

IDS Working Paper 235

Rights-based approaches and beyond: challenges of linking rights and participation

Lisa VeneKlasen, Valerie Miller, Cindy Clark and Molly Reilly

(Just Associates, Washington D.C.)

A joint initiative of the Participation Group at IDS and Just Associates

December 2004

INSTITUTE OF DEVELOPMENT STUDIES
Brighton, Sussex BN1 9RE
ENGLAND

The authors are all members of Just Associates (JASS), a strategic support and advocacy capacity-building organisation. In 2002, IDS-Participation Group and JASS formed an action-learning collaboration that involved working with activist/researchers from seven countries to examine the links between participation and rights and their influence on organisations' thinking and strategies. This report was developed as a "discourse review", exploring the ways key US-based international actors conceptualise and practice the links between rights and participation.

Lisa VeneKlasen is the Executive Director of Just Associates, an international advocacy support and learning network that works with unions, NGOs and community organisations committed to economic justice, equality and human rights. She has worked extensively in efforts aimed at building citizen participation, advocacy, women's rights and economic justice. She is the author of *A New Weave of Power, People and Politics: The Action Guide for Advocacy and Citizen Participation* (with Valerie Miller).

Valerie Miller, Senior Advisor and co-founder of Just Associates, has worked in advocacy, international development, gender, and human rights for more than 30 years. She has collaborated with grass-roots organisations, NGOs, and international agencies from around the world. Her doctorate is in adult education and she has published widely on issues of advocacy, development, education, and politics. She is co-author with Jane Covey of the *Advocacy Sourcebook*, and with Lisa VeneKlasen of *A New Weave of Power, People & Politics*.

Cindy Clark is the Programme Coordinator for Just Associates (JASS) where her responsibilities include project design, development of learning materials, facilitation, and evaluation in JASS' advocacy capacity-building and economic democracy programmes. Cindy worked previously with Women, Law and Development International, and in Chile with the organisation PARTICIPA. Cindy has an MA in Education and Human Development, specialising in the study of change and learning processes in organisations.

Molly Reilly works with Just Associates as a Strategist, Planner and Trainer. She is currently working on a Kenyan initiative on women's property and inheritance rights and an effort to integrate participatory, rights-based perspectives and approaches into advocacy to improve the quality of the Washington, D.C. public schools. She has coordinated and provided strategic guidance for programmes on human rights advocacy, gender violence, migration, and women's political participation. Molly holds a law degree from the University of Michigan.

Rights-based approaches and beyond: challenges of linking rights and participation
Lisa VeneKlasen, Valerie Miller, Cindy Clark and Molly Reilly
IDS Working Paper 235

First published by the Institute of Development Studies in December 2004
© Institute of Development Studies 2004
ISBN 1 85864 854 8

A catalogue record for this publication is available from the British Library.
All rights reserved. Reproduction, copy, transmission, or translation of any part of this publication may be made only under the following conditions:

- with the prior permission of the publisher; or
- with a licence from the Copyright Licensing Agency Ltd., 90 Tottenham Court Road, London W1P 9HE, UK, or from another national licensing agency; or
- under the terms set out below.

This publication is copyright, but may be reproduced by any method without fee for teaching or non-profit purposes, but not for resale. Formal permission is required for all such uses, but normally will be granted immediately. For copying in any other circumstances, or for re-use in other publications, or for translation or adaptation, prior written permission must be obtained from the publisher, and a fee may be payable.

Available from:
Communications Unit
Institute of Development Studies
at the University of Sussex
Brighton BN1 9RE, UK.
Tel: +44 (0)1273 678269
Fax: +44 (0)1273 621202
Email: publications@ids.ac.uk
www.ids.ac.uk/ids/bookshop

Printed by XPS Limited, Brighton UK
IDS is a charitable company limited by guarantee and registered in England (No. 877338).

Summary

As more and more development and human rights organisations critically assess their impact and strategies, there is growing convergence in the questions they raise about how to be most effective in addressing structural, systemic causes of poverty and exclusion and thus, make a positive difference in the lives of poor and marginalised people. This paper explores the growing trend of “rights-based approaches” (RBA) to development, drawing from interviews with a range of primarily US-based international human rights and development organisations as well as from insights through the authors’ years of experience working with development and rights groups in the global south. While the *theory* of RBA has been broadly embraced as key to getting at the root causes of poverty, many organisations are struggling to make sense of the significance of RBA in *practice*. We begin to unravel some key concerns with a brief discussion on *critical considerations* for groups as they advance rights-based work. Next, we focus on *clarifying meanings*, offering our own definitions of what seem to be critical components of RBA, namely participation, rights, and power. Next we summarise some of the *current thinking and practice* among international human rights and development organisations that are deepening their work in RBA. This includes some of the key tensions, challenges and opportunities they are encountering. Finally, in *building on forgotten experiences and innovations* we look at a handful of practical experiences from the past that offer valuable insights and lessons as groups seek to maximise the full practical potential of RBA.

