necessity. This poverty is linked to the global political and economic order which privileges liberalized markets, privatization, and multinational corporations. It is a world system whereby the owners of production (international corporations or local elites) exploit the cheap labour of Third World workers, while at the same time national governments try to tow the neoliberal line set out by the International Monetary Fund (IMF) and World Bank, cutting social expenditure as part of their economic development strategy. The rich are free to get richer at the expense of greater equality for all.

The significance of this to sex tourism is that neoliberal development strategies serve to flood the prostitution labour market, for the policies tied to these debt-servicing structural adjustment loans have devastating effects on the poor (O’Connell Davidson and Sanchez Taylor 2005: 84). Public expenditure on health, social security, and education are slashed. Massive currency depreciation and inflation associated with structural adjustment work to raise the cost of living while at the same time depreciating the price of labour. Traditional forms of subsistence are undermined with the result of increasing urbanization and rising unemployment (Kempadoo

and Doezema 1998: 16). As commodity markets falter due to regional agreements limiting preferential markets or falling prices, governments are encouraged to turn to tourism for foreign exchange earnings (Mullings 1999: 56).

However, strategies used to increase the foreign exchange earnings of the tourism industry, such as all-inclusive hotels and holiday packages, have been of little benefit to local communities (Mullings 1999: 63). Multinational companies monopolize tourism profits, providing limited formal job opportunities within the tourism sector. For this reason, citizens wanting to tap into the profits of tourism are often forced to do so through the informal economic sector. In countries such as Jamaica and the Dominican Republic, prostitution and other sexual-economic relations are among the array of activities that take place within the informal tourism economy (O'Connell Davidson and Sanchez Taylor 2005: 85). In Jamaica sex tourism is often much more lucrative than most blue-collar manufacturing work and other service jobs. According to Mullings's research, the latter pays US\$1 per hour, while prostitution may pay between \$40 and \$150 per encounter (Mullings 1999: 70).

Therefore, a lack of 'income-generating opportunities at living-wage levels' (Mullings 1999: 64) is a leading explanatory factor in the supply of sex work in the tourist industry. The international policies that led to this are guilty of violating Article 23 of the Universal Declaration of Human Rights, which states, 'Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection' (Inshay 1997: 411). The absence of adequate wages, job opportunities, and social security which push individuals into the sex tourism industry are examples of human rights violations structured in the inequitable global capitalist system.

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## **Privilege, Power, and ‘Eroticizing’ Racism:**

### **The Demand-Side**

The demand for sex tourism is based on unequal power relations between rich and poor nations. The mere ability for a tourist to travel to a developing country is predicated on his or her economic affluence and privilege. Even a budget tourist is in a position to ‘spend about as much on a package vacation in the Caribbean as many locals or migrants will earn in a year’ (O’Connell Davidson and Sanchez Taylor 2005: 85). In light of this, it is not surprising that many locals seek to befriend and/or engage in sexual relationships with tourists, as money or gifts which many seem negligible to the tourist may prove indispensable to a struggling household (O’Connell Davidson and Sanchez Taylor 2005: 85). In this context, ‘the tourist and the local or migrant are simultaneously brought together and separated by global inequality’ (O’Connell Davidson and Sanchez Taylor 2005: 87).

But if locals in the Caribbean are willing to sell sex, and men and women from the developed world have the economic means to buy it, what causes them to leave their national borders in search of it? Elements of desire, power, sexism and racism combine to create the demand for an ‘exotic’ sexual experience. Mullings explains this phenomenon:

The exoticization of women and men of colour and the corresponding desire to experience and consume their bodies is argued to be...a process of ‘Othering’ where these so-called traits simultaneously serve to confirm their status as inferior human subjects and their suitability as commodities for consumption (Mullings 1999: 72).

This process of ‘Othering’, which is based on the racist belief that Caribbean men and women are ‘naturally’ more sexual, serves to set locals apart as dynamically different from tourists and ease their anxiety about consuming them.

In some cases white western men's sex tourism is a quest for racially fantasized male power, a power they feel has been eclipsed by civil rights and women's rights movements back home (O'Connell Davidson and Sanchez Taylor 1999: 38). For some, sex tourism is about sustaining a male identity as well as a white identity, reinforcing a generalized belief that 'to be truly white is to be served, revered, and envied by Others' (O'Connell Davidson and Sanchez Taylor 1999: 44). In the extreme, some sex tourists are explicitly racist, looking for 'Little Brown Fucking Machines' to sexually exploit in degrading sex. The power relation at work in the case of some black American male sex tourists is their sense of privilege and Western-ness (O'Connell Davidson and Sanchez Taylor 1999: 44).

For female sex tourists, 'exoticizing' racism structures their desire for 'hot' and 'naturally sexually voracious' black men. Irrespective of whether these women define their interaction with local men as that of prostitution or as a relationship, their economic and racialized power enables them to initiate and terminate sexual relations as they choose, and command local men in ways they would not have the power to do back home (O'Connell Davidson and Sanchez Taylor 1999: 38).

While many women and men who engage in quasi-relationships with locals would not consider this exploitative, their dominant position within a hierarchy of gendered, racialized, and economic power gives them a high level of control over the sexuality of others (O'Connell Davidson and Sanchez Taylor 1999: 52). This imbalance of power poses a human rights problem as it points to the inequality of the global capitalist system which gives western tourists sexual access to Third World bodies only because the former has money to spend and the latter need money in order to live.

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## Conclusion

Sex tourism, as a product of the inequality between rich and poor countries within the global capitalist system, poses a human rights problem. It is clear – through examining the inequitable global political and economic order which creates both the supply and demand for sex tourism – that economic, social and cultural rights are being violated. In terms of supply, economic necessity is a coercive factor that pushes many individuals into sex tourism. Here, neoliberal policies help make the rich richer, while the poor struggle to sustain themselves by whatever means they can in light of decreasing wages and job opportunities. In terms of demand, a mixture of desire, power, sexism and racism give sex tourists the power to transform others into Others and to pursue the sexual fantasy of their fancy. Within the global capitalist system, liberty is too often pursued at the expense of equality, and the exploitation of individuals in sex tourism from the Third World by the First is a testament to this.

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# Running Ahead: Obstacles to Fair Trade

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## Introduction

The small-scale farmers of the global South are stuck in a trade trap: the commodities and cash crops that they produce are subject to price fluctuations on the international market and have been in the worst depression since the 1920s, often causing these farmers to operate at a loss (Coote 1996, ix, 4; LesQuesne 1996, 12). The declining revenues of Third World farmers have led to the deterioration of their standard of living and have brought many, both in the developed and developing worlds, to the realization that the current trade situation is unsustainable and must be changed. The Fair Trade movement is a manifestation of this concern for the well being of producers and has, through a reversal of the traditional principles of trade, worked to improve the plight of the small-scale farmer in less developed countries (Low & Davenport 2005, 147; Ransom 2001, 20). The Fair Trade movement does, however, have faults; Southern producers face many obstacles in their attempts to implement Fair Trade. These challenges will be discussed in terms of the following research questions: What is Fair Trade? What are its benefits? What are the obstacles that Southern producers face in implementing Fair Trade? This essay will begin with an outline of the history and benefits of the Fair Trade movement, will continue with an analysis of the obstacles to implementing Fair Trade for Southern producers, and will conclude with a brief discussion of possible remedies for these challenges. The topic will

be discussed largely in terms of Fair Trade coffee, both because of the abundance of information on fairly traded coffee and because coffee is the most important non-oil export for the South, affecting the lives of up to 25 million farmers, and therefore of great interest to study (Rhebergen). Although Fair Trade aims to benefit both small-scale farmers and landless workers on plantations, this research will focus on the hardships faced by small-holding producers, as this is the population that the Fair Trade movement deals with to a greater extent.

### **Fair Trade**

The goal of Fair Trade “is not to maximize profit but to benefit [Southern] producers by guaranteeing a fair price for their products” (Shankar 1999, 68), and unlike traditional economic ventures, Fair Trade bases its prices not on supply and demand but rather on the cost of production and the needs of producers (Coote 1996, 182). Fair Trade encourages direct linkages between retail outlets in the North and producer cooperatives of commodities such as bananas and coffee in the South with the aim of cutting out the profiteering middlemen in order to maximize the profit accrued by producers; it is marketed to Northern consumers who are willing to pay slightly more for products with Fair Trade labels (Shankar 1999, 68).

The Fair Trade movement developed out of earlier schemes of product labelling which assured the well being of first the consumer, then the environment, and most recently, the producer (Coote 1996, 179). The Dutch Max Havelaar scheme was the first of these producer-awareness programs and was launched in November 1988 to promote fairer trade in coffee (Coote 1996, 179; Madeley 1996, 156). This scheme has been a success, giving over 300,000 coffee farmers improved profits and access to credit (181). Other organizations have developed from the Max Havelaar idea, encompassing a broader variety of products in many developing

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nations, creating what is now known as Fair Trade (Coote 1996, 181; Madeley 1996, 156-7).

Fair Trade benefits Southern producers in several ways. Fair Trade increases the profits for farmers by providing them with both higher prices and by cutting out the middlemen (Shankar 1999, 68). Fair Trade allows for community development because the extra margin on the price paid for the commodity is invested by democratically run producer cooperatives into community projects such as education, sanitation, and sports teams (Fairtrade: About Fairtrade; Madeley 1996, 156). The Fair Trade movement ensures that producers have access to materials and credit and leads to better use of capital through economies of scale (Rice 2001, 53). Producer cooperatives also generally provide services such as marketing, financing, and product development and give producers experience with markets and consumer demand (Leclair 2002, 950, 956). Finally, the use of traditional and organic methods of production allows for the maintenance of indigenous cultures and customs (956).

Products emblazoned with a Fair Trade label will usually cost slightly more than non-Fair Trade products of the same quality because of the floor prices guaranteed to the farmer (Fairtrade: About Fairtrade; Ransom 2001, 22). It is the Northern consumer, then, that must sacrifice the few extra pence to be satisfied that they have made an ethically correct purchase, and it is up to the consumer to demand Fair Trade products in their cafés, grocery stores, universities, and places of business. Fair Trade has now improved the living standards of over 500,000 coffee workers (Levi & Linton 2003, 417), while the Fairtrade Labelling Organization (FLO) affects the lives of five million people from over 50 countries worldwide (Rhebergen). Free Trade Organizations (FTOs), such as the Fairtrade Foundation in the UK, exist in most developed countries of the world, but the Fair Trade movement has had more success in Europe than in North

America (Levi & Linton 2003, 419). As of 1999, Fair Trade represented only 0.001% of global commerce but steadily increased its volume of sales from 1997 until 2004 (Rhebergen; Shankar 1999, 75) (Figure 1).

### Obstacles

There are many obstacles to implementing Fair Trade for the Southern producers whose lives it aims to ameliorate. The first is the lack of consumer demand (Shankar 1999, 75). Fair Trade products are sold to a niche market, consumers that are concerned for the well being of Southern producers, and are unlikely to appeal to the larger market due to their elevated price. This lack of demand is doubly troublesome because Fair Trade's existence depends on consumers' requesting and demanding that Fair Trade products become available in order to break into the mainstream market (Leclair 2002, 956). Further, dependency on the whims of the North can be a dangerous game as the market is fickle and can cause price fluctuations, making long term planning difficult (Leclair 2002, 956; Shankar 1999, 75).

A second challenge facing Southern producers trying to implement Fair Trade stems from this first obstacle; because of low demand, a consistent oversupply plagues the Fair Trade coffee industry leading to declining prices in this and other commodities (Levi & Linton 2003, 409). Although consumer demand for Fair Trade coffee is now at an all time high, cooperatives can only sell about half of their crops at Fair Trade prices (409). Because of the chronic oversupply, many producers who may want to join Fair Trade coops are left out and are unable to benefit from the Fair Trade movement (Shankar 1999, 76).

A third important obstacle facing Southern producers wishing to implement Fair Trade is the lack of managerial, business, and technological resources (Levi & Linton 2003, 422; Rice 2001, 60). In order

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for a cooperative to properly function, it requires business contacts, capital, and proper administration (Hellin & Higman 2002, 65). The skills and training required for any organization, including producer cooperatives, to run smoothly are difficult to find in the global South. This lack of expertise can be dangerous; mistakes made in the commodity industry involve massive shipment containers worth thousands of dollars and can cost producers their livelihood (Shankar 1999, 77). In addition, buyers are generally unforgiving and would not give a coop a second chance if an error is made (Knutsen, quoted in Thomas 1995, quoted in Shankar 1999, 77).

