

DISCUSSION PAPER / 2008.04



The Local Relevance of Human Rights: A Methodological Approach

Gaby **Oré** Aguilar



University
of Antwerp



INSTITUTE OF DEVELOPMENT
POLICY AND MANAGEMENT

Comments on this Discussion Paper are invited.
Please contact the author at <G.ore@hrahead.org>

Instituut voor Ontwikkelingsbeleid en -Beheer
Institute of Development Policy and Management
Institut de Politique et de Gestion du Développement
Instituto de Política y Gestión del Desarrollo

Postal address:
Prinsstraat 13
B-2000 Antwerpen
Belgium

Visiting address:
Lange Sint-Annastraat 7
B-2000 Antwerpen
Belgium

Tel: +32 (0)3 275 57 70
Fax: +32 (0)3 275 57 71
e-mail: dev@ua.ac.be
<http://www.ua.ac.be/dev>

DISCUSSION PAPER / 2008.04

The Local Relevance of Human Rights: A Methodological Approach

Gaby **Oré** Aguilar*

May 2008

* Gaby Oré Aguilar is human rights consultant and methodology advisor of the Localising Human Rights project, University of Antwerp.

Acknowledgements

The author is grateful to Koen De Feyter (Law School - University of Antwerp), Stef Vandeginste (IOB-University of Antwerp), Bert Ingelaere (IOB-University of Antwerp), Martin Abregu (Ford Foundation), Marlen Eizaguirre (Alboan, University of Deusto) and Virginia Botelho (independent consultant), for the recommendations provided.

CONTENTS

	Abstract	7
	Résumé L'applicabilité locale des droits humains: une approche méthodologique	7
1.	Introduction	8
1.1.	Approaches to 'Localisation'	8
1.2.	'Localising Human Rights'	8
1.3.	Purpose of this Paper and Methodology	9
1.4.	Method	10
2.	Theoretical framework	11
2.1.	What is 'Local'?	11
2.2.	'Local Communities'	11
2.3.	Power Dynamics Among Human Rights Actors	12
2.4.	Participation	13
2.5.	Human Rights Framework	13
2.6.	Measuring Empowerment and Rights Consciousness	14
2.7.	Political Space	16
3.	Literature Review	17
4.	Methodology Proposal	19
4.1.	The 'Localising Human Rights' Case Study: Phases and Methods	19
4.2.	Key Features of this Methodology	21
4.2.1.	Methodological Approaches	21
4.2.2.	Interdisciplinarity	22
4.2.3.	Use of Quantitative and Qualitative Methods	23
4.2.4.	A Research Team Composed of Local and International Actors	24
4.3.	Assessing Substantive Aspects of the 'Localisation' Course	25
4.3.1.	Track 1: Why Through Human Rights? From Transgression to Human Rights Claims	26
4.3.2.	Track 2: From Claims to Human Rights Action	26
4.3.3.	Track 3: Fitting Strategies to the Institutional Response and Remedies Sought	27
4.3.4.	Track 4: Assessing the Institutional Response's Local and Global Implications	27
4.3.5.	Track 5: Charting the 'Devolution' Process	28
5.	Conclusion	29
6.	Appendices	30
6.1.	Appendix A: Project Identity Card	30
6.2.	Appendix B: Network Members' Rules of Engagement	30
6.3.	Appendix C: Proposed case study questions and guiding questions for method and indicators selection	31
6.4.	Appendix D: Context Analysis Tool Sample	33
6.5.	Appendix E: A Tool to Record the 'Human rights Experience'	33
7.	References	33

“Human rights is concerned with valuing each of us for what we are, and what we are is not just an autonomous, organic entity separate from everything around us but rather a self that is located – located in a family, a community, a nation, an ethnic group – and it is precisely through our circle of various belongings that we can flourish as persons, lead successful lives as human beings, and fulfil the promise of human rights.”

Conor Gearty (2006:141)

ABSTRACT

This paper proposes a methodology for examining the use and relevance of human rights in local communities as they quest to change their reality of poverty, social exclusion or marginalisation. The methodology draws on an innovative conceptual approach denominated ‘localising human rights,’ a process which takes the human rights needs and claims formulated by local people as a basis for further interpreting and elaborating human rights in the context of economic globalisation. This paper, through a literature review of interdisciplinary methodological approaches and participatory case studies, offers an introduction on how local communities’ use of human rights can be researched in the context of field studies.

RÉSUMÉ

L’applicabilité locale des droits humains: une approche méthodologique

Cet article propose une méthodologie examinant l’usage et l’applicabilité des droits humains dans des communautés locales en allant à la recherche d’un changement de leur réalité de la pauvreté, de l’exclusion sociale ou de la marginalisation.

Cette méthodologie s’inspire d’une approche conceptuelle innovatrice nommée ‘localiser les droits humains’, un processus qui prend les besoins et les exigences des droits humains formulés par la population locale davantage comme base pour l’interprétation et l’élaboration des droits humains dans un contexte de globalisation économique.

Cet article, par une revue de littérature d’approches méthodologiques interdisciplinaires et d’études de cas particuliers, présente une introduction à savoir comment l’usage des droits humains par les communautés locales peut faire l’objet de recherche pour des études sur le terrain.

1. INTRODUCTION

Until now, human rights debates have largely focused on the universality vs. relativism dilemma when addressing the relationship between human rights and local contexts. While scholars and activists have actively engaged in promoting a greater understanding of the universal value of human rights principles, less attention has been paid to, on the one hand, examining how these rights become relevant to the most excluded individuals and communities and, on the other, assessing local participation in human rights development and elaboration. These largely neglected issues, however, are central to ‘localising human rights,’ a framework that seeks to enhance the protection of individuals and communities from the negative effects of global socio-economic trends.

1.1. Approaches to ‘Localisation’

For the benefit of conceptual clarity, it is pertinent to provide some notes on human rights localisation in the context of economic globalisation.

Other theoretical views of ‘localisation’ have primarily arisen in the context of debating alternatives to economic globalisation and the role of ‘the local’ in these processes. ‘Localisation’ is a concept that resonates in the broader framework of proposing alternative economic models to globalisation. Within this debate, ‘localisation’ is understood as an alternative production and consumption system that speaks to the negative effects of economic globalisation: it is a process that attempts to reverse the globalisation trend by consciously favouring (being partial to) the local over the global, strengthening local economies ‘from the grassroots up’ (Hines, 2003: 7)

The localisation of human rights has also been explored in anthropological research. One of the most recent and relevant works for the purpose of this study is Sally Engle Merry’s book on translating international human rights law on gender violence into local justice (2006). She asserts that ‘The localisation of human rights is part of the vastly unequal global distribution of power and resources that channels how ideas develop in global settings and are picked up or rejected in local places’ (2006: 4). For Merry, various actors in the localisation process contribute to ‘translating’ international human rights ‘down’ into local systems and ‘translating’ actors’ local stories ‘up’ by telling these stories ‘using global rights language’ to achieve their objectives (2006: 211)

1.2. ‘Localising Human Rights’

In a recent article, Dr. Koen De Feyter (2007: 67) elaborates the potential of *localising human rights* as a strategic analytical and methodological framework for prompting bottom-up human rights normative development. He describes localisation as a process whereby local human rights needs inspire the further interpretation and elaboration of human rights:

‘Localisation implies taking human rights needs as formulated by local people (in response to the impact of economic globalisation in their lives) as the starting point for both the further interpretation and elaboration of human rights norms, and for the development of human rights action, at all levels, ranging from domestic to global.’

De Feyter's approach introduces a unique element to the analysis and assessment of human rights localisation: the 'return to the global' from local human rights experiences. In addition to processes that translate global rights into local systems and frame local needs in human rights language, localising human rights implies studying the impact that knowledge and experiences accumulated by local human rights practices have or may have on future human rights development and interpretation. From this perspective, localisation is a two-way highway: from global to local and from local to global.

One of the premises set forth by this *localising human rights* framework (LHR framework) is to capitalise on local actors' acquired knowledge as an essential resource for developing international norms and policies (De Feyter, 2007: 76)

'The Communities, which undergo a human rights crisis, accumulate knowledge – a usage of human rights linked to concrete living conditions. The recording and transmission of this knowledge (regardless of whether the appeal to human rights was successful or not) is essential for human rights to eventually develop into a global protection tool. Human rights need to develop in light of the lessons learned from attempts to put them into practice at the local level.'

From this perspective, building on the experiences of local communities who act to defend their rights, and – most importantly – examining the impact of these actions on the human rights framework, are critical elements in the process of *localising human rights* from the bottom up.