Keywords: rights, democracy, governance, participation.

Contents

Summary	iii
List of figures	vi
Preface	vii
Abbreviations	x
1 Introduction	1
2 Critical considerations	2
2.1 Distortion of language and action	3
2.2 Rights-based approaches: trends and tensions	3
2.3 Whose rights count? The intersection of power and values	4
3 Clarifying meanings	5
3.1 Participation	5
3.2 Rights	7
3.3 Power and empowerment	8
3.4 Linking rights and participation: integrated change strategies	10
4 Current thinking and practice: challenges and opportunities	13
4.1 How organisations understand participation and rights	13
4.1.2 <i>Understandings of participation</i>	13
4.1.3 <i>Understandings of rights</i>	17
4.2 Making the link: trends and challenges	19
4.2.1 <i>Recovering a vision of change and justice</i>	19
4.2.2 <i>Rights-based approaches: tensions and disconnects in practice</i>	20
4.2.3 <i>Organisational structures and lack of flexibility</i>	20
4.2.4 <i>Isolated "champions" of making the link</i>	21
4.2.5 <i>Language, fears and resistance</i>	21
4.2.6 <i>Difference analysis, different solutions</i>	22
4.2.7 <i>Professional perspectives</i>	23
4.2.8 <i>The need for strategic thinking, power analysis and different skill sets</i>	23
4.2.9 <i>The need for different attitudes and multi-disciplinary approaches</i>	24
4.2.10 <i>Tensions regarding participation in partnership and decision making</i>	25
4.2.11 <i>Clarifying relationships and roles</i>	25
4.2.12 <i>The need for analysis and action to link global to local</i>	26
4.3 Opportunities	27
4.3.1 <i>Why are groups interested in making the links now?</i>	27
5 Building on forgotten experiences and innovations	29
5.1 Recovering the diverse streams of participation	29
5.1.1 <i>Human relations and organisational development</i>	30
5.1.2 <i>Community organising and education for action</i>	31
5.1.3 <i>Popular education</i>	32
5.1.4 <i>Participatory Research/Participatory Action Research</i>	33
5.1.5 <i>Adult and non-formal education</i>	34
5.1.6 <i>PLA/PRA</i>	34

5.2	Participatory legal rights strategies	36
5.3	Women’s rights advocacy experiences	38
6	Conclusions	42
	Appendix A: Sources of information for this study	44
	Appendix B: Power	46
	Bibliography	50

Figures

Figure 5.1	Making formal rights real rights	39
Figure 5.2	The dynamics of human rights advocacy	40

Preface

As different sectors of civil society grapple with increasing challenges of poverty, exclusion, and violence, there is a growing trend to combine concepts and experiences from the fields of human rights and participatory development into their programmes. Interest in shifting to a “rights-based approach” to development has intensified in recent years. International development agencies have increasingly begun to frame their work in terms of rights. Similarly, human rights organisations have been exploring concepts and strategies of participation and how to apply them to their work. Yet whilst there is a great deal of “rights talk” and “participation speak” at the international level, what exactly is a “rights-based approach” all about and how does it link with what’s being done in the name of “participation”? To what extent are development organisations changing their practices from the fulfilment of needs to engagement with rights issues? To what extent are human rights groups incorporating participation into their work? What are some of the historical and contextual factors driving these shifts? And what new practices are emerging in which rights and participation come together?

This series of Working Papers draws on the findings of *Linking Rights and Participation*, an action research project co-convened by the IDS Participation Group and Just Associates in collaboration with partners in Brazil, India, Indonesia, Kenya, Mexico, Nigeria and Zimbabwe. The project sought to contextualise the rights-based approach through deepening understandings of how different actors in different countries frame the links between rights and participation, what various rights-based approaches look like in practice, and what makes some of these approaches powerful forces for change. As part of this, it examined how groups understood ideas of participation and power and applied them to their work. The project brought together a range of development and human rights organisations, from grass-roots CBOs to international agencies, to explore possibilities for enhancing and strengthening links and improving practice. Additional publications from this project are available as listed below.

- Participation Group, IDS

- Just Associates

The following *IDS Working Papers* in this series can be freely downloaded from:

www.ids.ac.uk/ids/bookshop

‘What is the “rights-based approach” all about? Perspectives from international development agencies’

Celestine Nyamu-Musembi and Andrea Cornwall

Institute of Development Studies, Sussex

IDS Working Paper 234

‘Rights-based approaches and beyond: challenges of linking rights and participation’

Lisa VeneKlasen, Valerie Miller, Cindy Clark and Molly Reilly

Just Associates, Washington D.C.