A fourth hurdle in the implementation of Fair Trade for Southern producers is the difficulty of maintaining a cooperative in the highly competitive commodity industry. Producers may frequently desert the cooperative or choose to sell outside of the organization if conditions prove better for them there. There are several reasons that a producer may abandon their cooperative. Despite the requirement that FTOs offer advanced payment to their producers, Fair Trade producers frequently have a 'waiting period' before receiving payment from the FTO; coffee producers in Guatemala who shipped their coffee in December did not receive payment until July, an untenable situation for farmers in need of income to support their families (Shankar 1999, 79, 148). The need for immediate funds may force Southern producers to sell to non-Fair Trade buyers who become attractive despite lower prices because they pay up front (Shankar 1999, 81). In addition to waiting times for payment, FTOs don't generally differentiate between qualities of coffee when paying the producers, whereas traditional coffee buyers will pay more for coffee from higher elevations or for *Arabica* rather than *Robusta* coffee beans (Shankar 1999, 82). This pricing scheme causes the producers of high quality coffee to be underpaid relative to other producers, perhaps leading them to abandon the coop to sell to traditional buyers who will offer a higher price.

This also prevents repercussions for poor quality coffee from Fair Trade coop members and may create a poor reputation for Fair Trade coffee, further lowering demand (82), as according to Levi and Linton, buyers who would be willing to pay for Fair Trade coffee would generally consider quality before ethics in their purchase decision (2003, 421). Another factor that may lead to the disintegration of producer cooperatives is the force of the market. When the market price is low, Fair Trade coops are appealing because of the floor price guarantee that they offer to producers. When the market price is high, however, producers can shop around for the best offer from buyers, often abandoning the coop and preventing it from fulfilling its contract to the FTO (Shankar 1999, 149). A final issue that can endanger the existence of cooperatives is general disillusionment among the producers. Southern farmers have noticed that although Fair Trade “started off in the right direction” (151), FTOs have become increasingly political and business like; coop members often feel that “FTOs are very strict and inflexible and...that...cooperative[s are] abandoned in... moment[s] of crisis” (Shankar 1999, 149). Fair Trade farmers have noted that European FTOs especially have become more business oriented, whereas American ones are more flexible (149). A farmers’ decision to sell outside the coop or to abandon the coop entirely can lead to its disintegration, and a crumbling producer organization is another obstacle for Southern producers to implement Fair Trade.

A fifth challenge that Southern producers face in trying to implement Fair Trade is that although Fair Trade can preserve the indigenous lifestyle of producer cultures by preventing mechanization and the use of chemicals, cooperatives pose a threat to traditional methods of production and trade (Rice 2001, 58). Small-scale commodity farming is a way of life for the producers of less developed nations, and independence over their farms and crops can be a source of pride; relinquishing power over crops and prices to managers at cooperatives can be a difficult

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transition, especially if there is a lack of trust between the farmers and business oriented administrators (61).

A sixth difficulty facing Fair Trade producers relates to the longstanding tradition in many developing countries of ties between business and politics. Southern governments are unlikely to encourage Fair Trade for several reasons, specifically because of their links to the exploitative middlemen as well as the typical distaste for societal organization in oppressive regimes (Levi & Linton 2003, 413; Shankar 1999, 70). Commodity production, particularly coffee, does not travel directly from grower to retailer but rather takes a longer route with multiple middlemen, including those involved in storing, processing, transporting, and exporting the coffee (Barratt Brown 1993, 65-66) (Figure 2). These middlemen make up to 65% of the profit while the farmers themselves actually receive only about 10% of the final selling price of canned coffee (Shankar 1999, 61) (Figure 3). Fair Trade aims to cut out these coyotes, as they are called in Mexico, but is unlikely to be supported by Southern governments because, according to Levi and Linton, “the agro-industrial elite that dominates coffee processing and exporting maintains close political ties with political authorities” (2003, 413). Governments are equally unlikely to help small-scale producers through market regulation as strengthening the power of cooperatives and workers acts against the established interests of the agro-industrial elite (Levi & Linton 2003, 413; Rice 2001, 58). Another element of governmental hindrance of Fair Trade is frequent violence against cooperatives and other civil society organizations (Shankar 1999, 70). Even under the best of conditions, organizing cooperative behaviour in a competitive environment may be difficult; this difficulty is amplified in repressive conditions. In Guatemala, a 36-year civil war essentially destroyed any societal organizations; even now that the war is over, union leaders are frequently targeted in assassinations (70). Although Mexico’s government is far less oppressive than that of Guatemala, 39 members of

the UCIRI, a Fair Trade coffee cooperative, were assassinated between the years 1985 and 1992 (70).

A seventh important obstacle to the implementation of Fair Trade is in the method by which FTOs cut out middlemen in trading schemes. Direct links between the producer and consumer are the goal for Fair Trade products, but according to Shankar, direct links are rarely the case, as most Fair Trade commodities, particularly coffee, go through an exporter and multiple middlemen before reaching the retailer (Shankar 1999, 84) (Figure 4). The routes for Fair Trade commodities generally cut out the Southern middlemen but retain Northern ones, and most intermediaries work in the North or work for Northern companies (Shankar 1999, 83; Barratt Brown 1993, 65). This benefits small roasters and importers in the North (Pelupessy & Van Tilberg 1994, quoted in Shankar 1999, 83), but “[o]ne might ask how replacing Southern intermediaries with ones based in the North is beneficial to Southern producers or businesspeople” (Shankar 1999, 83).

An eighth obstacle in the implementation of Fair Trade is the structural restrictions on how many producers it can affect. Due to its short history and especially because of the limited demand for Fair Trade products, many producers are left out of the Fair Trade scheme (Shankar 1999, 75). According to Leclair, it is implausible for Fair Trade to ever affect all Southern farmers and therefore advantages some over others (2002, 955). In addition, many consumers of Fair Trade products may assume that they are helping the most exploited of the South, but in reality, the small-scale farmers that Fair Trade generally works with are not those who endure the most hardships, as landless wage-labourers generally work in pitiful conditions including inadequate housing, poor sanitation, and mistreatment, enduring threats to their livelihood and well-being while making very little money (Shankar 1999, 79).

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## Conclusion

The Fair Trade initiative has developed into a widespread phenomenon in Europe and North America, improving the lives of millions of producers in the global South (Rhebergen). Despite the gains to be had by implementing Fair Trade, there are eight important obstacles that stand in the way of Southern producers who may wish to enter into a Fair Trade program. Low demand and oversupply put strain on the floor price offered by FTOs, and lack of business resources and training make management and skill acquirement difficult for producer cooperatives. The disintegration of coops because of the need for immediate funds, the disillusionment with Fair Trade, or on other grounds, makes maintaining a functioning organization difficult. Threats to traditional methods of trade, competition with established interests, government ties to middlemen, and repressive regimes are all hurdles for Southern producers in developing and maintaining Fair Trade, and even the FTO's aims of eliminating the middlemen can backfire by increasing profits for Northern enterprises. The small size of the Fair Trade community is a last obstacle to its implementation, as globally, few producers benefit from its programs. Despite this essay's focus on Fair Trade coffee, the conclusions drawn from this research can likely be applied to other Fairly Traded commodities, such as sugar, fruit, and cocoa, as the main framework of producer cooperatives and FTOs remains the same, as does the problem of declining prices and oversupply.

The final question that must be assessed in discussing the challenges to Fair Trade are the possible solutions to facilitate its application and improve the lives of Southern producers. According to Levi and Linton, the most effective way to ensure the implementation of Fair Trade would be through government regulation (2003, 413), but as mentioned above, Southern governments will be reluctant to jeopardize the interests of the agro-industrial elites. Improving managerial and technological abilities

could help cooperatives in their negotiations with FTOs and improve the quality of their crops (Rice 2001, 60), while re-assessing the pricing scheme for different qualities of coffee may entice more producers to move to Fair Trade buyers. The most important obstacle to Fair Trade, the lack of demand, can be improved through increased marketing, but to have a greater effect the message will have to become clear to large commodity corporations such as Nestlé, Sara Lee, and Kraft, that they will lose profits unless they move to fairly traded products. Fair Trade is unlikely to ever replace the current global market, and will “never represent more than a fraction of world trade” (Leclair 2002, 957). It will, however, continue to contribute to the improvement of living conditions for producers in less developed countries (957). Despite the challenges that stand in its way, Fair Trade is a viable option that Southern producers should consider when deciding on how to sell their produce and that Northern consumers should take into account when purchasing their morning coffee.

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# The Role of Good Governance on Private Sector Development

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In the present day development discourse on the role of the private sector in development, good governance is crucial to fostering a healthy business environment conducive to business operation and growth. Important business environment attributes also fall under the category of good governance policies, and so for the purpose of this paper I focus on the following overlapping elements of a healthy business environment and good governance: simplicity of bureaucratic procedures, the extent of regulation and taxation, the rule of law in defining and protecting property rights, and the lack of corruption. Heavier regulation of business activity is associated with more inefficiency in public institutions in terms of longer delays and higher costs, more unemployed people, corruption, and less productivity or investment (Doing Business, 2004, p.xiv). Unfortunately as various empirical studies demonstrate, poor countries regulate businesses the most, which partially accounts for underdeveloped potential for economic growth in many developing countries since the risk and the monetary and time costs of business all increase (Doing Business, 2004, p.xiv). Figure 1 demonstrates that regulation generally increases with a decline in countries' income levels. This excess of business regulations, procedures, and inappropriate laws disproportionately affects the small-and-medium size enterprises (SMEs) in developing countries; the uneven affect on SMEs is particularly detrimental since they are attributed as being the engines of economic growth (*Unleashing Entrepreneurship*, 2004, p.1).

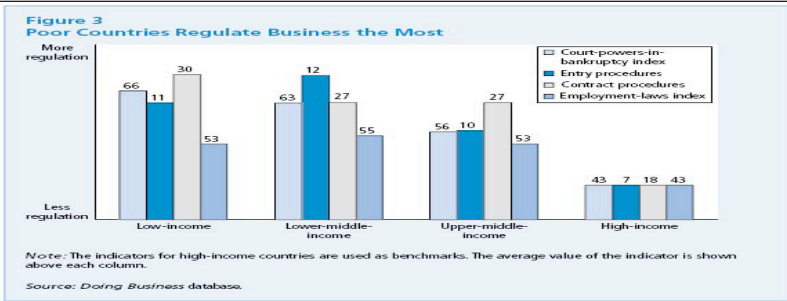


Figure 1

Paul Martin and Ernesto Zedillo’s report *Unleashing Entrepreneurship: Making Business Work for the Poor* describe SMEs as the “engines of job creation – seedbeds for innovation and entrepreneurship,” however, often times their role in the economy is limited because they operate predominantly in the informal sector for a multitude of reasons relating to institutional and financial market failure (Beck, 2003, p.1). The correlation between informality, burdensome government policies, poor governance, and a lack of enforcement mechanisms is particularly strong as most poor countries lack healthy business policies and have large informal sectors (Figure 2) (Palmade, 2005, p.3). The above mentioned factors disproportionately affect SMEs (Figure 3), so the costs of formality outweigh the benefits and many SMEs choose to exist in the informal sector due to lower perceived costs or they simply do not have the resources to join the formal economy. It is estimated that informal firms account for roughly one-third of production and one-half to three-quarters of the non-agricultural labor force in developing countries, which is not surprising considering the difficulty of entering or remaining in the formal economy (McKenzie, 2007, 1).