In order to translate this theoretical framework into practice, a network of researchers and advocates led by the University of Antwerp has designed a comprehensive research project (Appendix A) whose principal component is to implement a series of case studies whereby local human rights actions are recorded, in order to subsequently draw normative conclusions on the future interpretation and development of human rights.

The methodology that this paper proposes is informed by the above-outlined theoretical LHR framework. During the first network meeting, members clarified and agreed upon the basic case study selection criteria and discussed the project's preliminary conceptual and methodological aspects. A small group of researchers from outside the network further examined these aspects in a subsequent meeting. The input afforded on both occasions has been a key resource for a developing a more nuanced conceptual framework, which is described in further detail in the following sections. The case study's methodology will continue to be tested and refined throughout the course of the research process.

1.3. Purpose of this Paper and Methodology

The objective of this paper is to outline a methodology for case study research projects designed to examine the localisation of human rights; that is, for research that looks at use and human rights' relevance for changing realities of extreme poverty, social exclusion or marginalisation.

More specifically, this paper will offer an introduction on how local communities' use of human rights in the context of field studies can be researched. It will suggest methodological guidelines for examining experiences in which actors invoke human rights at the local level, as well as for recording and analysing the knowledge they acquire and the lessons they

learn from those experiences.

The methodology is designed to assist case study researchers as they explore, record and analyse the localisation process and its translation into a valid^[1] resource for further human rights interpretation and elaboration. Finally, the methodology will discuss helpful criteria for evaluating the success of human rights appeals in light of each appeal's relevance to the local community and actors involved, as well as its strategic impact on advancing human rights protection in the context of economic globalisation.

1.4. Method

The methodology has been designed through a literature review of case studies and systematisation methodologies. It draws on methods and tools from various disciplines and has been designed bearing in mind its potential application by researchers in human rights and related fields. It is also based on the author's experience in case study research and systematisation of human rights advocacy.

[1] Criteria for defining 'valid resources' for the purpose of this study include the potential of drawing lessons that are generalisable (coming out of all cases analysed) while allowing for the identification of unique features arising from specific cultural, political and economic contexts. It also entails cases being representative of a wider problem, of which those cases would be an example.

2. THEORETICAL FRAMEWORK

Laying out a methodology's conceptual framework is the first step in its design. When clearly articulated, the theoretical framework also becomes a critical conceptual reference tool, especially when the research team is composed of members from various disciplines and diverse expertise, backgrounds and degrees of political influence. In the case at hand, reaching a common conceptual framework and shared understanding of the LHR theory's methodological implications is essential for the case study to have a successful outcome, as well as for carrying out subsequent comparative case study analyses, a second step in the aforementioned *localisation* research project proposed by the University of Antwerp.

The concepts detailed in this paper are of a descriptive rather than definitional nature. The 'core themes' analysed in this section are those issues and dimensions that permeate the research project's different stages and, therefore, hold implications for case selection, team composition, methods, data collection and the analysis of findings.

2.1. What is 'Local'?

In the widespread current context of increased globalisation and mobility, the meaning of 'local' is difficult to define. This problem principally arises when discussing actions in which the actors behind local agendas are multiple-organization coalitions who can exercise influence at various levels of the human rights process and people who 'easily move between layers because they conceptualise the issue in more than one way' (Merry, 2006: 210). This study does not attempt to debate nor define what is 'local' or 'global,' but it does address the importance of exploring how the different actors involved in human rights actions interact in the context of a human rights localisation process.

Instead of providing a definition of 'local' in this paper, the framework will use, as a point of reference, the International Forum on Globalisation's^[2] (2002: 109) definition, which captures a basic understanding of the term. The IFG asserts that, when defining local, 'In all cases, the idea is for power to devolve to the lowest unit appropriate for a particular goal'.

The expression of power in global/ local interactions depends on actors' varying degrees of access to information and decision-making: this is a defining element that distinguishes local from global spaces. If the core purpose of 'localisation' is to record and transmit the views of those directly affected by the effects of global economic trends, local communities are, from a methodological perspective, the basic unit of analysis in the research process.

2.2. 'Local Communities'

In the context of *human rights localisation* research, local communities are defined as groups or organisations, inclusive and plural (other than political or religious groups), which are based at the level of a geographic community and are unified by common needs and interests as articulated in human rights terms.

Such a general definition, however, is not intended to obscure extant power struc-

[2] The International Forum on Globalisation (IFG) is a "North-South research and educational institution composed of leading activists, economists, scholars, and researchers providing analyses and critiques on the cultural, social, political, and environmental impacts of economic globalization." (www.ifg.org)

tures and inequalities within a given community. Women, indigenous peoples, and other groups historically excluded from decision-making are over-represented in poor communities, and those who speak on behalf of these local groups do not necessarily represent these groups' voices. This study's research methodology takes into account developments and practices from the fields of social sciences, gender and human rights in order to make the interests, needs and voices of these local community groups visible. For instance, gender-sensitive methods are instrumental in assessing these groups' levels of participation and representation in local decision-making across all aspects and stages of the research process (Kapur and Duvbury, 2006; Callamard, 1999)

2.3. Power Dynamics Among Human Rights Actors

One key hypothesis is that a localised human rights approach depends on cooperation between actors at different levels: community-based organizations, local human rights NGOs, international NGOs and allies in governmental and intergovernmental institutions. This network of human rights actors is a critical component of the bottom-up approach to building human rights. However, as De Feyter (2007: 83) points out, the creation of a network in itself does not guarantee "that human rights will be built from below. A bottom up approach requires that the human rights experiences of communities set the agenda for the entire network." Whether this actually occurs, and how the interactions among these actors translate into practice across all the levels of each human rights action, is a key area for exploration in the localisation case study research.

Interactions and alliances that are formed between local and international actors depend on a varied array of contextual elements including: access to information, expertise, skills and resources. One review of the practices and challenges that arise from these dynamics (Cohen et al., 2001: 125) asserts that intermediary actors – more often than not NGOs supporting grassroots groups – "lose touch with the communities and issues that gave birth to their activism in the first place. In the process, just when the door seems to open, grassroots communities are excluded from the key decisions affecting them by the very groups they thought were there to help them." Despite these limitations, the same study acknowledges that, in a globalised context, human rights advocacy relies on a range of actors and allies with varied perspectives, agendas and access to resources. As a consequence, studies should develop areas of exploration for internal accountability among network members and suggest which indicators are useful for assessing such areas (Appendix B).

The existence of a network of human rights actors is an essential criterion for LHR case study selection. The cases selected are expected to represent human rights advocacy experiences involving both local and international actors, and which are articulated in terms of common objectives or strategic alliances.

Methods and indicators such as the aforementioned, as well as others arising from participatory methodologies, will allow researchers to draw up questions that should ideally reveal: power dynamics among network members (measured by access to information, resources and decision-making elites); the extent to which the human rights claims represents the priority needs and claims of those most excluded within the community; community's 'exposure' to human rights language and standards; and the capacity building needs that would permit local community members to take hold of their rights. Finally, methods should be incorporated to effectively ensure that issues of excessive complexity or 'lack of objectivity' do not get in the way of successfully and thoroughly implementing the methodology.

2.4. Participation

Globalisation is characterised by the dislocation of decision-making, even though these decisions impact poor people's daily lives at the local level. Thus, civil society and development agency efforts aimed at reversing this exclusion attempt to involve the affected groups in decision-making through participatory processes of policy monitoring, human rights impact assessment and institutional reforms.

Recent case study research which assessed the impact of implementing participatory human rights in local communities affected by foreign investments asserts that the participation of community members enriches the evaluation's outcome, leads the local actors to better understand the human rights framework, and achieves a shared sense of empowerment when producing the case study research (Rights & Democracy, 2007: 33)

In human rights 'localisation' research, the participation of the 'local communities' affected by socio-economic global trends is a critical aspect of the research process. It is important, nonetheless, to determine the objective and character of such involvement from the research project's inception. Therefore, let us briefly distinguish the characteristics of a participatory methodology from what the LHR methodology attempts.

A "participatory methodology" entails active involvement by the affected groups or persons being assessed (Rights & Democracy, 2007: 18). This type of involvement implicates "not only provision of information to researchers, but also actual ownership of the research process itself." In this type of research, the research team is composed by community members with "accompanying organizations" who serve "only to facilitate communication between various stakeholders and provide technical assistance depending on the needs and the context." Research experts and specialists, then, act as resources for the local groups. On the whole, participatory methodologies hold the central goal of empowering the communities at hand by creating methodologies that actively engage them in assessment, thus empowering those directly affected to assess and take hold of the situations affecting their communities. A strong capacity building component is needed to successfully achieve such an objective.