IDS Working Paper 235

‘Kenyan civil society perspectives on rights, rights-based approaches to development, and participation’

Celestine Nyamu-Musembi and Samuel Musyoki

Institute of Development Studies, Sussex

In collaboration with Mwambi Mwasaru and Patrick Mtsami

ILISHE Trust, Mombasa, Kenya

IDS Working Paper 236

The following **Country Studies** from this project are also available online at

www.ids.ac.uk/ids/particip/research/rights

Brazil

‘Linking Rights and Participation: Brazil Country Study’, by Almir Pereira Júnior, Marta Antunes and Jorge O. Romano, ActionAid Brasil

India

‘Linking Rights and Participation: India Country Study’, by National Centre for Advocacy Studies, India

Indonesia

‘Linking Rights and Participation: Indonesia Country Study’, by Dina Lumbantobing and Nani Zulminarni

Kenya

‘Linking Rights and Participation: Kenya Country Study – Linkages and Gaps in Theory and Practice’, by Sammy Musyoki and Celestine Nyamu-Musembi (IDS) and Mwambi Mwasaru and Patrick Mtsami, ILISHE Trust, Mombasa

Mexico

‘Linking Rights and Participation: Mexico Country Study – Exploring the Relationship Between Human Rights and Citizen Participation’, by Mónica Jasis, Centro Mujeres and Mayela García, CIDEM

Nigeria

'Linking Rights and Participation: Nigeria Country Study – Exploring Experiences from the Niger Delta to the North West Region', by Nkoyo Toyo, Gender and Development Action, with inputs from Justice C. C. Nweze, Kaine Agary, Timiebi Koripamo Agary, Hussani Abdu and Ibrahim Nai'ya Sada

Zimbabwe

'Linking Rights and Participation: Zimbabwe Country Study', by Revai Makanje, Luta M. Shaba and Everjoice J. Win

In addition, *IDS Bulletin* Vol 36 No 1, edited by Jethro Pettit and Joanna Wheeler (January 2005) is dedicated entirely to the theme of rights.

For further information please contact:

Participation Group, Institute of Development Studies

University of Sussex

Brighton BN1 9RE UK

Tel: +44 (0) 1273 606261

Fax: +44 (0) 1273 621202

Email: participation@ids.ac.uk

Web: www.ids.ac.uk/ids/particip

Just Associates

2040 S St. NW, Suite 203

Washington, DC 20009 USA

Tel: +1 202-232-1211

Fax: +1 202-234-0981

Email: info@justassociates.org

Web: www.justassociates.org

Abbreviations

ESC	Economic, Social and Cultural
IDS	Institute of Development Studies
IFIs	International Financial Institutions
JASS	Just Associates
NFE	Non-formal education
NGOs	Non-governmental organisations
NTL	National Training Laboratory
PLA	Participatory Learning and Action
PRA	Participatory Rural Appraisal
RRA	Rapid Rural Appraisal
USAID	US Agency for International Development
WLDI	Women, Law and Development International
WOLA	Washington Office on Latin America
WTO	World Trade Organization

1 Introduction

Over the last several years, a growing number of development and human rights organisations have begun to critically reflect on the impact of their work. With inequality and poverty deepening in many parts of the world, development organisations have been exploring shifts in their strategies with the aim of better addressing structural, systemic causes of poverty and exclusion. And while human rights organisations celebrate advances in strengthening the international human rights framework,¹ they also recognise the need for greater progress in ensuring that formal rights are actually realised in people's lives. At this critical time of taking stock, each community – human rights and development – brings different strengths and visions to their work, yet opportunities for substantive dialogue between the two are rare, especially among practitioners. Rights organisations bring their work with governments and the international human rights system on issues of state repression and legal reform, while development organisations offer their experience with grass-roots groups, and in some cases local governments, in promoting participation in economic and social programmes.

These conceptual and strategic questions and shifts have been further shaped and stimulated by the emerging trend known as “rights-based approaches” (RBA) to development. As development actors have expanded opportunities to engage with governments and multilateral institutions, they are strengthening their policy work and embracing and using the human rights system to lend legitimacy to their claims. At the same time, more human rights organisations are seeking to learn about community development and participation, which they have come to see as critical for engaging people in claiming and exercising rights. It is in this convergence between strands of rights and participation approaches where we see the most potential for “rights-based approaches”. Yet, despite its promise and its popularity, confusion abounds as to what “RBA” means in practice, what lessons it draws from rights and participatory approaches, and how it relates to questions of power, empowerment and “good governance”.

As part of a larger process to explore, document and build practical and theoretical linkages between rights and participation,² this paper shares insights and questions generated by a series of interviews with staff and activists involved in US-based international human rights and development organisations as well as practical experiences over several years with both development and rights groups in numerous countries. It also traces important streams of participation and forgotten innovative strategies that have connected rights, development and participation in past decades. Absent from this analysis is the important contribution that US social movements and labour unions make to bridging these ideas and strategies. Further research is required to add their insights and perspectives into this evolving portrait.