Thus, in this paper, I will argue that institutional failings have an

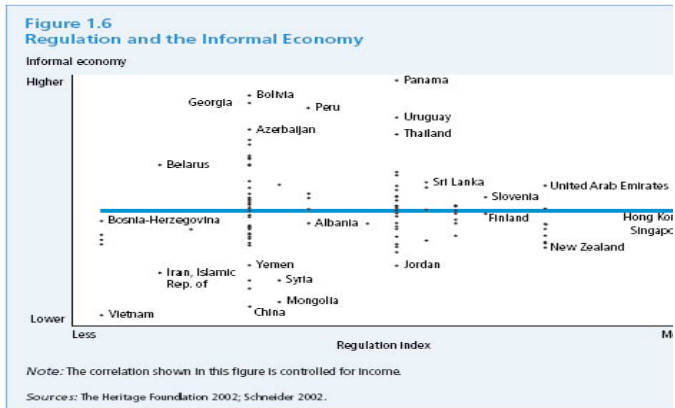


Figure 2

adverse affect on economic growth by pushing SMEs into the informal sector, and that governments are reluctant to reform detrimental business and legal policies for various reasons. I will explore institutional failings in terms of good governance as related to the business environment in the form of business start-up costs, excessive regulation and taxes, private property ownership, access to finance – especially credit, and contract enforcement; though all of the previous factors all characterize the business environment in general, I will focus particularly on their adverse effect on SMEs, since SMEs, which are considered essential to economic growth in developing countries, are overly affected. As a result of the costs and burdens of government policies, many SMEs are pushed into the informal sector, so secondly, I will briefly look at the informal sectors response to the failings of formal institutions. Lastly, I will consider why many governments are reluctant to engage in policy reform in spite of the fact that numerous empirical studies and policy prescriptions site the detrimental consequences of existent business regulations on business and economic growth.

### **Entry Barriers to the Formal Economy**

The initial legal registration process includes a myriad of permits, registries,

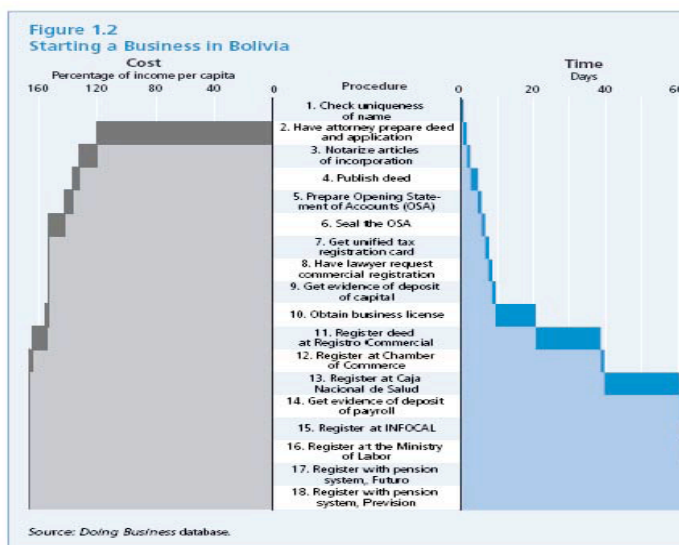
and other documentation is so costly in terms of time, potential-income lost, and actual fees paid for each step, that many businesses decide that the costs of formal registration are simply not worth any of the benefits. Simply in terms of time, the World Bank's annual publication on business environments *Doing Business 2004: Understanding Regulation* reports on regulation,

Poor countries regulate business the most. It takes two days to start a business in Australia, but 203 days in Haiti and 215 days in the Democratic Republic of the Congo. There are no monetary costs to start a new business in Denmark, but it costs more than five times the per capita in Cambodia and over 13 times in Sierra Leone. Hong Kong (China), Singapore, Thailand, and more than three dozen economies require no minimum capital from start-ups. In contrast, in Syria the capital requirement is equivalent to 56 times income per capita, in Ethiopia and Yemen, 17 times, and in Mali, six times (*Doing Business*, 2004, p.xiv).

Many developing countries have excessive and unnecessary regulations which send anyone interested in formally registering his/her business on a "wild goose chase" across various government agencies dealing with taxes, labor, pensions, titles, accounts, business licenses, and so on (, 2004, p.5). Figure 3 demonstrates the costs of the 18 steps necessary to start a business in Bolivia the number of days dedicated to accomplishing each step and then the cost of each step as a percent of the income per capita of the country. The huge number of steps towards becoming a

Figure 3

legally registered business in Bolivia cost more than 160 percent of the income per capita of the country, which monetarily speaking is an amount of money spent on just one step of registration that many entrepreneurs starting a SME simply cannot afford.



Most SME entrepreneurs are already lacking the capital to start their business and are forced to find places (usually informal because formal institutions view small-scale entrepreneurs as too risky) to borrow from. Some entry-level registration processes in developing countries are so outdated that they go back to colonial times but institutional reform to get rid of them has never been instigated; for example the company law regulating business entry in the Dominican Republic dates back to 1884, to 1901 in Angola, and 1916 in Burkina Faso (Doing Business, 2004, xviii). Comparatively, developed countries, particularly those in the Organization for Economic Cooperation and Development (OECD), have all revised their business laws in the past two decades, but they also have fewer burdensome entry regulations overall (Doing Business, 2004, p. xviii and p.22).

### **Excessive Regulations and Taxes**

The costliness in time and money of the initial process of becoming legally registered as a firm acts as the dominant deterrent against formalization;

however, if firms are able to legally register themselves, the predominantly high monetary costs of *staying* legal can also push a small or medium size firm back towards the informal sector. The main costs incurred when staying legal are of meeting labor obligations, health and safety regulations, taxes, and some regulations are simply unnecessary, such as Kenya requiring a permit to buy onion seeds (*Doing Business*, 2007, p.16). In the case of regulations dealing with labor, health, and safety, many firms of small and medium size simply cannot financially afford to make the necessary adjustments. The laws regarding labor, health, and safety are not always burdensome because they are unnecessary but often they demand too much of small and medium-size firms.

When considering labor regulations in developing countries, the laws regulating labor do not distinguish between firm sizes and place the same demands in terms of labor rights on all firms (Lagos, 1992, p.104). Though this does sound ideal since labor's rights are being protected, let us consider some of the legal provisions granted to labor in developing countries. Minimum wage is usually the greatest financial burden to small and medium size firms that hire labor, since firms in the informal sector usually pay less than the legally minimum wage (Lagos, 1992, p.103). However, many of the much smaller firms rely on unpaid family members for labor, so they are not affected by the minimum wage requirement; but it can serve as a disincentive to hire outside the family, which reduces much needed potential job creation in developing countries (Lagos, 1992, p.103 and *Doing Business*, 2004, p.32). Mandatory contributions to social security can also be burdensome for SMEs as in the case of Guatemala where the owner of a legally registered firm is forced by law to contribute the equivalent of ten percent of the payroll to the Guatemalan Social Security Institute (Lagos, 1992, p.96). Though protection of labor rights is absolutely necessary is uniformity in many countries disregards the limited resources of SMEs making it even more difficult for them to hire more

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employees and expand their business, which creates jobs; so though the intention of labor protection is not misplaced it needs to be worked out in a way that fosters SME growth. For example, in Bolivia labor obligation if a firm decides to stay legal account for 64% of all permanence costs, which may be much more than an SME in a developing country can afford because where it is already dealing with numerous restrictions on the resources available to it (Lagos, 1992, p.104).

The second aspect of staying legal that can be costly is going through needed health and safety inspections. Once again, health and safety inspections which check conditions of the plant, compliance with safety regulations concerning machinery and clothing, conditions of overcrowding, and the quality of water supply are absolutely vital in protecting the interests of employees. If a firm is deemed to perform unsatisfactorily in its inspections, the unit can be asked to carry out specific adjustments, which may even include moving to a different locale, an extremely costly, if not impossible endeavor (Lagos, 1992, p.101). In the cases of Uruguay and Venezuela where informal units attempting to obtain legal registration are faced with the impossibility of obtaining inspector approval of their locale, they conceal their activity and remain illegal, or establish a commercial activity with all of its permits and to illegally run the industrial activity in the backyard of the site; so for example, the business will be legally registered for selling shoes and not manufacturing them because its worksite does not meet health and safety standards for production, but it will continue to illegally manufacture shoes in the less visible back of the site (Lagos, 1992, p.94). Also, if property laws make gaining access to private property difficult, buying and selling is not an easy process or even a feasible process in some countries, where property transactions are usually carried out informally.

Lastly, taxes are always cited as being a major reason to stay

in the informal sector. Yet, Lagos finds that at least in the case of small enterprises in Latin America, it is not the actual taxes themselves which are costly because many small size firms do not make enough in revenue to fall under a taxable income bracket, but it is the process of registering with local and national tax bureaus that is so costly. The fees requiring payment at each step of registering with institutions of taxation adds up to more than taxation costs sometimes (Lagos, 1992, p.95).

It is important to note that the costs of regulations to stay formal are not just monetary, but also in terms of time. Furthermore, the procedural complexity of regulations makes them difficult to comprehend, especially depending on the education level of the entrepreneur and his/her familiarity with the legal system. This inability to understand complex regulations can discourage owners of firms who want to become legal or who already are legal from remaining in the formal sector.

### **Private Property (Land) Registration**

Obtaining legal rights over the property a SME sits on is extremely difficult since many countries have private property laws that are simply not followed because of the time they take. The difficulty with ownership of land in developing countries is that because the formal process of registration is not practical in terms of monetary and time costs, the actual possessor of the land is not known in the formal sector. The following is a visual of the time periods and steps associated with formalizing informal property including initial property registration, subdivision of land, community land acquisition and registration, and land acquisition and registration by beneficiaries. The lengthiest procedure is the original registration of land which takes between 4.9 and 12.4 years. The institutional incompetence of the property rights not only affects small landowners, but for example in Port-au-Prince, Haiti, “even quite expensive property changes hands without anybody bothering to inform the registry office, which is hopelessly

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backlogged” (Soto, 2000, p.31).

Property rights are not only a problem when attempting to register a previously informal SME with a government agency, but also when trying to gain legal permits to engage in construction on land and when trying to gain possession of government held property. In Peru, it takes 21 years to obtain authorization to construct a legally titled building on wasteland (Soto, 1989, p.xvii). Ineffective government ownership of land also forces individuals to find more efficient, though illegal, ways of utilizing the land; for example in Peru since there is no easy legal way to change land tenure, farmers in state-owned cooperatives illegally subdivided the land into smaller, privately held parcels (Soto, 2000, p.31).

Most small-and-medium size enterprises operate out of informal land usually because of the cumbersome and expensive land registration process. The most detrimental consequence of operating off of informal land is that large formal investors cannot afford to deal with a client with unsecured property rights, so for example, being able to provide a title to property is needed as collateral for a formal loan (Palmade, 2005, p.3).

### **The Informal Economy as an Alternative to Entry Barriers, Excessive Regulations and Taxes, and Property Registration**

Most firms, and particularly SMEs deal with entry barriers, excessive regulations and taxes, and cumbersome property registration processes by simply not registering, and choosing to operate out of the informal sector because they do not have the time nor money to navigate the steps towards legality, and often the costs of legality outweigh the benefits. However, this is not to say that there are no costs of operating in the informal sector. Informal businesses are usually undercapitalized because they lack access to credit and because using certain capital goods, heavy machinery for example, can make them easier to detect by the authorities (Soto, 1989,

p.153). Also, since informal businesses must avoid detection by government inspectors or police to ensure their survival, many businesses will forgo setting up a larger business meaning they are not operating on economies of scale, and that they will not advertise their good or services too openly and must make do with restricted methods of attracting customers primarily based on their reputation (Soto 1989, p.153 and p.164).

### **Access to Credit**

Access to financial capital, particularly credit, is particularly vital to any business operation; since most entrepreneurs do not have enough in personal savings to start or expand a business, outside capital helps finance start-up operations and furthermore to incur the costs of expanding businesses operations, the goal of which is an increase in profit, since most entrepreneurs do not have enough in personal savings to start or expand a business. However, in spite of the necessity of credit to have a successful business, access to formal credit is almost non-existent in most developing countries, particularly for SMEs. The World Bank's World Business Environment Survey conducted between 1999 and 2000 found financing constraints to lead to the greatest reduction in firm growth (*Finance for All*, 2007, p.59-60) when compared to corruption and legal constraints. Access to credit is a problem for multiple reasons including the high risk of lending in a business environment with little or no protection of creditors' rights, the processing costs of small size loans are too high for it to be profitable for a bank to loan the smaller amounts of money which is SMEs need, and the lack of information of potential borrowers' credit histories. Essentially, formal banking institutions face too much risk with too little return in many developing countries, which is why gaining access to credit from a formal institution is so difficult.