The LHR methodology shares the core objectives of participatory methodologies, but it cannot be conceptualised as one. It approaches the research teams' composition with greater flexibility. While academics, specialists, advocates and other actors in participatory methodologies remain outside the core research team, the LHR methodology's research team is made up of academic researchers from international and local universities along with the local actors involved in the research's focus situation. These local actors can be groups directly affected by the problem, or local NGOs or community organizations that boast first-hand knowledge or case study experience. Furthermore, capacity-building or skills-building activities are not main components of the localisation research initiative.

2.5. Human Rights Framework

This paper uses the broad definition of human rights framework as a framework that encompasses human rights norms, principles, ideas, values, discourse and arguments. In the narrow sense of the word, human rights framework is a set of principles contained in the Universal Declaration of Human Rights, along with the norms and standards developed by the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, and subsequent treaties. These covenants set the key principles and

standards against which to measure the domestic development of states' laws and policies and the behaviours and practices of private actors.

While the main objective when assessing human rights impact is to measure the gap between the defined human rights framework and the people's realities and needs, the localisation strategy's objective is to understand the relevance of such a framework for resolving the needs and problems of local people and, moreover, to understand whether the perspectives and expectations they express when framing their claims in human rights language differ from the normative contents of human rights law. As a result, a more flexible definition of the human rights framework is needed to approach the process of localising human rights.

For example, although affected groups may easily perceive the immediate consequences of privatisation because they manifest themselves in the increased cost of basic services, these groups do not necessarily realise that access to water or health are, in fact, human rights protected by international law. As Merry (2006: 2) points out, 'Vulnerable people take up human rights ideas in a wide variety of local contexts because they offer hope to subordinate groups.' Even so, they do not necessarily take up human rights because they understand that a specific right contained in a covenant has been violated.

The cases selected for this study will include experiences in which claims were either framed using human rights language or argued under a principle contained in international human rights law, without necessarily having resorted to specific treaty norms in the first place (debt cancellation campaigns or peaceful demilitarisation cases would be examples of the latter type of experience).

2.6. Measuring Empowerment and Rights Consciousness

The complexity of tracking (subjective) experiences of how individual agency evolves and shifts in power dynamics among community members, as well as between community members and other actors involved in the human rights action requires an approach and methods specifically tailored to the research project's objective.

Exploring why local communities – particularly marginalized communities – decide to appeal to human rights to achieve their goals, and how decisions to invoke human rights are taken, necessitates a critical analysis of the individual and collective factors that lead to such decisions. One starting point is to distinguish "rights empowerment" from "rights consciousness" in order to draw the appropriate questions and indicators. The following approaches are relevant for illustrating the multifaceted nature and implications of these concepts.

For one, as shown in a human rights impact assessment handbook on development programs, and as is the case with most impact assessment methodologies, indicators that measure "rights empowerment" imply that people already have a sense of the benefits of resorting to rights to resolve their problems. Empowerment indicators thus assess the capacity (enabling context) and the resources available for people to claim their rights effectively (NORAD, 2001: 17) This approach highlights the following as outcomes of rights empowerment: "power to influence public decisions, power to make decisions, power to express interests, power to raise issues for public debate, power to negotiate on values and interests and power to influence traditions and customs." From a methodological approach, the above elements of empowerment however, imply a degree of "rights consciousness," which is far more complicated to measure than may appear from the above questions. For instance, how can the power to make decisions or the power to express interests be measured?

In the field of ethnographic anthropology, Merry's research on gender violence (2006: 192) suggests that "the adoption of rights consciousness" to transform grievances into rights claims "requires a shift in subjectivity, one that depends on wider cultural understandings and individual experiences." After discussing this concept's implications, she asserts that "consciousness" is a "slippery, unquantifiable concept." This becomes evident from the rather anecdotic indicators the author uses when assessing this aspect in her research.

The evidence that indigenous women "entirely dropped out of the women's movement" once the objective was achieved, that they were frustrated with demonstrations that did not focus exclusively on them, and that they became upset that their stories were subsumed under the broader gender equality agenda, leads Merry (2006: 214) to conclude that "there was little evidence that the indigenous women developed a sustained critique of their problems based on human rights."

Later, Merry (2006: 215) also concludes that, "grassroots individuals can be mobilised but that their commitment to rights is not necessarily deep or long lasting' That absence of long-- lasting commitment, the author observes, did not prevent those groups from meaningfully contributing to achieving the objective at hand, because they acted in coalition with other collectives that did have a human rights approach (middle level groups and activists)."

Another case study analysis (Kapur and Duvbury, 2006) which entails a rights-based approach to development in five cases examining poor and marginalised women's struggles to achieve economic and social rights, offers a useful framework for assessing empowerment that can prove beneficial to a localisation research. In this study, the equal participation of men and women in local processes of demanding rights, the negotiation of power relations at household, community and state levels, and overcoming local resistance to the people's demands are all key dimensions of such a framework.

All of the above perspectives are relevant in the quest to find the most appropriate methods and indicators to address empowerment and rights consciousness among grassroots communities. These, as well as my own observations of rights-based advocacy by grassroots groups, lead me to the assertion that, when researching *why* and *how* local communities decide to appeal to human rights to achieve their goals, individual and collective dynamics must be explored: empowerment and rights consciousness must be addressed as interrelated and interdependent dimensions of human rights action.

In this sense, questions and methods to measure empowerment and rights consciousness would at least include questions related to *equity* and *equality* (the effect that political action and demobilisation have on women and men, roles and responsibilities, gender roles in political activities, gender representation in leadership, resources to enable women's and minority groups' participation); *issues of representation* (local democracy systems, layers of representation, participation mechanisms, election of local authorities, whether minority groups' perspectives are listened to or not); and *decision making* (access to information, transparency, enforcement mechanisms). Equally relevant are indicators assessing *agency and skill-building* (rights awareness, increased information and improved abilities and capacities for human rights action), and the *recognition and legitimacy* gained by local leaders and organizations among network partners.

2.7. Political Space

When contextualising a local experience, it is critical to determine the level of political space in which human rights claims take place. The objective of this is twofold: to assess the potential replicability of the human rights action and to determine whether sufficient political space exists to develop a measurement of human rights-based action.

In human rights claims, the degree of 'political space' is measured not only by the existence of an ongoing armed or violent conflict (which has implications for the selection of case study sites and the collection of data), but also by the existence and level of functioning of institutional (civilian) governance structures, decision-making channels, freedom of expression, rule of law and open access to information (Cohen et al., 2001: 126)

The lessons learned by case study experiences of participatory research show that the extent to which the level of political space impacts the quality of the process or the research outcomes in countries or areas under political upheaval or repressive regimes – other than fact-finding missions to document human rights violations – hinders the implementation of otherwise appropriate methods such as group consultations, interviews, and certain information-gathering techniques. 'Direct questions about human rights could not be asked,' says a review of lessons learned in a context where the political situation raised security concerns for the researchers and local communities involved (Rights & Democracy, 2007: 26)

This does not mean that cases can be intentionally chosen to show how the 'localisation' process may occur in countries with different political spaces.^[3] In those cases where the political space is a hindering factor, the local community's engagement in the research process can prove challenging and the room for action and access to informants may be limited. One case study on advocacy strategies discusses how human rights advocates from Guatemala and Cambodia were forced to 'exit' the country and work from outside the country by leveraging external pressure on their governments through the United Nations, the Inter American system or the World Bank (Cohen et al., 2001: 219)

Although these experiences show that in those cases it was in fact possible to deploy new advocacy strategies, the question of whether or not to include case study sites where limited or closed political space exists depends on a thorough assessment of the implications that such a decision may have on the potential security risks for the research team and the local communities involved, on the implications for applying all of the available methods, and on the quality of the information.

[3] As a reference, in a similar case study initiative, case selection identifies three types of contexts for the scope of political space – "closed," "moderately open" and "open" – which informed case selection in order to show, according to the authors, that regardless of how open or closed the political system is, successful efforts employ a range of strategies, 'are flexible and responsive to changing circumstances, and are able to identify a range of leverage points, from the power of rights arguments to identifying sympathetic allies within otherwise hostile targets.' (Cohen et al., 2001: 124)

3. LITERATURE REVIEW

The literature reviewed for this study is of two main veins: the first is that of case studies and the systematisation of experiences of ‘human rights advocacy,’ and the second is the abundant and growing literature on designing and implementing participatory methods and tools. The latter come from the fields of the social sciences, anthropology and development education.