¹ Since the attacks of September 11th, 2001, the launching of the US ‘War on Terror’ and the Iraq war, some of these important gains in political rights and civil liberties are being eroded and violated in the US as well as internationally. This has refocused the attention of many leading US human rights groups back to the question of political rights, lessening some of the energy and interest in ESC rights.

² A research initiative coordinated by the Participation Group of the Institute for Development Studies (IDS), UK, and Just Associates (JASS), USA, in collaboration with country teams from Brazil, Mexico, Nigeria, Kenya, Zimbabwe, India and Indonesia. For more information see www.ids.ac.uk/ids/particip/

The review is divided into four main sections: (1) Critical Considerations, (2) Clarifying Meanings, (3) Current thinking and practice, and (4) Building on forgotten experiences and innovations. We start with some *Critical Considerations* and examine several concerns that emerge from the study that we feel are important to highlight for people working on issues of rights and justice. To ground our analysis, the next section, *Clarifying Meanings*, describes our own interpretation of participation, rights and the connections between them. The research in *Current thinking and practice* examines some of the analysis, challenges and opportunities involved in linking rights and participation as understood by US-based international organisations and their leaders. While interest in rights-based and participatory approaches is widespread, nearly all of the organisations and individuals we spoke with seem to be struggling with their practical implications. Hence, the final section of this review, *Building on forgotten experiences and innovations*, highlights various practical experiences in participation, popular education, legal resources strategies and women's rights advocacy from past decades. We believe these provide invaluable lessons and models for making connections between rights and participation and yet, are surprisingly unfamiliar to many of the people we spoke with. Understanding the history of these varied disciplines and movements is thus essential to help current activists formulate answers to the question of *how* to link rights and participation in practice.

To develop this paper we used a variety of methods. Interviews were conducted with representatives of US-based NGOs, including international human rights groups, university-based human rights programmes, development NGOs, and groups engaged in democracy/governance efforts, as well as a small number of US-based donors who fund international programmes. A review of recent documents on rights-based approaches and related programmes was supplemented by insights and examples drawn from our own practical experience over the last three decades collaborating with these and similar organisations. We also tapped knowledge gained from our current working relationships with colleagues from NGOs based in the US, Europe and the global South, and drew on discussions about these concepts and approaches from meetings held at IDS with the project team in October 2002 and June 2003 (see Appendix A).

2 Critical considerations

Undertaking this study has reinforced a profound appreciation for the courage and creativity of groups around the globe struggling against the many causes and consequences of poverty and injustice. The conclusions and insights we draw from this study underscore promising directions and synergies in their social justice work on rights and participation. However, they also raise troublesome concerns that we believe are important to consider as groups move forward in their efforts to make rights and participation meaningful in people's lives.

2.1 Distortion of language and action

The review affirmed for us that more systematic thinking and ongoing dialogue is urgently needed to clarify the meanings of participation and rights, and related terms of empowerment and rights-based development, including their relationships to one another and their implication for practice. Yet huge challenges to this analysis are presented by circumstances in which concepts and language originally developed through social change efforts are co-opted, depoliticised and stripped of their original meaning (see The Asia Foundation, ActionAid and the Participation Group 2001). In light of this type of distortion, linking rights and participation to understandings of development and power is necessary in order to reclaim and reconnect them to emancipatory and empowering notions of participation. Similarly this connection is necessary to ground work on rights more directly in people's daily needs and struggles for survival and dignity. In the absence of this grounding, rights-based approaches are merely a new form of technical fix that combines expert-driven social and economic interventions with legal change that may not be relevant to people and communities or engage them as citizens. A holistic understanding of these concepts can help activists and practitioners to integrate development, participation, and rights into more effective social change processes and, through their synergy, accumulate strength to transform inequitable relations of power and expand the voice and decision-making role of the poor and marginalised.

2.2 Rights-based approaches: trends and tensions

For many development organisations, the process of integrating rights involves adding rights language and a legal or advocacy dimension to their work rather than weaving together two distinct, but interconnected, approaches into a stronger whole. Increasingly, many groups seem to be embracing rights and policy advocacy for advancing systemic change, characterizing “traditional” development and service delivery as simply treating symptoms of problems. In some cases this is leading to the isolation and even the delegitimisation and defunding of some development programmes and counterparts. There is an unspoken assumption that ‘speaking on behalf of the voiceless’ and thus, advancing rights for their local partners in policy spaces will ensure better lives for the marginalised. This belief belies the crucial complementary role that development work performs in testing and crafting viable options to inequitable economic, social, political and cultural structures (not to mention addressing urgent, felt needs), particularly at a time when strapped or corrupt governments cannot provide even the most basic of services. This perspective also risks overlooking the many innovative experiments in participatory and empowered approaches to decision-making and local governance, often driven jointly by civil society groups and reform-minded actors within local governments. By failing to break down the boxes that have separated rights and development, NGOs lose the potential dynamism and power that such integration offers.