Banks fear that entrepreneurs will squander the resources provided to them by the investor, and since most developing countries have weak

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creditor legal protections and inefficient legal processes, they have no means of enforcing their claims in the case of a default (World Development Report, 2002, p.55). The risk incurred by banks in developing countries that they either choose not to make loans at all to most entrepreneurs, especially of small-and-medium size enterprises, or that banks will increase the price of loans to adjust for additional risks. The high price, for example in Zambia the average annual interest rate on loans was 48% in 2005, makes loans inaccessible to most entrepreneurs (Martinez, 2006, p.16). However, information sharing systems amongst lenders which reduce the risk of providing loans do not exist in most developing countries.

When lenders share information amongst each other regarding clients, they are essentially sharing information regarding credit history which allows lenders to differentiate good clients from bad clients. In the United States, Norway, New Zealand, and most developed countries credit bureaus contain credit history on almost every adult in the country, whereas in Cameroon, Ghana, Pakistan, and Nigeria, credit registries have credit histories for less than one percent of the adults (*Doing Business*, 2004, p.xviii).

Figure 4, which is attributed to the World Bank's *Doing Business* 2004: Understanding Regulation, shows the correlation of private credit with creditor rights, credit information sharing, and enforcement of creditor's legal. Less creditor rights and a lack of credit information results in private, formal credit comprising a smaller percentage of a country's GDP, but a decrease in days to enforce contracts, which signifies a stronger legal environment, is correlated with a private credit accounting for a larger part of a country's GDP. Since business cannot function without some form of capital, informal networks to provide capital become the common sources of lending for many entrepreneurs in developing countries.

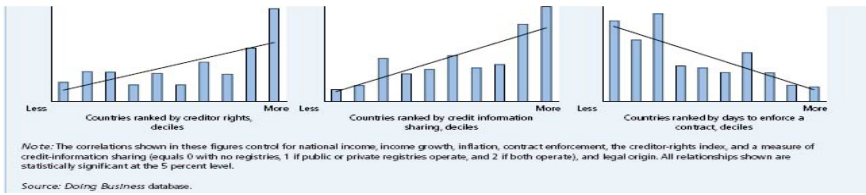


Figure 4

### Informal Sources of Capital

The inaccessibility of formal capital to most small-and-medium level entrepreneurs, leaves many SME entrepreneurs rely on informal mechanisms of capital, with loans from friends and family and trade credits being the two predominant means of gaining access to capital. In spite of the fact that SMEs do find alternatives to formal finance by using informal means, higher obstacles to finance are still reported to translate into slower growth for SMEs implying that access to informal capital does not fully replace the value of formal capital (Beck, 2006, p.9).

In a survey of SMEs conducted in India, it was found that for 85% of respondents family and friends constitute the ‘extremely important’ source of funds for starting a business and for 86% of respondents in the growth phase of their businesses since family and friends are the easiest and least expensive source of funds (Allen, 2006, p.30). Trade credits were found to be the next most important source of funds with 27% of respondents classifying them as ‘extremely important’ sources for start-up and 52% of respondents for business growth (Allen, 2006, p.30). Though trade credits are important, loans from friends and family are used far more commonly, which is reflected in the fact that of 85% of firms surveyed, the largest owner is the founder’s family (Allen, 2006, p.4). Loans from friends and family provide a flexibility that other sources cannot because they are

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based on personal relationships in which trust and social pressures to be accommodating are more common; this is why 151 of 157 respondents of the small and medium level entrepreneurs answered that they would negotiate with their lenders for an extension in the case of business failure (Allen, 2006, p.4).

### **Lack of Contract Enforcement**

Legal regulation of business transactions, particularly contract law, provides a disincentive for people to renege on agreements because they will be subject to punishment. Though this is the ideal, the actual system works quite differently in most developing countries where courts are not fast, fair, and affordable, but often backlogged and costly in terms of court fees. Poorer countries average at having the highest costs, at 31% of income per capita, and the most number of procedures, 30, to file a court case (Doing Business, 2004, p.48). For most businesses recourse to the law to settle a dispute is the absolute last resort because of the inefficiency and slowness of the process; for example in Nigeria it takes between 730 and 1643 days to resolve a dispute in the formal court system and in the United Arab Emirates the time frame ranges from 300 to 1800 days (Doing Business, 2004, p.46). Figure 5 examines the monetary cost, the number of days, and the steps required to collect collateral in Argentina. The difficulty of collecting collateral is particularly important because the costliness and timeliness of the process discourages formal creditors from offering SME level entrepreneurs.

The ineffectiveness of countries to enforce contracts, settle disputes, and arbitrate business dealings inhibits growth because business transactions occur within narrow groups of business relationships. Businesses setup their own informal mechanisms of governance and arbitration, which serve to enforce agreements based on trust, reputation, and the threat of violence as opposed to state punishment of fines or jail.

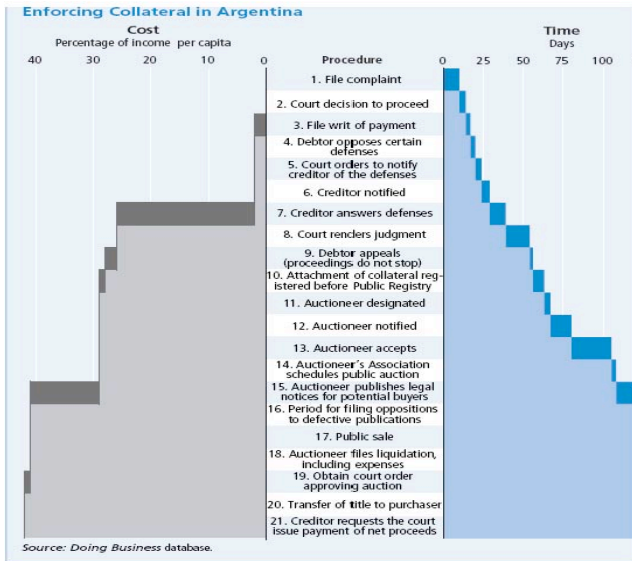


Figure 5

## Informal Governance Mechanisms

Seeing that laws and courts cannot be counted upon to be effectively enforced and regulate business transactions, business owners and entrepreneurs develop their own informal system of governance to create some sort of regulatory system. The two main ways of increasing security in informal business transactions is by building long-term relationships with other businesses and/or by dealing with specifically members from one's region or of one's ethnic group. The informal governance system is based more on normative deterrence as a means of enforcing business dealings as opposed to coercion in the formal legal system. Violence is the last resort in implementing a business agreement.

Concerns for protecting honor and reputation are the guarantors against defaulting on a business deal, because if one person fails to meet his/

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her end of the agreement, the news is publicized amongst other businesses. This loss of reputation can result in the loss of future business opportunities because other businesses will have been warned of an individual's transgression against the ethic of honoring a business agreement. In some cases, the defaulter may be ostracized or punished by other actions of the group on behalf of the individual violated (Dixit, 2004, p.12). Most importantly "violation of the 'unwritten rules' of business can result in serious penalties and they act as effective deterrents to outright dishonesty in business dealings" (Allen, 2006, p.34). Furthermore, "reputation and trust are pivotal for survival and growth in this environment" (Allen, 2006, p.34) since businesses share information on non-delivery, late payment and default amongst each other.

As Hernando de Soto explains after his field work studying the informal economy in Peru, "informals invest time, effort, money, etc in cultivating long-term friendships" (Soto, 1989, p.165). For example, a business will commit itself to purchasing from one supplier in hopes that it will encourage the supplier to make the delivery on time, and the purchaser will have a similar incentive to honor the commitment because the supplier is consistent in his delivery. In the case that an individual does not maintain his end of the deal, his renegeing will be made widely known to other business, harming his reputation and severely limiting future business. Thus, the immediate gains from opportunistic behavior are usually offset by future losses.

Another way to limit the breach of contract is by interacting with people of the same of the region or ethnic group because it is a smaller group of people where finding out and making information about the groups members can be done more easily. In closer-knit groups, mechanisms of peer pressure can also work better, so in the case that a breach of contract is suffered the business owner(s) will turn to their families, neighbors, and other friends to pressure the violator and his family (Soto, 1989, p.166).

Cases of static patterns of business exchange exist in ethnic minorities in Sub-Saharan Africa, so the Lebanese in West Africa and the Indians-Asians in East Africa constitute ethnic groups which focus their business transactions amongst their respective ethnic groups. Looking to community pressure to enforce contracts is an often successful alternative to formal legal contract enforcement, but it has sunk costs in that “outsiders,” or indigenous Africans in the case of sub-Saharan Africa, are excluded from business activities (Biggs, 2002, p.24).

Violence can be resorted to as a means of implementing contract agreements, but this is the absolute last resort. According to de Soto, violence may be more common when there is a disparity in the quality of the reputation which is usually associated with new businesses who may find it difficult to question the reputation of an older business, even if it is in the wrong (Soto, 1989, p.167).

### **Reasons Why Governments Do Not Reform**

Numerous empirical studies have been conducted by international financial agencies, think tanks, and academic institutions, to know undoubtedly that excessive and cumbersome regulation, documentation requirements, and a lack of a properly functioning legal system, one where the laws make sense to follow and are enforced, inhibit economic growth because many firms either choose or are pushed into the informal sector in order to survive. Though the informal sector does provide a viable and in many cases the only alternative to the formal sector, firms are still not able to reach their full growth potential in the informal sector. This portion of the paper will seek to explore some reasons that governments in developing countries choose not to reform including entrenched interests, a lack of political will, the profitability of corruption, and cultural arguments for entrepreneurship.

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In many developing countries, the interests of the general population are irrelevant compared to the interests of a few groups who have captured the state. In some cases these actors may be extremely influential in society and so in order for political leaders to stay in power they must appease the interests of such actors, and in other cases, the political elite themselves have vested business interests. Regardless, the World Business Environment Survey found that poor business conditions may actually work in the benefit of some firms. It is usually the business owners of large firms who have captured the state since they have the resources to do so, and thus, they may push through businesses policies favorable to large firms overall or simply to them, which will increase their profits and competitive advantage by placing burdensome policies on competing firms (Batra, 1992, p.211). Thus, in this case, state capture will prevent improvement of the overall business environment by reforming the onerous rules and regulations. In the case of the post-Communist transition countries, almost half of the countries have been captured by corrupt interests of the enterprise elite where the policies, laws, and regulations of the state are reported to have been shaped to a large extent by firms making corrupt payments (Batra, 1992, p.17). Other interests opposed to reform may be the countries' commercial lawyers who are interested in serving the interests of large firms, and also local mafias or gangs may be unwilling to see reform since in some countries mafias become the coercive authority in the informal sector (Soto, 2000, p.155 and p.158). In the captured state, the political leadership is looking to keep vested interests in the state appeased so that it may continue to stay in power.

In some cases governments lack the political will to push forward and implement reformed policy, rules, and regulations to improve the business environment because reform is slow, costly, and may be against the popular interests. For example, issues of private property have the

likelihood of becoming extremely contentious, because a certain extent of land reform is needed in most developing countries, and in the case where the owner of the same property is different in the informal and formal economy, what is to be done? Also, since reform of the legal system is needed in many places, removing of the judiciary may actually be necessary, and attempting to reform the judiciary or any other entrenched government interest may not be politically salient. The *Doing Business 2007: How to Reform* report found that in the top reforming economies in the past three years, nearly 85% of the reforms took place in the first 15 months of a new government (*Doing Business*, 2007, p.5) The political reasons for this can vary, including reforms at the beginning of term being more feasible because it is a way to win favor with the population before big interests come knocking at the door, but it also implies some desire on the part of the political regime to reform.

When the required documentation needed for a business becomes as unrealistic and costly as it is in developing countries, it becomes easier to paying off government officials, inspectors, or the police to either receive the documents or to look the other way when conducting inspections is a practical solution. From his experience in Peru, Hernando de Soto explains that “15% of gross income from manufacturing in the extralegal sector is paid out in bribes, ranging from ‘free samples’ and special “gifts” of merchandise to outright cash” (Soto, 2000, p.155). It is interesting to note that entry barriers are more effective at preventing firm creation in developed countries, where in developing countries entry barriers are usually only temporary roadblocks that are removed by paying someone, and so it is argued that bureaucratic entry barriers in corrupt countries may exist for the purpose of extracting bribes (Kovach, 2003, p.6). What seems most likely is that entry barriers already existed, but once government officials saw that people were willing to pay them off to overcome these barriers, they have little political incentive to push through reform. Some

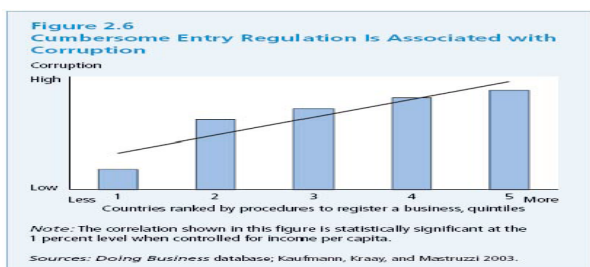


Figure 6

barriers may have been added later for the sake of profitability, but most entry barriers are likely the result of outdated regulation or ineffective regulations that were intended to be useful. Overall the trend seems to be that more entry regulation in a country usually means higher levels of corruption (Figure 6).