In the first case reviewed, the studies up for selection had to meet the central criterion of being human rights-based initiatives which sought to analyse the interaction between global and local contexts/ actors, in order to advance human rights protection in the context of globalisation (Cohen et al., 2001; Merry, 2006; Rights & Democracy, 2007; Center for Victims of Torture (New Tactics Project); Kapur and Duvvury, 2006).

Though these initiatives differ in thematic focus or in the particular objectives sought by the researchers, those dealing with rights protection of local communities in the context of economic globalisation clearly demonstrate that such phenomenon and the dislocation of decision-making have contributed to increasing inequalities and vulnerability in the poorest groups who wish to claim their rights. Nevertheless, these initiatives also identify opportunities for better-articulated and more innovative strategies by means of networks of allies acting at different levels of political influence. The actors behind these efforts are international policy and research centres, international NGOs and, to a lesser extent, individual academics. A shared understanding exists that the participation of local communities (grassroots groups) in coalitions is essential in efforts to assert their human rights.

A related issue that comes up in the literature review is the prominence of designing and testing participative rights-based methodologies. One of the most innovative efforts is a case where a human rights impact assessment was produced for a foreign investment project’s methodology, which was subsequently tested by local community teams and is currently being refined by a team of experts (Rights & Democracy, 2007).

From a methodological perspective, the case studies reviewed^[4] were focused and organized according to a narrower case selection criterion than the one attempted by the ‘localising’ project. These focus on experiences which are either considered ‘successful’ or ‘innovative,’ which examine the global/local interaction in specific thematic areas, or which examine specific strategies that put international human rights law into practice (law-related work).

With the exception of one case (Merry, 2006) the studies reviewed were implemented by an interdisciplinary team of researchers. In some of those cases, the team was made up of local communities and ‘accompanying’ experts (Rights & Democracy, 2007), in others, of the very same actors participating in the experience (The Center for Victims of Torture’s New Tactics Project), and in others still, of local NGOs actively involved in the claim together with researchers coming from diverse disciplines (Cohen et al. 2001; Kapur and Duvvury, 2006)

One of the most critical lessons that can be observed in these processes is the increasing ability of human rights activists and local groups to bridge local, regional and global

[4] Advocacy for Social Justice (Cohen et al., 2001) covers six in-depth analyses of cases of human rights advocacy. The New Tactics in Human Rights, Tactical Notebook Project database contained 26 case studies (as of October 30, 2007) written by the activists themselves recounting personal experiences. A wide variety of reports containing tactics considered ‘innovative’ describe how a tactic was implemented, what factors influenced its use, and the challenges that surfaced in the process (The Center for Victims of Torture, website last consulted november 17, 2007) Merry (2006) analyses four cases to show the interaction between global norms and local justice on gender violence. The Ford Foundation (Mc Clymont and Golub, 2000 (eds.) (2000) covers seven case studies of law-related human rights actions.

levels – the presence of actors that navigate easily from one layer of influence to another. When discussing accountability among advocacy allies, one of the studies brings up an interesting issue which arose in the context of the case analysis, posing the question of whether some issues ‘are so universal that they are nobody’s exclusive primary space? What are the rules of engagement in that case?’(Cohen et al., 2001:231) The study concludes that in such cases, the lead campaigners ‘felt the issues were so universal that they had to work on them, whether or not they were able to do so in tandem with grassroots organizations.’ While this project acknowledges that no ‘clear’ or ‘satisfactory’ answer can be drawn from the case studies, it does recommend that advocates avoid acting independently and without accountability on behalf of those who are or will be directly affected by their advocacy actions.

In relation to method-related literature, the literature review shows that a research question can be examined through a variety of approaches and that ‘there is a continuing debate about the best approaches to take.’(Massey et al., 2006:133)

Among the most relevant methods in human rights research are Human Rights Impact Assessment methodologies (HRIAs),^[5] human rights progress indicators,^[6] rights-based approach methods and human rights monitoring and evaluation methods. A large bulk of information available on the latter comes from efforts by international donors or bilateral cooperation to incorporate a rights-based approach to anti-poverty or development programs targeting the poorest communities.

The exercise of selecting methods and tools for the localising human rights project could prove challenging due to the complex dimensions of certain areas, particularly those related to local actors’ degree of involvement in the research process. These choices, however, can be facilitated and informed by a clear set of criteria that should follow the objective and questions proposed for the case study. The concepts described in the previous sections, together with the questions and tools suggested in this paper, draw from some tools used in similar studies as well as some innovative approaches, such as, for example, criteria and strategies for researching power elites, (Conti and O’Neil, 2007) or methods which are employed in the ‘systematisation of experiences’ for development education in the South and are critical to recording and analysing social transformation experiences (ALBOAN and IHRPA, 2006; Martinic, 1998; Francke and Morgan, 1995) This array of tools is reflected in the methodological proposal detailed in the next section.

[5] For a descriptive overview of tools, approaches and case studies, see www.humanrightsimpact.org

[6] Maps of human rights progress indicators arise mainly from monitoring exercises carried out by intergovernmental agencies and international NGOs (Freedom House, USA or Amnesty International) A relevant example is the Map of progress by the InterAmerican Institute of Human Rights www.iidh.ed.cr

4. METHODOLOGY PROPOSAL

The methodology is designed to assist the team of researchers throughout the various phases of the research process and the implementation of the case study research. The methodology attempts to translate the complexity of the theoretical framework described in the earlier section of this study into an accessible and useful tool for *localising human rights* researchers. Research teams are responsible for further developing, adapting and adjusting this methodology to the local contexts and specific characteristics of the population and groups involved.

4.1. The 'Localising Human Rights' Case Study: Phases and Methods

The table below outlines key components of a case study process (Yin, 2004; Dooley, 2002) complemented by key aspects of the methodologies used in the revised case studies. This table pairs each of the case study process' phases with a description of the component (action) and suggested sample methods derived from the bulk of qualitative methods available: A set of basic case study questions is proposed (Appendix C) drawing from the research project objectives.

Table 1: Localising Human Rights Case Study Process

COMPONENT		DESCRIPTION/ METHODS/ TOOLS
I: FITTING METHODOLOGY TO THEORY		
· Objective(s) of the case study research	ACCOUNTABILITY	<p><i>Overall objective:</i> To examine human rights experiences in light of ‘localising human rights’ theory.</p> <p><i>Specific objectives:</i></p> <ul style="list-style-type: none"> · To examine how local communities use human rights to change their reality of poverty or marginalisation · To explore the relevance of the human rights action to the community (process and outcome) · To examine the impact of the action in the advancement of human rights.
· Defining case study research questions		<ul style="list-style-type: none"> · A literature review to define and refine questions proposed by the LHR theory. · Formulating questions to describe and analyse who, what, where, when and how an event/ experience occurred. · A suggested set of questions can be found in Appendix B.
· Selection of case(s)	PARTICIPATION	<p><i>Selection criteria:</i></p> <ul style="list-style-type: none"> · The case represents a wider problem experienced by other local communities · The problem presented is a (direct or indirect) consequence of economic globalisation · The affected local community is involved in the human rights claim · There is a presence of NGOs and international actors · The case is geographically relevant for the LHR project (region particularly affected by economic globalisation) · Sufficient political space exists · The claim was formulated in human rights terms · The case is an ‘ex-post’ or ongoing experience
· Organising the case study process		EMPOWERMENT