Finding balance and synergy between these strategies and approaches will be fundamental to the success of change efforts. One way to understand their relationships more holistically is to view rights and advocacy as the political or policy side of development and participation efforts; and development and participation as the practical side of rights and advocacy work that gives rights concrete meaning in

people's lives. Both rights and development practitioners point out that making the links between rights and participation will require adjustments in the pace of operations so that people have space to think and analyse these connections before they implement.

2.3 Whose rights count? The intersection of power and values

The notion of rights as universal standards of human dignity belies their inherently political and conflictual nature. Rights do not come in neat packages, but rather are part of dynamic, sometimes messy, processes of resistance and change that work to engage and transform relations of power. Despite the existence of the international human rights system, the terrain of rights remains an ever-changing, political arena where some groups' rights compete and conflict with others. Whose rights take precedence when conflicts emerge? What do organisations need to take into consideration as they map out rights-based strategies in such situations? The question of whose rights count obliges rights and development groups to examine the values and forces of power that operate to exclude certain sectors of society while privileging others. The Washington Office on Latin America (WOLA) and ActionAid USA pose the question in their briefing paper on regional trade by asking whose rights are the most important – investor rights or people's rights? (Rowden and Gass 2003). By implication, the paper poses further questions about conflicting values, and how and who gets to decide whose rights prevail. In the case of trade, governments often find themselves squeezed between the opposing demands of their citizens and workers on one side and international corporate interests on the other. . Thus, organisations find that rights-based approaches demand taking sides, and they are not always prepared for the inevitable conflicts this can produce nor aware of the different arenas in which these conflicts occur.

As the experiences of Nigeria and Indonesia from this study illustrate, conflicts over whose rights count emerge at household and community levels as well – for example, where peasant rights groups reject efforts by women's rights activists to address violations that specifically impact women peasants; or in the Niger Delta, where the local community believes it should benefit from the wealth of natural resources under its land whereas citizens in other parts of the country demand that these resources benefit the entire country (see Jasís and García 2003; Toyo *et al.* 2003). Similarly, the actual process of claiming rights is often very messy and the rights an individual claims depend on the particular institutional pathways (courts, village councils, etc.) they have access to. As a result, it is often the relatively more rich and powerful within a community that benefit from rights. Thus we see that the political context determines how competing rights claims are arbitrated at a local level.

Without a thoughtful analysis of these forces and dynamics at all levels of decision-making and power, organisational strategies may turn out to be ineffectual or counterproductive and, in some cases, dangerous to those involved. Organisations therefore, need to be clear about how power operates in their contexts, what combination of strategies are most appropriate, and what sources of support they can tap to counter and transform backlash and conflict.

3 Clarifying meanings

To provide background for our findings, we revisit the ideas of rights and participation and related notions of power and empowerment to clarify our own interpretations of these concepts and their linkages. This discussion draws on the definitions and analysis from the workshops mentioned previously, study interviews, as well as from our own practical experience over the many decades that we have been involved in rights and participatory development work.

3.1 Participation

Meanings of participation are multiple and range from people participating by providing information to development agencies for designing projects, to people analysing problems and participating in decision making as genuine protagonists. Much participation work over the recent past has focused on and made gains in enabling communities and groups to analyse their reality and to define and carry out solutions to local development problems. In addition, some programmes that advance participation have helped to increase sensitivities about gender and other differences and have influenced changes in attitude and behaviour. However, participation is often framed narrowly as a methodology to improve project performance, rather than a process of fostering critical consciousness and decision-making as the basis for active citizenship. Rarely is participation implemented as a mutual decision-making process, where different actors share power and set agendas jointly. Participation, in this sense, involves conflict, and demands a capacity to analyse, negotiate and alter unequal relations at all levels.

In addition to understanding participation as a methodology and decision-making process, a critical analysis of different spaces of participation is becoming increasingly important to building effective rights-based change strategies (Brock, Cornwall and Gaventa 2001). As a result of civil society pressure, opportunities for participation in policy discussions are opening up within powerful institutions such as the World Bank. However, when groups are invited to participate in these spaces, the agendas are often preset or circumscribed in ways that principally serve to legitimise the institution's prior goals and do not offer civil society real opportunities to engage on key policy questions. The distinctions between *closed*, *invited* and *claimed* policy spaces are critical for making strategic choices about where and how to promote rights *vis à vis* formal institutions. *Closed* spaces refer to decision making and policy processes that are controlled by state or international forces and closed to civil society participation such as those of the World Trade Organisation (WTO). *Invited* spaces include public discussion or policy making processes, such as the World Bank's poverty reduction strategy processes, to which civil society groups are invited by powerful state and international actors who control the agenda and rules of engagement. In contrast, *claimed* spaces, such as citizen juries or public accountability sessions, are created by civil society organisations where the agenda and terms of debate and participation with state and international actors are defined by citizen's groups (*ibid.*). Thus, beyond just a concern for the quality of participation, groups must also be alert to the nature of the spaces in which they are participating, and to what extent they offer real opportunities for influence.