Lastly, the argument has been made that people of some cultures simply are not entrepreneurial, and that fostering entrepreneurship requires broader social change as much as it does bureaucratic reform. Much of the research done in favor of this argument was in the 1960s. Peter Kilby, who was one such scholar, studied why public efforts at promoting indigenous industry in Nigeria by providing loans, establishing industrial estates, and offering other incentives were not spurring business (Kohli, 2004, p.341). This argument however seems to be outdated, as research in the following decades, finds that it is really a matter of a lack effective government policy that in the case of Nigeria would have protected infant industry, provided business schools or training for entrepreneurs, and created a legal system more conducive to entrepreneurship (Kohli, 2004, p.342). Vast amounts of research have been conducted on the entrepreneurship of people in developing countries; unfortunately entrepreneurs do exist but are pushed into the informal sector for the sake of survival.

## **Conclusion**

It can be concluded that the discussed barriers of weak governance prevent economic growth, yet governments are not reforming adverse policies. Entry-level barriers, excessive regulation and taxation, a lack of property rights, and a lack of contract enforcement, all of which are the results of institutional failure, contribute to a weak business environment. This failure of good governance places tremendous pressures on all firms, but particularly SMEs, because they cannot afford to function in the formal sector due to the high costs of legal recognition, and thus many SMEs are pushed into the informal sector. Though the informal sector does have its own governance mechanisms and resources, the costs of operating in the informal sector usually involve minimal firm growth for fear of being detected by government authorities. This means that firms choose to hire small numbers of workers if they hire outside of their families at all, they do not advertise publicly and depend on word-of-mouth to promote their business, and they choose to limit the size of operations. SMEs are seen as being key job creators in developing countries, but if SMEs are inhibited from expanding operations and hiring more employees due to a weak business environment, they being prevented from contributing to the country's overall economic growth. Unfortunately, though the adverse affect of failing institutions is known to developing country governments, lack of political will, entrenchment of interest groups, and the profitability of corruption can all prevent policy reform.

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# Child Poverty in the United States

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## I. Introduction

Current policy debate on ‘welfare’ in the United States often lends itself to the idea that families are supposed to make it on their own, with ‘Yankee Ingenuity’ and a belief in the Judeo-Christian ethic of hard work (Korbin, 1992, 214). What often gets lost in this debate is that children are in no position to ‘pull themselves up by their bootstraps’ and escape the vicious cycle of poverty. Today, when one speaks of ‘welfare’ in American society, the vast majority of us envision images of the so-called, ‘welfare queens.’ There is a pervasive thought that those on welfare are, “slovenly slackers, wolfing bonbons at taxpayer’s expense” (Hill and Macan, 1996, 6), and it has become increasingly easy to forget the defenseless victims. Americans tend to view welfare programs, at best, as necessary, but regrettable, assistance to people who ‘sit in the wagon instead of helping to pull it,’ and since the radical era of the 1960s, welfare reforms have been slowly lifting the bar on those once deemed deserving; our safety net has worn down to bare threads.

Proponents of current reforms tout rising levels of employment and lower welfare rolls, yet child mortality is now on the rise in the United States (Vallely, 2005, 2). The conservative backlash of the 1980s introduced one of the most full-frontal assaults welfare has ever faced in the United States – policy was directed, not towards helping the poor, but towards

getting the poor to work (whatever the cost of that may be.) Since that time, this thought has only become more and more insidious, culminating in the welfare reforms of the 1996 Clinton Administration. The current attitude is that the poor are lazy and welfare only feeds this habit. What is often forgotten, however, is that by cutting back welfare we are often denying the right to a decent livelihood to millions of children. Nationwide, 17% of children live in poverty (NCCP, 2004) and this number will only continue to rise with the current framework in which our policy is formed. In order to better understand how these seemingly ignorant and heartless attitudes were ingrained in modern thought, a brief history of welfare reforms pertinent to the well being of children must be examined.

The welfare program was started in the US in the 1930s, at a time when it was unusual for a mother of any but the lowest socioeconomic status to work. Welfare was intended to save mothers who had lost their spouses and who, in the depths of the Great Depression, had little chance of finding a decent job or supporting themselves and their children (*ibid.*). On June 8th 1934, Franklin D. Roosevelt announced:

“Among our objectives I place the security of the men, women, and children of the nation first...if, as our Constitution tells us, our Federal Government was established among other things to ‘promote the general welfare,’ it is our duty to provide for that security upon which welfare depends.” (Wall Street Journal, 1964)

The stage was thus set for a series of legislative actions that would transform the way the United States approached poverty. Roosevelt forwarded the Social Security Act to Congress, which included in Title IV, ‘Grants to States for Aid to Dependent Children,’ the predecessor of the late AFDC program. This set of welfare reforms, extending grants for aid to individual states, often excluded African-Americans (especially in the south) and was limited to ‘deserving’ widows who maintained a ‘suitable’ home. At

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the time of its enactment, this ‘welfare’ was seen as both deserving and necessary to its recipients. However, it would not be long before this image would transform into one of resentment and disgust.

At the end of the Great Depression, the resulting prosperity and conservative political environment, combined with a shift in the welfare-receiving population from widows and orphans to persons of color and children born out-of-wedlock, caused negative reaction in the general population. It was not until the social protests and civil rights movements of the 1960s that a renewed emphasis on the poverty population was fostered. Social activists rose up in support of welfare recipients and focused on reducing the stigma associated with relief payments. Concurrent with these attitudes, the Kennedy administration laid down the base for a new system based on more extensive services and the promotion of self-sufficiency; Title IV of the Social Security Act was renamed to “Aid to Families with Dependent Children” (AFDC) (Hill and Macan, 1996, 3). With the assassination of JFK, Lyndon B. Johnson became President and launched the “War on Poverty,” leading to the sub-sequential passing of the Civil Rights Act. Johnson’s program included the establishment of the Economic Opportunity Act, the Food Stamps Program, and several insurance programs such as Medicare and Medicaid. In this heyday of democratic reform, the number of families receiving welfare doubled between 1965 and 1970 (NCCP, 2005). However, just as the salient attitude of the 1930s appeared short-lived, so, too, did Johnson’s “War on Poverty” quickly come into battle with a more conservative America.

When the Republicans captured the presidency and the Senate in the 1980s, their conservative agenda included a plan to lessen federal involvement in welfare programs and to reduce the absolute number of recipients. To meet this objective, they modified the AFDC with the Omnibus Budget Reconciliation Act (OBRA) in 1981 (Hill and Macan,

1996, 5). Reforms in the 1980s included allowing states to develop such programs as “workfare” that require recipients to work in exchange for their AFDC checks and including the Earned Income Tax Credit (EITC) advance payment as income, whether or not the individual applied for the program. Despite these reforms, the white, conservative public continued to call for increased reforms, and in the 1990s Newt Gingrich and his Republicans set the stage for a dramatic change in welfare policy in their Contract with America (Korbin, 1992, 1).

In 1994, Americans elected a Congress dominated by right-wing Republicans. Despite President Bill Clinton’s attempt to veto major welfare reforms, a compromise was eventually reached, and in 1996 the US Congress passed landmark legislation to reform the welfare system and abolish AFDC – this was the *Personal Responsibility and Work Opportunity Act of 1996*. The act effectively abolished the AFDC and set up its successor, Temporary Assistance for Needy Families (TANF). One of the bill’s provisions was a time limit. Under the law, no person could receive welfare payments for more than five years, consecutive or nonconsecutive. Another controversial change was transferring welfare to a block grant system – while some states simply kept the federal rules, others used the money for non-welfare programs.

While proponents of the system point to lower welfare rolls, it must be questioned whether this is necessarily the goal that America should be pursue. The United Nation’s 2005 Human Development Report, a report normally geared towards the development of ‘third world’ countries, announced in a rare move that, “parts of the United States’ areas are as poor as the Third World” (UNHDR, 2005). The UN Report provided statistical proof that, for many, the great American dream is a nightmare. With infant mortality rates now comparable to those of Malaysia, and with gaping inequalities between whites and other minorities (Valley, 2005, 1),

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poverty can no longer simply be another item at the bottom of the national agenda.

Americans don't like to talk about poverty. It is hard for many in the United States to believe that the wealthiest nation in the world has families without the resources to afford basic necessities, such as decent housing and sufficient food, or basic services such as medical and dental care and quality childcare (NCCP, 2004). But American poverty is a reality. This paper will address the issue of the continued agony that faces America's children today. The current notion among social scientists is that the political feasibility of establishing a system to help families with children – one that would greatly reduce the poverty epidemic among children – is as dim as it has been since 1929 (Bergman, 1996, 23). Thus, current literature attempts to find solutions within this very narrow framework – a framework that could eventually lead to the complete elimination of a welfare system in the United States. No longer can the citizens of the United States sit idly by as their country is overcome by poverty and despair; given the political will, much can be done to prevent family homelessness. It will, thus, be argued that, unless a major attitude towards the problem of poverty occurs among all citizens of the United States, poverty will only increase. By focusing on poverty as a problem that is directly killing innocent and defenseless children, the lens of hope will expand and the US may work towards a solution, not merely a treatment, for child poverty. This paper will begin with a review of current literature – literature that works within the existing 'policy framework' at the expense of continued reforms and continued public resentment towards welfare. Following this assessment, an argument for a more expansive policy network focused on the eradication of child poverty will be discussed. Through changing the current attitudes and perceptions of poverty, broad reforms may occur.

The current welfare system is not intended as an anti-poverty

system – its purpose has been to keep single parents and their children from extreme and scandalous want, from starving, and from homelessness. It is not designed to achieve their rescue from poverty. If the aim of welfare reform was to move families, and particularly single mothers with children off of the program, then it has succeeded. If its aim was to eliminate poverty, especially child poverty, then it has been a massive failure. A program to end child poverty is possible (Buckner and Bassuk, 1999, 165) – but this will only be achieved when American attitudes toward our own citizens change. If children today are truly our future tomorrow, then by ignoring their want, we are merely preemptively dooming our country to fail.

## **II. Review of Current Literature: The Costs of Working within a Narrow Framework**

The amount of literature available on US policy towards the alleviation of child poverty is quite substantial; the amount of literature that addresses the underlying problems of the United States' continued movement away from the welfare system, however, is severely lacking in content and depth. Moreover, the literature that does address these underlying problems is typically deemed 'political theory' or calls for such insufficient change that it is ignored by key policy makers and think tanks. This review will first cover current literature that has provided excellent insight, but lacks substantial direction and calls for insufficient change. Secondly, the arguments that are deemed 'theory' will be focused upon and their true potential revealed.

Barbara Bergman, in her account, *Saving our Children From Poverty: What the United States Can Learn From France*, provides an excellent analysis of the US welfare system leading up to the 1996 reforms and provides a substantial critique of the policies of the United States as compared to the successful welfare program in France. Bergman points out the reality of the US welfare system – at no point have US policymakers ever made a

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serious effort to ensure that all children get a minimally decent start in life through governmental action (Bergman, 1996, 3). Neither the New Deal programs of FDR nor the Great Society programs of Lyndon Johnson attempted to do more than palliate child poverty. This lack of initiative, coupled by the electorates' animus against single parents who are on welfare and unemployed, practically paved the way for the reforms of the Clinton administration.

Bergman compares the US experience with other European countries, France, in particular, to reveal the potential for a successful welfare policy. Examining income before taxes and benefits and, then after, in both France and the US, the disparity between the two programs becomes quite evident: in 1992, 23.3% of the US was poor before taxes and benefits; after welfare, the number still remained relatively high, at 21%. In France, on the other hand, 24.7% of the country was poor before taxes and benefits, but with its excellent welfare program, this number dropped down to 5.7% (*ibid.*). The difference is striking, and Bergman sets up her argument with immense potential for possible policy action. Here, however, is the downfall of Bergman's thesis – she provides little policy prescription, if any at all.