II: SETTING THE STAGE FOR DATA COLLECTION	
<ul style="list-style-type: none"> · <i>Planning data collection and analysis techniques in order to:</i> <ul style="list-style-type: none"> - Assess the political and legal context - Identify actors and allies - Record community experience - Identify key stakeholders at various levels of the research process · Identify key sources of information 	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">ACCOUNTABILITY</p> <ul style="list-style-type: none"> · Select quantitative and qualitative methods and indicators (statistical information) · Develop local context analysis tools (Appendix D) · Develop a tool for recording community experience (Sample in Appendix E) · Documentation analysis (UN reports, national policies and ...) · Build a map of key stakeholders (State, private actors, NGOs, ...) · Setting up mechanisms to ensure the periodical flow of communication among research team members · Privilege open-ended questionnaires to capture and observe
III: COLLECTING DATA	
<ul style="list-style-type: none"> · <i>Field data collection</i> · <i>Testing the methodology</i> 	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">PARTICIPATION</p> <ul style="list-style-type: none"> · Select method to store information systematically (assess pros and cons of using technology-based tools) · Choose alternative methods to obtain the same information · Select tools to track different ‘spaces of intervention’ · Annotate observations that can help refine the structure, content or usefulness of the <i>localisation</i> methodology.
IV: EVALUATION AND ANALYSIS	
<ul style="list-style-type: none"> · <i>Evaluating data</i> · <i>Analysing information</i> 	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">EMPOWERMENT</p> <ul style="list-style-type: none"> · Refer to case study questions and cross-cutting issues as ‘interpretative’ framework of reference in the organisation and ... · <i>Structural analysis:</i> The patterns observed in discourse, texts consciousness and participation, are issues that could benefit ... · <i>Reflective analysis:</i> The observations of research team are lessons have been shared.
V: CASE STUDY REPORT	
<ul style="list-style-type: none"> · <i>Participants’ feedback</i> 	<ul style="list-style-type: none"> · Conclusions are adopted · To the extent possible, the draft report should benefit from all external advisors, etc.) · This does not entail negotiating points of view that can be irreconcilable · The research team must assume responsibility for the content

4.2. Key Features of this Methodology

4.2.1. Methodological Approaches

This is an ad-hoc methodology that draws on the following methodologies: case study, systematisation of experiences and participatory human rights impact assessment. These are briefly discussed below with the goal of sparking researchers’ interest in carrying out further inquiries into each of the methodologies; each one conveys a rich set of concepts and approaches to ‘learning from experience’ in order to advance social transformation.

Case study is a widely used methodology. It is basically a qualitative methodology developed in the field of Sociology, though it has been used extensively in various fields and disciplines. In addition to the characteristics already highlighted regarding its virtues for adaptation in the LHR project, it also allows for the use of multiple sources of information and data collection techniques. Quantitative and qualitative methods are used at different stages in the case study process.

The case study’s methodological value (validity and reliability) depends on constructing a consistent and rigorous set of research questions and selection of methods.

'The goal of the study should establish the parameters and then should be applied to all research. In this way, a single case could be considered acceptable provided it met the established objective.' The general applicability of case study findings 'results from the set of methodological qualities of the case and the rigour with which the case is constructed, considering the key elements that it must fulfil as a qualitative method: describing, understanding and explaining (Tellis, 1997: 2)

The second methodology, 'systematisation of experiences,' is of a participatory research nature and was initiated by the social movements engaged in 'popular education' in Latin America. Substantive literature exists about the paradigmatic context in which this methodology was generated, providing a sense of its significance for the region's grassroots groups' empowerment strategies. Initially seen as an alternative in response to the limitations of traditional evaluation research methods for examining 'projects of social change,' systematisation is the expression of a quest for methods alternative to positivist methods in the framework of characteristic paradigmatic changes in development theory in the late 20th century (Martinic, 1998). Systematisation is, therefore, 'a process of reconstruction and analytical reflection' on experiences of social promotion in which those who participated in the intervention together with the beneficiary local population take part in order to generate knowledge from practice (Francke and Morgan, 1995: 12)

A key component of this methodological approach is the 'critical interpretation' a phase of such experiences wherein lessons may be drawn in order to improve the actors' own practices and share knowledge to enrich social theory. Methods developed to 'recover the experiences' of the community in the social action are useful for the localisation methodology (Appendix E)

The localisation methodology also benefits from lessons learned by the participatory process of impact assessment, particularly regard to the methods and issues used to deal with local community actors. Finally, Merry's study (2006), a relevant ethnographic anthropology study on human rights localisation norms has been instrumental to identify crosscutting themes present in the research process. These studies have been adequately described in the literature review section.

4.2.2. Interdisciplinarity

In the light of the different dimensions and themes embodied in LHR theory and its implications, an argument for interdisciplinarity in the theory and methods used to implement localisation research may appear rhetorical. Nevertheless, beyond the fact that localising human rights implies concepts and methods coming from various fields and experiences which inherently make the methodology an 'interdisciplinary construct,' it is useful to reflect on the dimensions and significance of interdisciplinary approaches for the research process and team composition. In other words, to reflect on whether an interdisciplinary methodology necessarily calls for composing an interdisciplinary team and on the internal challenges facing its members in such cases.

It is critical not to overlook the range of skills (across fields of knowledge) needed to measure rights-based claims and read their significance in the broader context of socio-economic trends. Whether they are formally incorporated in the research teams or act as outsiders providing specific technical advice, experts must be integrated in the research work plan and budget from the project's inception.

Reflecting on its lessons learned, one case study report indicates that the fact that 'no funds were set aside at the outset of the process to cover the costs of legal counsel or other

forms of expert assistance' resulted in unforeseen delays, uneven quality of the work and inconsistencies between various aspects of the research (Rights & Democracy, 2007: 30). Consequently, said report concludes that a systematic approach to these issues should be integrated into the research planning process.

However, while most methodological approaches and case studies revised through the course of this work promote the benefits of interdisciplinarity for analytical perspectives, method selection and outcomes, scarce literature explores the practical challenges of interdisciplinary research and multi-disciplinary research team composition. By reviewing some analytical works (Massey et al., 2006) that address these issues, some key lessons can be identified which are worth reflecting on in order to avoid overlooking or overstating those dimensions of the research projects that have a limited time frame.

The multidisciplinary composition of a research team raises philosophical and practical challenges for team members that may result in fostering tensions and a lack of a common understanding of the problems and solutions. In these contexts, a frequent dynamic seems to be to organise teams into a hierarchy of knowledge and skills and political positions which influences perspectives on what is important to tell and how stories should be told. One study highlights that 'teams must find and build on their common ground [...] and it is towards this goal that we combine our unique disciplinary perspectives' (Lingard et al., 2007: 515)

The fact that localisation research takes place within an overall paradigmatic framework – human rights – contributes to a clearer understanding of the principles and values informing the theory and a common conceptualisation of the problem. Human rights is a multidisciplinary field in which political science, law, anthropology, sociology and other disciplines intersect to convey and enhance the field's meaning and global understanding. However, working across disciplines and across different layers of influence are two challenging dimensions present in the *localisation* methodology.

A strategic approach to navigating through the potential threats that interdisciplinarity and differentiated spaces of influence may present case study research is to include *knowledge brokers* and *translators* into the research team. Knowledge brokers are team members that 'introduce elements of one practice into another, allowing processes of meaning negotiation and coordination,' thus contributing to an integration of diverse team perspectives 'so that the whole becomes more than the sum of its parts.' (Lingard et al., 2007: 506). Translators, as defined by Merry are people who can easily move between layers because they conceptualise the issue in more than one way [...] Through their mediation, human rights become relevant to a local social movement even though the oppressed group itself did not talk about human rights.' (2006: 210)

Ideally, however, the localisation research project can present an opportunity in itself for the participant researchers to build such capacities. In the process of recording and transmitting local knowledge from global to local and vice versa, research team members would find themselves in a privileged position of working across disciplinary and specialised knowledge boundaries. Whether and how the research experience offers an opportunity to build the ability of the research team to become knowledge brokers and translators remains to be seen.

4.2.3. Use of Quantitative and Qualitative Methods

Certain areas of inquiry may require the application of quantitative data collection and analysis. For instance, contextualising the nature and dimension of the problem, determining the effects of privatisation on the population's health, implementing a budget analysis, etc., would involve a series of quantitative and qualitative methods and indicators.

It should be taken into account, however, that the use of quantitative methods and information might limit the positive and effective involvement of community members in certain phases of the case study research. A case study analysis of participatory human rights impact assessment involving local communities acknowledges that this characteristic entails less emphasis on quantitative indicators than on the research guide (Rights & Democracy, 2007: 18)

Although the use of quantitative data is, in general, less relevant to case studies that focus on people's experiences and social actions, the use or not of quantitative data should be carefully assessed in the light of its importance for the quality and reliability of the research findings, particularly when the findings challenge larger scale interventions by private actors in the context of global economic trends.

The aforementioned case study report does not discuss this issue directly, but it does comment on the varied degree of emphasis that local groups placed on acquiring information about the impact of foreign investment on the communities' living standards. Many placed more emphasis on using qualitative feedback from the community than on collecting contextual data, from which it can be inferred that groups may have had an uneven capacity to understand, collect and/ or analyse such information or deal with the methods required.

In its second phase, localisation research will involve a comparative analysis of the data that arises from the case studies. Such task would include a series of quantitative methods and statistical information that may not be required in the first stage of the localising human rights research project.