For the purposes of this report, we see participation that advances more equitable development and rights as seeking to:

- Include marginalised groups as protagonists and decision-makers and foster their critical consciousness and ability to influence and transform power dynamics as well as the norms, systems and institutions that affect their lives.
- Go beyond perfunctory consultations in externally imposed project and policy processes so that local groups can be involved in agenda-setting, decision-making and structures to hold government and donors accountable.
- Build new leadership, strengthen local organisation, expand strategic and political experience, and foster a sense of active, informed citizenship.
- Change public decision-making structures and processes to be more inclusive of citizens' interests as well as promote individual and group awareness of rights.
- Unpack prevailing myths and unstated assumptions about all stakeholders being equal in power and poor communities being homogeneous.
- Support grass-roots efforts to challenge power hierarchies within their own communities and organisations.
- Link rights efforts to concrete, relevant problems and solutions.
- Where needed, weave expert knowledge into community-designed strategies and analysis so that groups can deal more effectively with the range of institutions, forces and policies shaping their choices and livelihoods.
- Create and affirm a sense of individual empowerment, dignity, and autonomy as a basis from which to organise and then engage with dominant forms of power and knowledge and negotiate with existing power structures.
- Recognise the differences between the closed, invited, and claimed policy spaces of participation so that communities, NGOs and other actors (including reformers within governments) can use their resources strategically to affect change rather than being diverted by agendas that have little positive impact on their lives.

In order to realise this vision of participation, capacity building must go beyond a narrow focus on technical skills to those of political analysis for assessing contexts, risks, power, and underlying causes of a problem. Challenging attitudes and values of subordination and developing critical consciousness and a willingness to act on issues are additional components. Capacity building also includes tapping sources of inspiration and hope and strengthening skills for designing and implementing a range of action strategies. Among these are organising approaches, leadership development, information-gathering, media work,

education efforts, joint planning and agenda-setting processes, conflict management, as well as ways to directly engage with state or corporate institutions such as advocacy, public accountability sessions and lobbying.

3.2 Rights

Like participation, people understand rights in different ways. The concept often conjures up the image of a legalistic approach that is more technical than empowering. The legalistic approach to rights all too often focuses on “what-the-law-says” and downplays the dynamic aspect of the political process that shapes the extent to which rights are enforced and realised in people’s daily lives. This legalistic view plays out in legal education efforts that essentially teach people (through workshops and pamphlets) a simplified version of laws, and in advocacy efforts that focus exclusively on legal reform in order to “deliver-rights”.

The prevalence of legalistic approaches has contributed to a crisis in rights methodology evident in many of our interviews and through our work with rights organisations. While working with laws and legal systems is critical, it has become clear that narrow legal approaches usually fail to expand the scope of rights or appreciably strengthen accountability and capacity to deliver resources and justice. Equally important, these approaches do little to develop people’s sense of themselves as citizens and subjects of rights, or their capacity to engage with and reshape power. Instead of starting with people’s daily problems, rights groups usually use a discussion of law as an entry point into communities, failing to relate to how people experience the world and thus falling short of building active constituencies or sustained support for change. Good development practice emphasises the importance of starting where people are, a hard-won lesson that has not been part of many human rights groups’ knowledge base or experience.

Women’s rights activists helped call attention to the limitations of traditional human rights approaches that place the *content* of international laws at the heart of rights work, noting the importance of starting with an understanding of rights as a *political process* in which people translate their needs and aspirations for a better life into demands and enforceable commitments by states. Going beyond “what the law says”, this understanding builds on a notion of rights as a work in progress that is forged and refined through social struggles.

Some rights may exist on paper. When they do, the challenge lies in claiming them by engaging and reforming the structures and institutions charged with upholding them, and in expanding people’s understanding of and sense of entitlement to rights (Schuler 1986 and 2002).³ Equally important are the efforts of individuals and communities to advance and expand rights not yet enshrined in law. This happens as people articulate and define their needs in rights language, gain acceptance of these rights and ensure that they are made real in people’s lives, as exemplified by the global efforts of women’s rights advocates to gain recognition of women’s rights as human rights. In some situations strategies and approaches that seek to build consensus and legitimacy about newly emerging rights are needed. This is

³ See also the triangle framework in the section on ‘Conceptualizing and Exploring Issues and Strategies’ (Schuler 1986: 22–8).

particularly true with Economic, Social, and Cultural (ESC) rights. Realising ESC rights, for example, requires greater specificity in the content of the rights themselves and broader mobilisation to claim them, but also demands profound change in the structures and budget priorities of governments charged with addressing ESC rights.