Instead of attacking the current US system that operates within a narrow spectrum of ideas, Bergman accepts that, “we must choose the alternatives that are readily available to us” (*ibid.*). One of the major suggestions offered by the author is an increase in the amount of funds available to the Earned Income Tax Credit fund, which provides cash benefits to those in poverty (in essence, a tax exemption) (Hill and Macan, 1996, 18). Although this is an essential reform for ensuring that the low income that the poor earn from minimum wage jobs remains in their hands, Bergman's justification for the reform is flawed. Instead of proposing reforms that she deems beneficial, Bergman proposes an

EITC reform because it may be disguised as a tax break, wherein “the tax-allergic American public will be more supportive of giving tax breaks than of benefit payments to low-income citizens” (Bergman, 1996, 102). In justifying the reform in this way, Bergman, in effect, accepts the inability to change public opinion. Bergman’s book is thus limited by current attitudes, and in merely subscribing to them, she is giving them *de facto* recognition.

Bergman’s inability to adapt beyond current attitudes is paralleled by Jan Van der Ploeg and Evert Scholte in *Homeless Youth*. The authors address the issue of miscommunication between social service agencies. “Focusing too much on their own activities and failing to speak effectively with one another,” (Van der Ploeg and Scholte, 1997, 116) are the causes, in the authors’ opinions, for the lack of proper welfare reform. Although the authors indicate a significant problem with the current system that allows young people in need to “fall through the cracks” (*ibid.*) their critique seemingly avoids those truly at fault for the current situation – the government. In blaming social service agencies for the failure to care for the poor, the authors are merely skimming the surface of a much deeper problem.

Just as Van der Ploeg and Scholte failed to indicate the true sources of childhood poverty, John C. Buckner and Ellen L. Bassuk in a recent book, *Family Homelessness in the USA*, fail to provide adequate solutions to childhood poverty. Buckner and Bassuk’s account provides first-rate data on the current poverty endemic facing America’s children, but their solutions are preventative rather than curative. This is, in fact, a critique of much of the literature currently centering on childhood poverty. Rather than uncovering the root causes of poverty and addressing them (because this often involves unpopular policies and less concrete prescriptions), the authors attempt to merely alleviate the symptoms of poverty. Through “building more affordable houses for low income families, financing

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additional rent subsidies/vouchers, and making it easier for families on the verge of eviction to obtain emergency rental assistance,” (Buckner and Bassuk, 1999, 165) poverty may be made easier, but it will not be solved.

Buckner and Bassuk do, unlike many, address the apathy and lack of political will associated with current U.S. attitudes towards child poverty. However, their recommendations are deficient and only address short-term tribulations. If authors are to effectively dictate policy, they must also address long-term solutions. The authors do, to their credit, identify a major problem, and though they do not call for appropriate action, they bring to light an incredibly pressing issue facing the United States. African Americans are greatly over-represented (roughly 60%) among both homeless single adults and homeless families in comparison to the proportion of the general U.S. population (12.5%) (ibid.). Although racial discrimination has become much more subdued since the civil rights movement, the underlying problems facing minority communities are still very much prevalent. African-American child poverty rates approach 50% and approximately one-third of Hispanic children live below the poverty line (Korbin, 1992, 215). Whether or not US welfare reform is racially driven, it must be addressed that certain communities have been disproportionately affected. Although Buckner and Bassuk fail to identify any solution to this quandary, there is a great importance in the mere mention of these disparities. Unlike the subject of child poverty, which is common in political discourse, it is still considered taboo to bring up such issues as poverty’s prevalence among minorities. The authors must be applauded for going beyond the tradition barriers of policy debates and attempting to change current attitudes.

Richard Dickens and David Ellwood propose another comparative argument in their article, *Child Poverty in Britain and the United States*. The authors take note that child poverty rose sharply in Britain and the US in

the period preceding the Blair and Clinton governments, so that a third of children were in poverty in both countries (Dickens and Ellwood, 2003, 219). Both administrations, the authors note, acted with a range of welfare reforms aimed at increasing work incentives, and in Britain, benefits for those not working were also raised. In the US, however, greater sanctions for those not working led to a tightening up of the benefit system for those without work, especially single parents. This interesting distinction between the two policies, allows for a true look at the countries' attitudes towards poverty. The policy pursued by the US indicates a negative attitude toward those in need, while the British policy indicates a sense of respect and hope for even the most destitute. Dickens and Ellwood present a brilliant argument for a policy geared towards helping, not hurting, the poor. What more, the success of the British program, shown through a statistical analysis, proves that a policy 'heavy on the carrots' may, in fact, be the correct path towards the elimination of child poverty.

The second tier of the argument leads the reader to examine the poverty measures of both countries. There is no official poverty standard for Britain, but the government's preferred poverty definition is based on an income threshold of 60% of median household income in each year with an adjustment for family size (ibid.). For this reason, the authors explain, it is known as a *relative* poverty measure. The US, on the other hand, defines an official poverty standard based upon an absolute threshold that has been fixed in real terms for 35 years. This absolute standard assumes that what matters is the absolute household income of low-income individuals, and it is linked to the notion that what is important is the ability to purchase a fixed bundle of essential goods. Both measures have their merits, but as the authors reveal, while the absolute measure of the US captures what is happening to the incomes of those at the bottom, independent of the incomes of the rest of society, relative standards are primarily measures of inequality (ibid.). They depend on the distance between a disadvantaged

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family and the median family in that year. The argument, thus, comes full-circle in explaining the different attitude towards poverty in both Britain and the US. While the British system examines poverty in terms of ‘what is fair,’ the US system is merely concerned with securing the minimal livelihood for individuals—and it fails at achieving even this (ibid).

Dickens and Ellwood’s argument is both insightful and provides an empirical example of how the US welfare *should* be handled. However, the authors fail to go one step further and explain how a British system could be implemented within American society, given the constraints. Following a similar trend of the previous authors examined, the limitations of implementing such a policy are noted, and rather than proposing that the US mind-set must change, the authors regrettably note that, “if one is actually going to reduce child poverty...much must be overcome” (ibid.).

Concurrent with this idea of an insufficient call for policy change, Aletha Huston epitomizes the idea of a social scientist that uncovers a problem and leaves it in place. In her work, *Connecting the Science of Child Development to Public Policy*, Huston’s argument falls in line with the underlying thesis of this paper, yet her recommendations fall quite short. The author takes note that policy researchers in the US often suffer from “inside the beltway blinders” (Huston, 2005). Researchers tend to consider a narrow range of policy options that are “within the scope of current political zeitgeist” (ibid) – at least partly because those are the policies available to study. Huston’s argument is spot on – in catering to policy makers, we are giving *de facto* acceptance to the idea that the current policy framework is sufficient.

Huston attempts to bring the reader into the mind of a policy analyst, noting their affinity for policy that can be put into action and is based on cost-benefit analysis. Policy-makers, she argues, want thresholds

rather than continua. They are less interested in knowing that ‘more is better’ and more so in knowing ‘how much is good enough?’ (ibid.). Yet, the author fails to connect her argument to her conclusions. Huston falls short of realizing the importance for social scientists to maintain some independence from current political agendas and to maintain perspective on the long-range issues affect the welfare of children. Huston’s conclusion is ultimately concomitant with the desires of current policy makers. In the ultimate downfall of her argument, she accepts, “research is most likely to affect policy if it addresses the questions and organizes the answers in ways that policy makers can put into action” (ibid.). Although the author is correct in addressing the underlying issues facing child welfare in the United States, her conclusions are antithetical to her fundamental argument.

Continuing on this overarching theme of furthering the well-being of children, Barbara Bergman, in a piece entitled, *Curing Child Poverty in the United States*, presents a much more policy-driven argument than her previous work mentioned. In response to the inadequacy of the official poverty line in the US, which was derived, according to the author, “without attention to differences in the needs of at-home and on-the-job single mothers,” (Bergman, 1994, 76) Bergman outlines a detailed method for building basic-needs budgets (BNB’s) that do attend to such differences. The BNB includes specific allowances for minimally decent food, shelter, clothing, medical care, transportation, and childcare that are tailored to the ages of the children and the work behavior of the parents (ibid.). Bergman’s argument is simple and straightforward and addresses a major concern facing single mothers – current minimum wage salaries are not sufficient to provide for the basic necessities and full-time childcare.

Despite Bergman’s attentive and intricate argument, she admits that the chances of its success are doubtful under current circumstances. In the current political environment, according to Bergman, only welfare

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reform that motivates self-sufficiency at reduced expenditures is likely to be passed by Congresses. The author also doubts that American governmental entities would be capable of delivering excellent services to children. In refusing to accept the possibility of her program's success, Bergman fails to call for the change that is truly necessary. To finally end the cycle of poverty that has captured the lives of millions of children, policymakers must consider the situational realities of welfare recipients from their perspectives. If authors, like Bergman, continue to doubt the ability of policy makers to do just this, they are only fueling the unbearable realities of the status quo.

Other authors, including Ronald Hill, Sandi Macan and Peter Gottschalk, have limited themselves completely to the current lens through which policy is made, in an attempt to find reforms that will be "consistent with middle-class values while giving poor parents a fighting chance...." (Gottschalk, 1990, 367). Through an examination of welfare reform movements throughout history, the authors point to the importance of 'courting the middle class' when attempting welfare reforms.

According to Peter Gottschalk, alternatives to welfare, such as raising family income through the tax system, will make more resources available to the family without inducing participation by the child (*ibid.*). Such a program is more likely to be successful because 'welfare' has acquired a stigma within the general population. Ronald Hill and Sandi Macan propose an extension of the current 'workfare' programs available in many states, as it is consistent with the middle-class belief that all able-bodied people should make a living by their own efforts (Hill and Macan, 1996, 9). Yet, although these authors are correct in suggesting that the likelihood of passing such reforms is much higher than those that would be deemed 'unpopular' by the majority of Americans, that does not necessarily make them right. Throughout its history, welfare reform has involved recycling

the same set of measures that ultimately serves the interests of middle-class voters rather than meeting the needs of poor families. Thus, few of these programs have successfully targeted a reduction in poverty as their primary goal.

The authors examined in this paper, thus far, have targeted holes in current welfare policy, but all have called for such insufficient change (often because they fail to go beyond what the American public has deemed ‘appropriate’), that little has been done to truly change the way Americans view child poverty and the welfare system. There are, however, arguments that have attempted to provide a more full and comprehensive approach to the alleviation of child poverty. Yet these arguments often fail to have their voice heard because their rationale is often deemed ‘theoretical’ or ‘normative,’ and thus, inappropriate for current policymaking circles.

Jyl J. Josephson writes in *Liberal Justice and the Political Economy of Children’s Well-Being* of the important role political theorists can bring to the field of child poverty alleviation. The author notes:

“Political theorists need to attend more carefully to children as ends in themselves...with children at the center of consideration, we would need to ask at least the following: What does a liberal democracy owe to its youngest members? What claims can children make on the collective resources of the society?” (Josephson, 2001, 389)

While current policy discussions in the US often use a discourse of investment in children (Huston, 2005, 1), with “profits” to come from their future economic productivity, Josephson argues that the US must address children as ends in themselves, rather than a means. Josephson’s argument then, delves into the theoretical obligations the state has to its children. The author argues convincingly in an attempt to show that treating children as ends in themselves provides a principled means to determine the extent of the states’ and parents’ responsibility with respect to children, and to provide

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a standard for evaluating current and proposed state policies regarding children (Josephson, 2001, 392). Josephson provides a clear solution for both the problem facing collective action pursuits and the popular attitude of many that, “this simply isn’t my problem.” In viewing children as ends, the care and wellbeing of children becomes everyone citizen’s problem and specifically indicates the role of the state in solving this atrocity. His only fault lies in his inability to move beyond the theoretical and pursue empirical solutions.

Also arguing that child poverty is a collective responsibility, Ian Shapiro writes that the responsibility of both the state and families toward children is a fiduciary one, and that the state and parents should be seen as mutually supporting (Shapiro, 1999, 12). He argues that the state has primary responsibilities for ensuring that, what he terms, children’s “basic interests” are served, and that parents are primarily responsible for children’s “best interests.” This is a thoughtful account and parallels the idea that children should be treated as ends rather than means. On a more particular note, Shapiro notes that many children in the contemporary US are not provided with their basic needs (*ibid.*). Shapiro, however, despite his emphasis on children’s needs, still falls into the trap of speaking of obligations to children in terms of their instrumental value to the state and society (Josephson, 2001, 395).