Finally, it is important to stress that the methodology proposed in this paper differs from other methodological approaches that measure the impact of human rights on people's lives (HRIA methodologies or measurement of 'human rights progress') in that its final objective is not to measure how a program or policy affects human rights or how great the gap is between human rights norms and reality. Both types of methodologies do, however, share the common goal of attempting to find out more about the extent of people's knowledge about their rights, and they are both based on a previous measurement of said reality. This methodology is not a study designed to identify 'best practices' or successful human rights advocacy experiences, nor to propose recommendations geared towards that objective; nevertheless, the research results on how experiences involving local human rights claims can impact the human rights framework will ultimately contribute to disseminating the community's acquired knowledge.

4.2.4. A Research Team Composed of Local and International Actors

The political implications of implementing international human rights projects are never negligible. Aside from foreign policy issues between states, politics and organisational dynamics between Northern- and Southern-based groups continue to be strained, particularly regarding issues of despair in access to resources and interests (institutional agendas).

The role of local, national and international actors in the research process must be clarified, discussed and agreed upon during the planning stage of the research project. Participation of local partners in discussing the project's objective, process, operations and funding allocation leads to a clearer and more transparent relationship between local and international actors. The issues of accountability discussed in previous sections with regard to analysing local groups' participation in human rights actions apply to the present cases. Issues of representation should also be addressed. NGOs do not represent movements and local groups do not necessarily represent the community. The role of local 'intermediaries' (resource people, language translators, etc.) must be reflected on and acknowledged in the research process.

Gender practices and assumptions within the research team and among network

partners cannot be overlooked either. To the greatest extent possible, it is important to ensure a fair balance of gender representation in the network team.

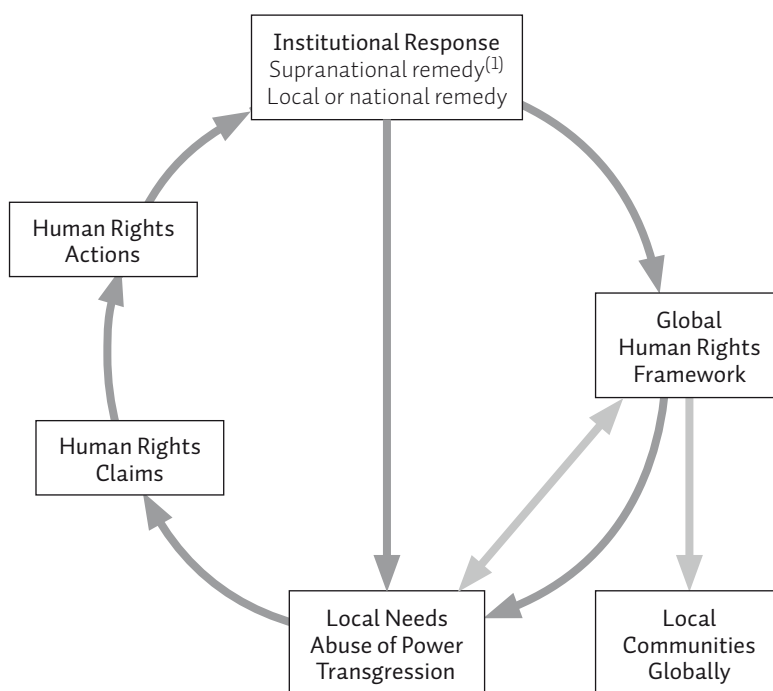
4.3. Assessing Substantive Aspects of the ‘Localisation’ Course

“Localisation implies taking human rights needs as formulated by local people (in response to the impact of economic globalisation in their lives) as the starting point for both the further interpretation and elaboration of human rights norms, and for the development of human rights action, at all levels, ranging from domestic to global.” (De Feyter, 2007: 68)

Thus conceptualised, the *localisation* of human rights entails a process (see graphic below) in which people’s local experiences of disempowerment and deprivation provide the starting point for action (track 1) by a network of actors (including the local community itself) that uses the global human rights framework to frame their claims in terms of human rights and deploy actions at various levels and political spaces (track 2). Such actions target an institutional response through which the effectiveness and relevance of human rights for responding to these claims is tested (track 3). Localisation also inquiries into the process by which institutional responses translate into the further interpretation or elaboration of human rights standards (track 4). Thus, local communities become a resource for enhancing human rights protection in theirs and other local communities (track 5).

From a methodological perspective, each of these tracks (steps) in the localisation process entails a separate set of questions and issues that, in turn, encompass methods and indicators tailored to the specific characteristics of the events, actors and objectives pursued. Questions of *how* and *why* are proposed in the appendix, while the content of the specific issues that will be assessed are explained below.

Graphic 1. The Process of Localising Human Rights



(1) Regional court, UN monitoring body, international organizations’ decisions, universal jurisdiction judgements.

4.3.1. **Track 1: Why Through Human Rights? From Transgression to Human Rights Claims**

Identifying the 'need' or 'transgression' that leads a community or group within the community to formulate a claim is a critical aspect of the research. The extent to which economic globalisation or a particular socio-economic trend impacts the community merits a thorough analysis. A particular theme to be explored is how the community members perceive these effects, which can then be contextualised in a larger context (the region or country) and analysed in light of quantitative indicators to determine to what extent the experience is representative of a larger segment of local communities affected by the same phenomenon.

Communal structures are not necessarily horizontal and democratic. Those groups at the bottom of the economic and social pyramid are likely to suffer the effects of globalisation problems differently. Considering that the concept of 'local' that informs the methodology looks at the devolution of power to the 'lowest unit of analysis' and that the project's commitment is to reach the communities most affected by the problem, identifying the 'lowest unit' affected by the problems, then, is a strategic research task.

A second important area of inquiry consists of the factors that influence the local groups' decision to appeal to human rights. Merry affirms that, 'In examining how grassroots individuals take on human rights ideas, I argue that the rights framework does not displace other frameworks but adds a new dimension to the ways individuals think about their problem. (2006:180). As previously analysed, the reasons why local communities (particularly marginalised communities) decide to appeal to human rights to claim their entitlements implies looking at rights awareness and empowerment issues which run across the case study process (Table 1). Some indicators are relevant to mention. For example, one factor to explore is the 'exposure' of the community, group or collective to human rights language, rights, standards, actors, structures, etc. An analysis of the interventions and dynamics between foreign vs. indigenous actors and the contexts and mechanisms through which these decisions are adopted (process and levels of decision-making) are also important questions to explore why and how these decisions are adopted.

4.3.2. **Track 2: From Claims to Human Rights Action**

Two broad areas of inquiry can be identified to measure the process of translating claims into strategic decisions and of engaging in broader networks to pursue the strategy's implementation: the flow of human rights knowledge from global to local, and the process that communities and the support network undertake to select and decide on which strategy or strategies to adopt.

In the first, identifying those actors that intermediate and transmit information about best practices and more promising action tools across local and global contexts will lead to a broader understanding of the role of institutional and individual actors, as well as of the skills and capacities needed to transform claims into strategies. Exploring whether the community was provided with or sought information on, on the one hand, similar experiences and, on the other, the comparative advantages of one strategy over others, is critical to understanding issues of transparency and hierarchy between the local actors and those 'helping' to find alternatives to solve the problem.

In the second, both the selection and decision process for following a specific action and the question of which actors participate in the decision-making process permit a greater understanding of internal community power dynamics and the extent to which these actions represent the voice of the broader community.

4.3.3. **Track 3: Fitting Strategies to the Institutional Response and Remedies Sought**

The process of selecting and implementing one or several human rights actions entails strategies aimed at obtaining specific responses from administrative, policy-making or judicial bodies at local, national or international levels. Such strategies generally follow a pro- and con-assessment of any given action, as well as an evaluation of the capacities and resources at the community's disposal to sustain and effectively carry out an action until a final decision is adopted. Another key factor in the planning process is analysing the context of the political, social and cultural environments in which the action will take place and the potential allies and obstacles that might be encountered. Ideally, human rights actions are tailored to the type of response pursued and the institution targeted. The extent to which such dimensions are taken into account and define the outcome of the human rights claim is relevant to the research.

In the context of economic globalisation, the increasing involvement of international corporations and foreign investment in local economies together with the changing role of the state further complicate adopting the most appropriate strategies for determining responsibilities and targeting the most appropriate body to resolve local community claims. Equally relevant in deciding human rights actions is the existence of regional (supranational) human rights and other arbitration mechanisms.

Thus, the subjects for exploration in this phase of localisation research are: the adopted actions' adequacy and suitability; the process of identifying allies at distinct levels, and the factors shaping institutional decisions.