Asserting rights, redressing injustice, and accessing political and economic resources, requires using the system where possible and challenging and expanding it where necessary. The scope of recognised rights, and the degree to which people can claim and exercise those rights, is forever changing in response to shifting power dynamics. This appreciation allows for the identification of multiple entry points for action and the development of more holistic strategies that respond to the complexities of power and politics. Our colleagues working with social movements in Brazil (Pereira Junior, Antunes and Romano 2003) and India (National Centre for Advocacy Studies 2003) who have been involved in this project name it quite clearly as ‘a never-ending struggle, a life-long fight for rights.’

The prevalence of legalistic approaches has contributed to a “crisis” in rights methodology evident in many of our interviews and through our work over the last three decades with rights organisations. While working with laws and legal systems is critical for rights work, it has become clear that narrow legal approaches usually fail to expand the scope of rights or appreciably strengthen accountability and capacity to deliver resources and justice. Equally important, these approaches do little to develop people’s sense of themselves as citizens and subjects of rights, or their capacity to engage with and reshape power. Instead of starting with people’s daily problems, rights groups usually use a discussion of rights as an entry point into communities. By beginning with the abstract notion of rights, programmes often do not relate to how people experience the world and thus fail to build active constituencies or sustained support for change. Good development practice emphasises the importance of starting where people are, a hard-won lesson that has not been part of many human rights groups’ knowledge base or experience. In the wake of the frequent failure of traditional legalistic rights work to deliver real change, many in the rights field are looking to expand their range of approaches, methodologies, and strategies. The effort to clarify the links between rights, participation and power, and to understand rights in new ways, are welcome outcomes of the current crisis.

3.3 Power and empowerment

Questions of power and empowerment are at the heart of work on rights and participation, yet are not always understood in their full complexity. Indeed, many human rights and development initiatives reflect a linear or one-dimensional understanding of power. However, effective change strategies need to take into account that power operates dynamically at many levels to prevent people’s participation and the fulfillment of their rights. *Visible* forms of power and decision-making such as legislatures, laws and policies can discriminate against and undermine rights and participation of certain groups such as the poor and marginalised while *hidden* forces of power operate, often undetected, under the table to set the political agenda and benefit privileged sectors of society. These forces create systemic bias and exclude some sets of people and their issues from public consideration through different mechanisms including labeling their

leaders as troublemakers and their demands as illegitimate or not appropriate for public debate. *Invisible* mechanisms of power are the most insidious because they shape meaning and notions of what is acceptable and who is worthy in society. They operate at a deeply psychological level to reinforce feelings of privilege or inferiority that, in turn, shape people's understanding of themselves, their world and their potential to act. Understanding and altering these power dynamics is critical to genuine participation and the fulfillment of rights. Appendix B offers a more in-depth discussion on theories of power (See also Lukes 1974; Gaventa 1980, 1997; Kabeer 1994; and VeneKlasen and Miller 2002.)

Work on participation and rights is ultimately about challenging and transforming these types of power relations and creating new relationships based on values of solidarity, equity, and the common good, a process that is often described as empowerment. Such efforts provide tools and create the conditions to help people expand their capacity to analyse problems and deal with power at the micro-level (personal, community and organisational) and macro-level (local, national and international policy arenas) as well as to develop alternative sources and forms of power that promote more equitable and healthy relationships (see Samuel 1999). Never easy, empowerment can be painful since it questions and seeks to transform deeply embedded power relations from the most intimate to the most public and visible.

Empowerment has been used to describe a multitude of actions and, over the years, has been depoliticised losing its initial focus on power and personal and political transformation. Thus, in conversations and strategising about rights and participation, definitions need to be clear to avoid misinterpretation. Srilatha Batliwala, a prominent Indian scholar and women's rights activist, provides a useful explanation:

The term empowerment refers to a range of activities from individual self-assertion to collective resistance, protest and mobilization that challenge basic power relations. For individuals and groups where class, caste, ethnicity and gender determine their access to resources and power, their empowerment begins when they not only recognize the systemic forces that oppress them, but act to change existing power relationships. Empowerment, therefore, is a process aimed at changing the nature and direction of systemic forces that marginalize women and other disadvantaged sectors in a given context.

Empowerment is not something done to people. Rather it is a participatory process that engages people in reflection, inquiry and action. By sharing life stories and doing a basic analysis of common problems such as domestic violence, unemployment or inadequate health services, people can develop a clearer understanding of power. They begin to question their world and their place in it, affirming their own sources of power and discovering how other forms of power affect their lives. As they question, they develop and deepen a sense of personal worth, a critical and compassionate worldview, and the skills and willingness to act both individually and collectively to improve their world. This change process not only

involves developing political consciousness and an appreciation of rights but ideally also builds new forms of inclusive power that forge bridges of solidarity and cooperation across differences such as ethnicity, class, gender and religion.