Perhaps the most successful author in arguing that people (and children) must be treated as ends is Martha Nussbaum. Although Nussbaum does not specifically target the area of child welfare, her theory provides a novel rationale for supporting children that are in dire need. Her approach is one that she terms a “capabilities approach.” Nussbaum provides a list of 10 capabilities that are essential to human functioning, which must be granted to each person in any just society (Nussbaum, 1999, 82). The author argues that just societies should strive to provide

the conditions that would make these capabilities available to each of its members. This approach is especially useful for thinking about how children should be treated, given the presumable responsibilities that both the state and parents have toward children. Equal respect for all children would involve providing these basic capabilities to children, regardless of their familial circumstances. Nussbaum argues that states should attend to all of these capabilities whether or not they are seen as useful to such goals as economic growth or to the future health of the polity (*ibid.*). Unlike other theorists, Nussbaum provides the reader with a true game plan – Nussbaum’s list of capabilities may act as a guideline for states to pursue. Her only shortcoming is the status she, and her political theory colleagues, have earned in the US policymaking circle. Although American leaders may even go as far as to read Nussbaum’s account, being placed in a category of ‘theory’ automatically diminishes the weight of the argument.

Only a mere fraction of the current literature on child poverty in the United States has been examined – the amount of information on the topic is colossal. Perhaps the reader can learn most from the theoretical arguments, which suggest that there may be a need to think of poverty as a human rights issue and to think of the failure of the US to provide basic subsistence to all of its citizens as a human rights violation. There is a great demand for an argument that will address the needs of the nation in a way that both goes beyond the current outlook towards child poverty, and that also frames this argument in a way that is appropriate and convincing to current policy makers. This paper will now attempt to do just that.

### **III. Argument: Changing Attitudes and Changing Lives**

Children, the members of society least likely to be able to control their world, are the most likely to suffer its consequences (Korbin, 1992, 216). Current discussion in the United States is much more intent on blaming poor children, and their parents for being poor, and excusing the rest of

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us from thinking about the consequences of childhood poverty. The time for change is now – we need a different dialogue: one that recognizes that childhood poverty is a *public* problem, one that will affect the country as a whole, and one that requires public, collective action.

As seen in the literature reviewed, current policy works under certain norms that prohibit a true expansion of the welfare system and limit the scope of policy decisions. Current discourse focuses more on cutting back the welfare roll and less on the livelihood of the citizens of the US. There is little discussion in the United States about the desirability of ending child poverty; as a result, the country has not yet aspired to such a goal, much less started to formulate a policy to achieve it (Bergman, 1996, 3). In order to end child poverty, which is possible if the will is there, present attitudes towards the welfare system and to poor, in general, must be significantly altered. Through an examination of the importance of welfare to the US (and to all liberal democracies), and through a discussion of policies that have the potential to truly benefit America's poor, the eradication of child poverty will prove to be a viable possibility.

Liberalism holds that each individual is valuable and equally worthy of respect, yet in the US, children in certain families are denied this equality of respect through the denial of basic capabilities to develop their full capacity as persons (Josephson, 2001, 405). The US ideology of individualism holds that people ought to stand on their own feet, but this does not preclude a responsibility by the government to lift up those that are incapable – providing a basic means of subsistence to all members should be a particular goal with respect to the most vulnerable members of the society. Conservative constituents of our country have interpreted the United States' value on individual liberties as a warning sign that government help undermines the habit of independence, yet, if one is not capable of merely securing the basic necessities of life, their ability to act

on their own accord, through their own agency, is severely handicapped. The Preamble of the US Constitution begins with five essential provisions of the Government – to “...establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty...” None of these guarantees indicate that our country should ignore the despair of nearly 20% of our nation, but these guarantees do, however, seem to indicate that we have a responsibility to these individuals.

In Federalist Paper 45, James Madison comments that, “It is too early for politicians to presume on our forgetting that the public good, the real welfare of the great body of the people, is the supreme object to be pursued” (Madison). Perhaps now, over two hundred years later, it is not too early to presume that our government may have forgotten that our country was founded with an end towards the common good. It appears, in fact, that this idea has elapsed beyond recognition. The individualist stream in American political theory was intended to ensure basic liberties for all, not to preclude them. There will always be a ‘bottom fifth,’ but all are still entitled to a secure livelihood. The United States currently denies liberty to a great deal of its citizens – it is only through a considerable shift towards a more persistent and generous attitude towards our fellow populous, that we can, in fact, secure liberty and prosperity for all. This change in attitudes is possible if the American population begins to remember the historical roots of the nation – welfare, care for the disadvantaged, and freedom for all, are vital to the lifeline of the US. Policies that will provide for this goal will now be examined and expounded upon in depth.

Although the focus of this paper is on the welfare of children, it must be accepted that in order to save our nation’s children, we must also save their families. Expanding the current welfare system does not indicate, however, a desire for the poor to rely solely on government funds and to

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create a nation of dependence and unemployment – what it does indicate, is that through certain welfare programs, the US may target the livelihood and well-being of children, thereby relieving a large burden from countless single mothers and poor families in the United States. Policies that will both aid the wellbeing of the nation’s children and begin to alter current attitudes towards such aid are not necessarily simple, but the potential for these policies does exist. A universal health care system, a more pervasive education program (including before and after-school care), and a new poverty measure are policies that offer a brighter future for our children.

The US is the only wealthy country with no universal health insurance system. Only 12% of white Americans are uninsured, compared with 21% of black and 34% of Hispanic Americans (Vallely, 2005, 2). Being born into an uninsured household, in fact, increases the probability of death before the age of one by about 50% (Dickens and Ellwood, 2003, 221). By denying the right to healthcare to those unable to afford it, the United States is effectively committing genocide on its population. For instance, if the gap in health care between black and white Americans was eliminated it would save nearly 85,000 lives a year – currently, technological improvements in medicine (which account for the majority of US spending on healthcare) save less than 20,000 lives a year (Vallely, 2005, 4). It is undeniable that significant inequalities and lapses currently exist in the current healthcare system. The right to such care must be guaranteed to all individuals, especially the children of our country.

From 1993 to 1994, President Clinton attempted to establish universal health insurance in the belief that a substantial majority of the citizens supported such a system. The White House’s plan was designed to reassure those people who were satisfied with their current arrangements that they could stay with their plans and with the physicians they trusted (Bergman, 1996, 47). Nevertheless, opponents to the president’s plan

for gaining universal coverage and instituting cost control succeeded in convincing such people that they would lose their freedom to choose their medical providers and to finance the medical care they wanted. Clearly, it was US attitudes that ultimately accounted for failure of Clinton's proposal. This must not, however, act as a permanent impediment to further opportunities for reform. A decent existence for the children of a single mother is possible only if the family does not have to set aside a large proportion of those meager wages for buying health care (*ibid.*). The jobs available to the uneducated seldom provide medical benefits, and the proportion of workers in these categories is growing. What is more alarming, children are currently the most likely group of citizens not to be covered by health insurance.

If all citizens are made aware of the true atrocities that are occurring within their own borders, change will occur (Dickens and Ellwood, 2003, 236). Perhaps a nation can turn away the infirmed and unemployed, but it would be a discredit to the US to assume that it could turn away a defenseless child. Although there are constraints (fear of inadequate healthcare and the inability to choose), a program that offers a two-tiered system, such as the one proposed by Barbara Berman in *Saving out Children From Poverty*, would provide guaranteed assistance for all, while still allowing choice for those whom demand it. Through greater promotion of the disease and death that consumes many areas of our country and through a much more ubiquitous and intensive rally for public support, changes will occur.

Aside from a healthcare system that provides assistance to all, a more intensive investment in the US public education system is another key area for poverty alleviation. Education is one of the most effective ways that parents can raise their families' incomes. There is clear evidence, as Jill Korbin reports (Korbin, 1992, 213), that higher educational attainment is

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associated with higher earnings. Over the past two decades, parents with less education have been losing economic ground, with severe implications for their children. In fact, 83% of children whose parents do not have a high school degree live in low-income families (Bergman, 1996, 14). Policies that support education for low-income parents and children offer them the potential for lasting economic security.

The current education system provides unequal levels of education depending on the school system one enters (which is often closely linked to the economic prosperity of the region surrounding the system), and ignores the needs for many single parents of affordable childcare. The government must stop ignoring constituents in need of better facilities and more professional staff and must fully address the issue of childcare. Programs, such as Head Start, must be expanded to include all that require its service. Head Start is a service-intensive nursery school program for the country's poorest children that began with President Johnson's Great Society anti-poverty program. Many poor children, it was then realized, enter school without the knowledge, skills, habits and health necessary to succeed there (Bergman, 1996, 110). Low-income children who attend Head Start are shown to be more likely to graduate from High School and attend college. Expanding the funding of the program will ensure that more low-income children are able to pursue higher education – and the economic security that comes with it. In addition to programs like Head Start, the availability of after school care must be expanded in order to allow single parents to maintain jobs without a major portion of their income going to childcare. Promotion of such programs in the education system will not be simple, but through public awareness and issue-promotion, public opinion has the ability to sway current legislation. Education is both a valuable instrument for investment in America's future, and at a deeper level, provides an individual with lifelong tools for success. If the importance of education and the childcare that goes with it are heavily endorsed, its ultimate value

will ring clear to the nation.

A final policy suggestion that aims at altering current attitudes is a change in our current method of measuring poverty. The existing poverty line, as Josephson indicates, severely underestimates those truly in need, consequently limiting the American public's exposure to the extent of poverty in the nation. Josephson's analysis concludes that economic figures "seem to indicate that, depending upon regional costs, children in families with incomes up to 200% or more of the official poverty line should be considered, for our purposes, to fall in the category of those without the basic needs to develop their capabilities with respect to life and health" (Josephson, 2001, 402). In theory, these numbers indicate that our current poverty measure actually only recognizes 50% of those in need of governmental assistance. Moreover, as discussed in the literature review, adopting a relative poverty measure would allow for a greater awareness of the inequality existing in America. A relative standard is a moving target; one that reduces poverty only if one generates a larger increase in the incomes of the poor than is achieved by the middle class (Dickens and Ellwood, 2003, 225). With such a reform in place, no longer could the United States claim the successful alleviation of poverty when the economy is merely on the rise (*ibid.*, 238). Unlike the other reforms, the only costs of this reorganization would be a loss of votes to those current politicians whom argue that poverty is not a pressing issue.

The result of changing the current poverty measure has the potential of widely altering current US attitudes towards poverty. A more appropriate measure will publicize both the dire inequalities in America and exacerbate the extent to which poverty is present in the country. It is this type of reform, precisely, that has the prospect of creating wide transformations and breaking down the current narrow views we have towards the welfare system.

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Critics of this paper may argue that the policy proposed sounds too ideal and theoretical, and that ‘changing attitudes’ is a very vague and speculative approach. However, the thesis proposed is not something that will occur overnight, and it lies far below the surface of mere policy alterations. It will not be accomplished by one ‘State of the Union’ or one interest groups’ lobbying efforts. A change in the American attitude must occur at all levels – it must be both omnipresent in the upper echelons of the governmental bureaucracy and at the local grassroots level. This type of shift in beliefs is not unprecedented – at one point in history, the majority of Americans considered blacks inferior (Taylor, 2000, 162); at one point in history, the idea of locking people up for their political views was not unheard of (Schrecker, 1988, 201). Critics may also note that the changes proposed would require such an inordinate amount of money that the funds would never be found within a limited budget. However, when politician are saying (and the citizens are echoing) that we “cannot afford” to spend more on such programs, they are playing the word game, pretending to use the phrase in its ‘imprudent’ sense, rather than in its ‘insufficient desire’ sense (Bergman, 1996, 150). No politician wants to say that we have better things to do with our resources than mobilizing them to improve child welfare in this country (through higher taxes, or reducing expenditures, or borrowing.) Saying that we “cannot afford” the programs, however, simply rings hollow in light of our country’s vast resources (Korbin, 1992, 215). Change can, and will, occur, but it is only with the political and moral resolve that this revolution will arise.