4.3.4. **Track 4: Assessing the Institutional Response's Local and Global Implications**

This phase of the localisation research has a two-fold objective: to analyse, first, the institutional decisions' particular dimensions and overall impact on the local community and, second, their implications for international (regional or global) institutions, practices and norms. As a consequence, the research takes place in both local and global sites, and the research focus becomes more complex due to the correlating consequences affecting research team composition and skill requirements. It entails access to and knowledge of the functioning of global institutions such as the UN system, the World Trade Organization or the World Bank. These two aspects are further clarified below.

The normative character of human rights finds its most tangible expression in the decisions adopted by the appropriate body (local or supranational), and this determines, to a large extent, the 'human rights experience' and the sense of human rights' relevance in those affected's lives. Merry states that human rights is identified to some extent by the presence and quality of human rights institutions and this fact is in turn pivotal to the existence of a rights consciousness (2006: 179 – 217). Whether the objectives of the human rights action were achieved and the extent to which such a decision shaped people's sense of relevance of human rights in their lives are thus areas that should be explored in assessing the impact of institutional response, remedial measures and reparations granted. Another dimension in researching the local impact of institutional decisions is how the communities themselves and other actors involved perceive the criteria used to assert their appeal as successful or not. Despair perceptions among network members regarding the relevance of the decision, fulfilment of their expectations, and the collateral impact of such responses are important elements in understanding the relevance of human rights for the local community.

This phase also presents a unique opportunity to measure issues that run through the whole process such as empowerment, participation and accountability. Community dynamics in the aftermath of human rights interventions will permit an observation of whether human rights actions have resulted in the community gaining knowledge about the human rights framework.

Exploring whether and how institutional decisions ‘permeate’ global norms and institutions is the second line of the process of researching the implications of human rights decisions. As it has been opportunely pointed out, the localising human rights framework introduces a unique element to analysing and assessing the local relevance of human rights: the ‘return to the global.’ Once the actors and processes that translate global rights into local systems and frame local needs in human rights language are examined as in track 2 and 3, localising human rights implies looking at the impact that the decisions adopted to resolve such needs have or may have on the future development and interpretation of human rights.

Successful actions taken within the human rights system with the intent of protecting the rights of indigenous communities (i.e.: Cases Ogoni,^[7] Awas Tingni,^[8] etc.) have been articulated by the communities themselves and supported by a wider range of allies, including international NGOs and experts with the ability of translating lessons learned and standards developed into proposals for improved application and interpretation of human rights norms and policy reforms at the global level. Therefore, questions related to the existence and use of channels and mechanisms that lead to such changes and the ways in which human rights decisions reflect local experiences in international normative, institutional or policy reforms are critical to inquiry in this phase of the localisation process. More specifically, case studies would also look at whether achieving an international impact was an objective at the inception of the claim, in addition to shading light on what the means and roles of international NGOs and other allies were in the strategy.

4.3.5. Track 5: Charting the ‘Devolution’ Process

Whether and how global human rights norms enhanced by local experiences have the power to transform similar realities of human rights transgression or deprivation deserves closer exploration in the localisation research process.

In *localisation* theory, the institutional responses that resolve local communities’ human rights claims then feed into regional or global human rights norms and institutions (human rights systems), thus advancing these systems’ potential to respond more effectively to local communities’ claims and needs.

Relevant areas of inquiry to be measured in the ‘devolution’ direction are: how corresponding human rights, arbitral or other bodies (regional or global) use the positive standards developed to resolve local conflicts in order to promote and prevent similar situations; the impact and changes of these decisions on the institutional practices of relevant bodies such as international organisations responsible for regional or global economic policies or investment initiatives (i.e. the World Bank, the Inter American Development Bank, etc.), and how human rights monitoring systems at various levels, ranging from global to local, improve.

[7] African Commission on Human and People’s Rights, Economic Rights Action Center and the Centre for Economic and Social Rights (CESR) v. Nigeria. Communication No. 155/96. Report of 27 May 2002.

[8] Inter-American Court on Human Rights, Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Judgement of 31 August 2001.

5. CONCLUSION

This paper proposed a methodological approach to case study research projects that examine the use and relevance of human rights in local communities. It also presented methodological guidelines for examining experiences in which human rights claims are made by local communities, for recording and analysing the knowledge acquired in such processes, and for looking at the ways in which local communities' claims can advance the human rights framework.

This LHR methodology is framed in *localising human rights theory* – also described in the first part of this paper – and draws on relevant methodological approaches from various disciplines, specifically from case study, systematisation of experiences and participatory human rights impact assessment methodologies. One of the methodology's key features is that it is applicable for researchers in both human rights and related fields.

The proposed methodology was developed through two analytical dimensions. First, the localisation case study process and its components are proposed. Each case study component is consequently described and paired with corresponding methods and assessment tools. Second, the methodological implications of the steps (tracks) implied in the localisation process are analysed. Accordingly, the methodology follows a trajectory that begins with the local communities' needs and claims and ends with an analysis of how the decisions resulting from the claim have or may have impacted the global human rights framework and its devolution to local communities in the form of enhanced rights protection.

6. APPENDICES

6.1. Appendix A: Project Identity Card

Research project	Localizing human rights 4-year project Including autonomous project components of various duration on selected case studies.
Research centre	Lead agency: Faculty of Law, Law and development research group (Ro), University of Antwerp In collaboration with a European research network and academic and civil society institutions in countries where field research is carried out
Project director	Prof. Koen De Feyter, professor of international law, University of Antwerp
Project address	University of Antwerp, Faculty of Law, Venusstraat 23, B-2000 Antwerpen, Belgium Tel. 0032 3 2755235
Project duration	Overall project duration 2007-2010 Separate project components: vary from one to two years
Abstract	The project aims at determining and improving the usefulness of human rights to poor local communities in their effort to achieve humane living conditions. Case studies will focus on societies where there is sufficient political space to develop a measure of human rights based action, and on situations involving not only domestic, but also foreign or international actors (situations involving aspects of economic globalisation).

(Taken from: Localising human rights, A research project 2007-2010, Master Document, April 26, 2006)

6.2. Appendix B: Network Members' Rules of Engagement (Based on Cohen et. al., 2001: 217-231)

ACCOUNTABILITY AMONG HUMAN RIGHTS NETWORK ACTORS
- Agreed definition of the research conceptual and methodological framework
- Agreement on project timeframe, time planning and research cost
- Respecting primary space (of influence) of network members
- Defining clear responsibilities in building and maintaining the network
- Dividing workload (based on expertise, knowledge, information access)
- Information sharing (mechanisms, periodicity)
- Raising and sharing financial resources
- Mutual protection of personal and institutional integrity (confidentiality rules, protecting the security of those most at risk)

6.3. Appendix C: Proposed case study questions and guiding questions for method and indicators selection

I. Case Study Questions

These questions are based on *localising human rights* research project objectives.

- A. What does 'localisation' look like and how does it work from a human rights approach?
- B. Why do local communities (particularly marginalised communities) decide to appeal to human rights to achieve their goals?
- C. How are these decisions adopted (steps and levels of decision-making) and what factors lead to the adoption of such decisions?
- D. What criteria could be used to determine whether such an appeal to human rights was successful or not, and to identify the factors leading to such a result?
- E. Do local communities' expectations of rights differ from the legal normative definition of rights (in national or international law)?
- F. Whether/ how local human rights claims' results permeate (prompt further development or elaboration of) the global human rights framework.

II. Guiding questions to examine cross-cutting issues and different moments (tracks) in the localisation process

The issues and questions below will either come across the research process or they will be present at different levels of the case study analysis.

Actors

- o Assess the 'exposure' of the community, group or collective to human rights language, rights, standards, actors, structures, etc.
- o Foreign vs. indigenous actors (dynamics)
- o Involvement of local protagonists in the case study –issues of objectivity

Representation

- o Who represents the local community? Layers of representation
- o Election of representatives (decision-making mechanisms)
- o Power structures within the community
- o Power issues among network actors

Analysing the context

- o What economic globalisation effects are present in the local context?
- o Perceptions of these effects by local actors
- o What specific impacts are seen as negative /harmful?
- o What factors influence the decision of local groups to appeal to human rights?
- o Who are the most affected within the community?

Selecting a particular human rights strategy

- o Information about alternative paths to solve the problem
- o How are decisions to use a particular human rights strategy adopted?
- o Taking action: Who/ why

Global-local flow of knowledge

- o Who talks to whom across local and global contexts?
- o What are the mechanisms of interaction between local/national/global contexts?
- o Have similar experiences (by other communities) been explored?
- o Attempts to scale-up/ replicate the claim

Measuring 'success'

- o Have the stated objectives been achieved?
- o Do communities themselves and other actors involved consider the appeal as successful or not?
- o Do these perceptions differ? Why?
- o What are the expected/ unexpected benefits/ losses?
- o Was the community (as a collective) further empowered by the outcomes?

Impact(s) of human rights outcome on the local community

- o Impact of the outcome on other actors involved locally and internationally
- o Who (else) benefited from such an outcome?
- o Community dynamics post-HR interventions
- o What changes? What remains?

Permeating 'the global'

- o Was the achievement of international/ global impact an objective from the inception of the claim? What means were used? How did it work?
- o What was the role of international NGOs and other allies in international institutions in such a strategy?
- o Has the ruling or measure adopted been used to change, reinterpret or articulate new human rights norms?
At what level (domestic/ supranational/ international)?

Measuring the process of 'devolution' to the local

- o Have standards/criteria been used to resolve the local conflict been used in subsequent or similar situations? How were these used?
- o Have positive measures been developed to prevent similar situations / problems? At what level?
- o What changes can be perceived in the practices or policies of international institutions responsible for applying corrective measures?
- o Have human rights decisions/ outcomes helped improve local communities' participation in the design of (economic/ investment) policies affecting them?
- o Have monitoring systems been improved?

6.4. Appendix D: Context Analysis Tool Sample

Context Recovery Table (*)

Observer	Date	Organisational Context	Local Context	National Context	Observations
Local community					
Local NGO					
Local academic partner					
International academic partner					
Common analysis					

6.5. Appendix E: A Tool to Record the ‘Human rights Experience’

Experience Recovery Table ()**

Date	What was done	What for?	Who did it?	How was it done?	Results	Observations

(*) and (**) have been taken and adapted from Francke and Morgan (1995)

7. REFERENCES

ALBOAN and Institute of Human Rights Pedro Arrupe (IHRPA) (2006), *Sistematisation Guide* (English and Spanish) http://www.alboan.org/archivos/guiasistematisa2006_cas.pdf

Amnesty International and the International Center for Human Rights and Democratic Development (2001) *Investigating Women’s rights Violations in Armed Conflicts*, Quebec, Amnesty International Publications and Rights & Democracy.

Callamard, A. (1999) *A Methodology for Gender-Sensitive Research*, Amnesty Interna-

tional Publications, International Center for Human Rights and Democratic Development, Canada: Amnesty International and Rights & Democracy.

Conor Gearty (2006) *Can Human Rights Survive?*, The Hamlyn Lectures 2005 Cambridge, Cambridge University Press.

Cohen D., De La Vega R. and Watson G. (2001) *Advocacy for Social Justice, A Global Action and Reflection Guide*, 1st printing, Connecticut, United States, Kumarian Press.

- Conti, J. and O'Neil M. (2007) "Studying Power: Qualitative Methods and the Global Elite," *Qualitative Research* (7): 63- 82.
- De Feyter, K. (2007) "Localising human rights" in Benedek, W., De Feyter, K., Marrella, F. (eds.) *Economic Globalisation and Human Rights*, Cambridge, Cambridge University Press.
- Dooley L. (2002) "Case Study Research and Theory Building," *Advances in Developing Human Resources*, Vol. 4 (3): 335-354.
- Filmer-Wilson, E. (2005) *Practical Guidance to Implementing Rights Based Approaches, Human Rights Analyses for Poverty Reduction and Human Rights Benchmarks*, Report prepared for the Department for International Development (DFID), <http://www.gsdc.org/docs/open/CON30.pdf> (last consulted: 7 December 2007)
- Francke, M. and Morgan M. (1995) "La sistematización: Apuesta por la generación de conocimientos a partir de las experiencias de promoción," *Materiales Didácticos No.1* (Educational Materials Series No. 1) Escuela para el Desarrollo (School for Development), Lima.
- Hines, C. (2003) "Time to Replace Globalisation with Localisation," *Global Environmental Politics*, 3 (3): 1-7.
- International Centre for Human Rights and Democratic Development (Rights & Democracy) (2007) *Human Rights Impact Assessment for Foreign Investment Projects: Learning from Community Experiences in the Philippines, Tibet, the Democratic republic of Congo, Argentina and Peru, Canada*. Also available online at [www-dd.rd.ca](http://www.dd.rd.ca).
- Kapur A. and Duvvury N. (2006) *A Rights based approach to realizing the economic and social rights of Poor and Marginalized Women*, International Center for Research on Women, http://www.icrw.org/docs/2006_Rights-basedEconandSocial.pdf (last consulted: 30 November 2007)
- Lingard, L., Schryer C., Spafford M. and Campbell S. (2007) "Negotiating the politics of identity in an interdisciplinary research team," *Qualitative Research* 7(4): 501-519.
- McClymont M., Golub S., (eds.) (2000) *Many Roads to Justice*, New York, The Ford Foundation.
- Martinic S. (1998) "El Objetivo de la Sistematización y sus relaciones con la Evaluación y la Investigación" Paper presentation proposed at the Latin American Seminar on Practices of Socio-Cultural Animation and Citizen Participation in Latin America, Medellín 12-14 August 1998, www.alboan.org/sistematizacion/materiales.asp (last consulted: November 21 2007)
- Massey C., Alpass F., Flett R., Lewis K., Morris S. and Sligo F. (2006) "Crossing Fields: The case of a multidisciplinary research team," *Qualitative Research* 6(2): 131-149.
- Merry E. S. (2006) *Human Rights and Gender Violence: Translating International Law into Local Justice*, Chicago, University of Chicago Press.
- Norwegian Agency for Development Cooperation, NORAD (2001) *Handbook in Human Rights Assessment, State Obligations and Empowerment*, <http://www.norad.no/files/Handbook.pdf> (last consulted: 25 November 2007)
- Nyamu-Musembi, C. and Cornwall, A. (2004), *What is the Rights-based Approach all About? Perspectives from International Development Agencies*, Working Paper no. 234, Institute for Development Studies, Brighton, available online at <http://www.ids.ac.uk/ids/bookshop/wp/wp234.pdf>

Piron, L. (2004) *Rights-based Approaches and Bilateral Aid Agencies: More than a Metaphor?* Bulletin, Vol. 36, No.1, Institute for Development Studies, Brighton.

Saith, R. (2001) *Social Exclusion: The Concept and Application to Developing Countries*, Working Paper Series, Queen Elizabeth House, University of Oxford. Available online <http://www3.qeh.ox.ac.uk/pdf/qehwp/qehwps72.pdf>

Swiss International Development Cooperation Agency (2004) *Integrating Human Rights and Poverty Reduction: Towards a Human Rights-Based Approach for SDC*, http://www.sdc.admin.ch/ressources/resource_en_24885.pdf (last consulted: 27 October 2007)

Tellis, W. (1997) "Introduction to Case Study", *The Qualitative Report* [On-line serial], 3(2) <http://www.nova.edu/ssss/QR/QR3-2/tellis1.html>. (last consulted: November 15, 2007)

The Center for Victims of Torture, *New Tactics in Human Rights, Tactical Notebook Project*, www.newtactics.org (last consulted: 04 December 2007)

The International Forum on Globalization Report Drafting Committee (2002) "The Case for Subsidiarity: Bias Away from the Global Toward the Local," in *Alternatives to Economic Globalization: A Better World is Possible*, San Francisco, Barrett-Koehler Publishers.

Yin, R. (ed.) (2004) *The Case Study Anthology*, California, SAGE Publications.

Internet resource websites

ALBOAN database on systematization (English and Spanish) <http://www.alboan.org/en/portal/index.asp>

Governance and Social Development Resource Centre (GSDRC), website on Governance, Conflict and Social Development, Rights-based Approaches and human rights monitoring indicators, <http://www.gsdrc.org/go/topic-guides/human-rights/rights-based-approaches>

Human Rights Impact Resource Center (HRIARC), a comprehensive website on instruments to assess the effectiveness and impact of policies, programmes, projects and interventions on human rights. <http://www.humanrightsimpact.org/about-hria/introduction/>

United Nations International Research and Training Institute for the Advancement of Women, INSTRAW, Gender Research Guide website: <http://www.un-instraw.org/en/index.php?option=content&task=view&id=1051&Itemid=247>



University
of Antwerp



INSTITUTE OF DEVELOPMENT
POLICY AND MANAGEMENT