#### **IV. Conclusion: The Call to Action**

Poverty is an affront to and an assault on children in an affluent society such as the United States. Although we may analyze the current policies that contribute to and maintain the rate of child poverty and propose modifications to the current system, the conclusion is inescapable that child poverty exists because we allow it to. The changes put forward in

this paper argue for a broad shift in current attitudes – the focus must be on helping, not hurting, the poor.

Through a universal healthcare system, a more inclusive education program and by adjusting the way Americans define poverty, slowly but surely, the dire needs of America’s children will become revealed. In ‘the land of opportunity,’ it is a disservice to allow any US citizen to go to bed hungry, let alone to allow our children to starve. Action must be taken and it must occur at all levels – such a massive transformation is possible, but only if it is one that deeply affects every person in the nation. The literature reviewed shows the potential policy prescriptions currently available and their shortcomings have been noted. Social scientists must break beyond the current policy lens in order to push the American mind-set forward. No longer can the American nation let their most vulnerable residents be exposed to the hardships of poverty – if it is willed, child poverty will one day end.

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# Common Barriers to the Delivery of Culturally Appropriate Healthcare Services for Refugees in Canada Today.

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## **Introduction and definition of problem:**

There is general consensus among healthcare professionals that refugee populations have unique healthcare needs. Most refugees carry the baggage of emotional and physical trauma, and many have been living in countries whose social, economic, and political contexts vastly differ from that of Canada. Thus, according to Weir (2002), once refugees reach Canada, it is imperative that they receive healthcare that is culturally appropriate and competent, in order for them to best integrate into the broader society. To accomplish this, the preferences of refugees themselves must be incorporated into the planning and delivery of their healthcare services. However, this creates an immediate problem for professionals, as the priorities, preferences and norms of refugees are not always consistent with those of most Canadians. Reconciling these different value systems thus becomes a major challenge.

Nonetheless, in *Canada today*, the majority of refugees do not receive healthcare services which are culturally appropriate. While overall there is a need for greater inclusion of refugee preferences in every area of healthcare and treatment, this lack of cultural competence can be identified in three main problem areas: firstly, refugees often have different conceptions of health

and illness which are not taken into consideration in the development and delivery of health services in Canada; secondly, such services are often not provided in a gender sensitive manner; and finally, refugees often face acute communication barriers in their interactions with health professionals.

While such problems undoubtedly cause significant stress and discomfort for refugees at the time, a compelling case can be made that this may, in fact, exacerbate refugee healthcare needs in the future, leading to greater overall expenses. Preventative healthcare is always a less costly option than providing treatment after the fact. Thus, to ensure the delivery of culturally competent care, both for moral and economic reasons, there is an urgent need for professionals to receive cross-cultural education and undergo training to foster cultural competence in the care and support they provide (The Montreal Chest Institute, 2007). Yet such culturally inclusive training typically is not incorporated into the curriculum presented to future health professionals (Vissandjée, Weinfeld, Dupéré, & Abdool, 2001).

### **The Refugee-specific context:**

There are certain barriers specific to the experiences of refugees that may inhibit their healthy settlement and integration. These include poverty, unemployment, illiteracy and social isolation, both in their home countries and even more so in Canada (Weir, 2002). Certain medical conditions are also more prevalent among newly arrived refugees from the Global South, such as anaemia, dental caries, intestinal parasites, nutritional deficiencies and immunization irregularities. On top of this, refugees in Canada must deal with the stress that accompanies their migration process, such as loss of personal identity and culture shock, and basic physical issues such as profound change in climate conditions. Depression and post-traumatic stress disorder are commonly identified among refugees by physicians (Fowler, 1998).

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Eastmond (2000) provides a succinct summary of how refugees present unique health concerns:

The changing context of refugees' lives present a challenge to conventional ethnographic methods, which have relied on the stable, local community, with its own history and culture, identified with a particular place...There may be very little of a community and supportive network, and for those that remain on the margins of the host society, such desocialization and social invisibility may be somatized and medicalized. (p. 76)

Overall, in health diagnoses of refugees, it is imperative to consider the social determinants of health. These include (but are not limited to): age, social alienation, language barriers, separation from family, changing family roles and norms, lack of information about available health resources and depression. As well, it is important to recognize cross-cultural differences in diet, smoking rates, information-seeking patterns and attitudes towards authorities/professionals, communication styles, perception about the risk of acquiring diseases such as HIV and ideas about prevention of illnesses. All of these considerations only serve to emphasize the need for health promotion and reproductive and mental healthcare services which emphasize cultural competence and sensitivity (Fowler, 1998).

### **Different conception of health and illness**

In Canada, the Western medical framework of understanding is usually considered to be universally applicable. Yet according to Armstrong (2003), this allopathic medical model is based on several questionable assumptions. Some of the basic premises behind the allopathic medical model include: viewing the determinants of illness as biological, meaning that the body is separate from mind; emphasizing an 'engineering model' of the body, which focuses on specific parts rather than viewing the body holistically; taking medicine to be scientific, such that all patients can be

treated the same way; and viewing doctors as the sole experts in the arena of healthcare.

However, such a medical schema is often insufficient in capturing the specific social and economic concerns of refugees. Among other things, it may lead to cases of over-medicating and misdiagnosis, due to a ‘category fallacy’, as refugees are often unable to verbalize their own perceptions of what their problems are. For example, the recent focus on psychological trauma and post traumatic stress disorder with refugees may be a case of ‘medicalizing’ their past traumatic experiences. In fact, refugees themselves often see their problems more on a moral, spiritual, existential and ideological basis rather than on a medical one. They often have different ways of explaining their illnesses and different views on the causes of illness, such as punishment by God or the evil eye (Eastmond, 2000).

Additionally, according to Eastmond (2000), there is less of a separation of the body and mind among refugees and more of an emphasis on a wider category of human misfortune:

The focus on inner processes and control in Western somatic and psychiatric medicine thus reflect Western ideals of self as a bounded and autonomous unit, whereas other ethnopsychologies may locate agency or locus of control differently. Thus a disrupted balance between the individual and his or her social and natural environment is often seen to result in ill health and forms the basis of explanations and treatment. (p. 70)

Thus, overall, it is clear that different conceptions of health and illness are a primary concern in the creation of culturally competent health services for refugees, and that input by refugees themselves is likely the best means of accommodating their variety of worldviews.

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## **Gender sensitive healthcare services**

Vissandjée et al. (2001) write that there is a need for “greater recognition of the intertwined nature of sex, gender, migration, and ethnicity and their influence on the health status of refugee women over time” (p. 64). The majority of healthcare services aimed at refugee groups currently do not take into account the gender-specific experiences and needs of women. Vissandjée et al. (2001) make a convincing argument that there is a greater power differential for immigrant women than for men with health professionals. This may be because immigrant women often do not speak the dominant language fluently, or because they “are often subject to prejudice that makes them less likely to feel at ease or to convey their needs and concerns in consultations for fear of being further judged or dismissed” (p. 58). This theory can easily be carried over to the case of refugee women, and may even be more prevalent in their situations.

Refugee women are also often specifically subject to the stress of isolation when they move to Canada, and childcare duties often affect their ability to attend English as a second language (ESL) classes or meet other Canadians. Additionally, they have often been victims of gender-specific forms of abuse in their previous home countries, such as domestic violence, female genital mutilation, and rape, which require knowledge of cultural difference by health professionals when they are dealt with (Fowler 1998).

Studies have revealed that some women do prefer to receive treatment from a female practitioner, especially for women-specific health issues and for reproductive health matters. Yet the advantages of gender and sex matching must be weighed against other research which indicates that immigrant and refugee women prefer ‘Canadian’ professionals, particularly where issues of confidentiality and cultural/gender-norm conflict are involved. A study by Gastaldo, Lima, Chakir, and Vissandjée

(1998) found that while immigrant Muslim women in Quebec were equally divided concerning the sex of their gynecologist, eighty percent of them preferred ‘Canadian’ over ‘Arab’ doctors. This may be because “insider” professionals from the same cultural or ethnic group could gossip and spread word within the community about issues that bring “shame,” leading to potential ostracism for women. An “outsider,” by definition, will not gossip within the community and so may be safer. However, the outsiders must be sensitive to the cultures, norms and needs of the minority community.

Overall, perhaps most important for refugee women is to create a women-friendly, gender-sensitive environment, where women feel valued, safe, and comfortable voicing their concerns and questions to their healthcare professionals (Vissandjée et al., 2001).

### **Communication barriers**

Perhaps the most commonly identified barrier to culturally sensitive provision of health services is that of language. Inadequate translation or interpretation services are often identified by health professionals and are felt to compromise care in many different ways (Stephenson, 1995).

Yet there is significant complexity within this language barrier, and there is a need to recognize that age, sex/gender and class dynamics are central to the processes of interpretation. Thus, even when efforts are made to overcome language barriers, institutional settings in themselves can present an impediment to communication. Refugees often find hospitals intimidating, lacking in intimacy, and rushed, and may find their health professionals to be unapproachable or inflexible (Stephenson, 1995).

When family members act as interpreters, as is often the case, there may be concerns about confidentiality, age appropriateness, and the

potential modification of content. Thus, finding suitable interpretation services can be challenging (Weir, 2002). People from different cultures also often have a different understanding of health and may have culturally-bound health problems. Refugees often have different ways of expressing their anxiety and emotions, and some cultures have limited forms of verbal self-revelation. Refugees may have feelings of shame about their illness, which may make them unable to make eye contact with their physicians. As well, some cultures discourage any eye contact at all, yet Canadian professionals often associate failure to make contact with lying on the part of their clients.

Even bicultural interpreters sometimes play into prevalent stereotypes of a particular culture. In some cases, there may be class differences, carried over from the home country, between interviewer (who may be more middle class) and client (who may be lower class); these can result in bias and modification of message in the process of translation.

Additionally, refugees are often considered to be “somatizers,” people who express underlying psychological problems through the language of physical complaints. In fact, in many countries concepts such as ‘counseling’, ‘therapy’ or ‘psychological problems’ are utterly unknown except to the western-oriented elites. However, this issue is multifaceted due to the varying, culture-specific, ways of expressing illness. Refugees may fear stigmatization or deportation if they are found to have symptoms that will label them as ‘crazy’. As well, “it may be culturally appropriate to express illness in terms of physical symptoms rather than the psychodynamic constructions of stress that are more common in our own culture” (Gavagan & Brodyaga, 1998, p. 1064). Ultimately, it would appear that it is only through dialogue and consultation with refugees themselves that key communication barriers will be broken down, as a means to more widespread provision of culturally appropriate health services.

## **Conclusion**

In a society where there is an acute public perception of the scarcity of health resources, culturally appropriate healthcare delivery for refugees may not seem a realistic option or even a political priority. However, a compelling case can be made that such service provision would provide economic, social and ethical advantages for refugees and for the rest of society overall in the long-term. If properly designed, such provision need not even add identifiably to the overall costs of health service provision. Poor socioeconomic status has been linked to poor health, and there is thus a need to focus on employment and education for refugees, and recognize the other social determinants of health.

This paper has argued that in Canada today, the majority of refugees do not receive healthcare services which are culturally appropriate. This was considered in terms of refugees' differing conceptions of health and illness which are largely disregarded in the Western medical model; in terms of the lack of gender sensitive service provision or recognition of the unique needs of refugee women; and in terms of the severe barriers to effective communication with health professionals that many refugees face. Many of these issues are also applicable more generally in the case of minorities and immigrant communities in Canada. However, they are exacerbated in the case of refugees, because of their greater likelihood to have experienced trauma or other emotional or physical abuse in the past in their home countries.

In 1999, Morton Weinfeld did one of the first studies on the role of minority-origin professionals in health and social services in Canada and suggested that some of the benefits of making an ethnic match between the person requiring the service (the client or patient) and the person providing the service (the professional personnel) cannot be replicated through general training of professionals to be more culturally sensitive.

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This, Weinfeld found, may be due to factors such as primordial ties or an inherent trust based on common ethnicity. Thus, training of refugees to ultimately work as professionals in Canada's health and social services may be one way to ensure that in the future healthcare services are more culturally appropriate. However, there is also a need for creative innovation, anti-oppression education, and inter-cultural sharing within Canada's healthcare services, to ensure that Canada lives up to its reputation of being a multicultural haven for refugees and country renowned for its pluralism and progressive social welfare policies.

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