3.4 Linking rights and participation: integrated change strategies

The links between rights and participation take on clearer meanings when they are envisioned as part of an integrated social change process designed to transform power. The understanding of rights as a political tool for use in the dynamic process of claiming resources and ensuring justice clearly suggests a link to people's active and engaged participation. Rights and participation have always been linked *implicitly*. The question is how to link them *explicitly* in ways that contribute to empowerment and lasting change.

In our work we have found that individuals and organisations need to have an explicit vision of social change and analysis of power in order to make the link between rights and participation effectively and thus contribute to social transformation. This element is lacking in much of the current practice on rights and development ranging from citizen education to advocacy initiatives. People's assumptions about how change happens and how power operates need to be surfaced since strategies are often based on very sterile and unrealistic notions that do not address the realities of politics and power except at a superficial level. In our interviews it was necessary to probe how groups appreciate and deal with power and transformation both at a conceptual level and in practice. In most cases, either groups had no explicit analysis of power or they focused exclusively on public, visible dimensions of power (i.e. policymaking or the human rights system) in their change efforts, ignoring the less visible aspects that exclude people from participation, reinforce privilege and subordination, and undermine citizen action.

In summary, important elements and aims of strategies that link rights and participation often involve or include:

- *A power analysis that pushes beyond a basic mapping* of formal structures and agendas of what is “on the table” to identify different interests and scrutinise the hidden and invisible dimensions of power under the table and their implications for action. By analysing the root causes of common problems, people can more easily clarify how dominant forms of power operate and they can begin to see how ideology functions to prevent the concerns and issues of marginalised groups from reaching public consciousness or gaining legitimacy. A deeper power analysis can explore the way that public power dynamics overlap with the personal spheres of family and self, the importance of which is well illustrated by the problem of HIV/AIDS. Many HIV/AIDS prevention activities and accompanying policy reforms emphasise condom distribution without considering how power in sexual relationships limit actual condom usage. Often, women say they are unable to negotiate condom use with their partners who either make light of the potential danger or accuse them of being unfaithful. As a result, the intended benefits of these policies and programmes are not realised. Empowerment strategies that emerge from this kind of analysis can help women and men to develop the courage, organisation and skills to confront such problems and forge more collaborative ways of using power.

- *A focus on citizenship and organising as elements of legal and policy change.* It is easy for organisations to get caught up in fast-paced advocacy and policy change agendas, giving short shrift to constituency-building and organising efforts that are in fact critical to sustain change on the ground. A focus on citizenship and organising implies that those most affected by the problems of poverty and discrimination must be at the forefront of setting agendas, planning strategies and taking actions. It will also likely require negotiation with funders who ask to see signs of “empowerment” within a two-year project cycle. Balancing organising with policy work also demands a new understanding of the accompaniment role of NGOs as colleagues working in solidarity with marginalised groups in a long process of social transformation where both sides question and challenge one another. This approach and form of reciprocity can help NGO facilitators and organisers overcome an unintentional tendency to stifle critical thinking either by ignoring or romanticising grass-roots knowledge. Rather than fostering paternalistic relationships, it encourages them to engage with counterparts in processes of mutual critique and learning in which both parties have expertise and negotiate agendas and strategies.
- *A recognition of the complementarity and synergy between rights and development.* To maximise the potential power gained from linking rights and development, it is crucial to understand their synergy and complementarity and not to separate them into boxes or set them up as polarities. Taken together, they provide a more holistic approach to transforming power and improving the lives of the poor and marginalised. A healthy balance needs to be found that incorporates the strengths and functions of both. Rights and advocacy are the policy side of development and participation work, making government and other powerful institutions responsive and accountable. Participation and development are the practical side of rights and advocacy work providing concrete ways for people to live in dignity and health. Trends that give almost exclusive priority to policy actions are counterproductive as they undermine the important role that development work plays in responding to people’s survival priorities and in creating practical alternatives to the current neo-liberal paradigm.
- *A sense of clarity about the interaction among needs, rights and responsibilities.* Basic human needs and aspirations for survival and dignity are the impetus for rights and development struggles, which involve responsibilities of both people and states. The concept and obligation of rights move relationships beyond charity to justice. The fulfillment of rights and responsibilities depends in part upon the capacity of the state or other institutions charged with upholding rights to deliver on their obligation as well as upon the ability of citizens to exercise and claim rights. The daily challenge of meeting human needs for survival and dignity will always require struggle both to realise rights and, at the same time, to strengthen the institutional capacity of the state and civil society to protect, fulfill and enforce rights through accountable governance and community action and organisation. People usually get involved in these struggles and take on responsibilities when they believe their actions will address urgent needs. Thus the best starting point for community action and civic engagement is

frequently an analysis of common problems and power relationships with rights presented as an important approach for solving problems and affirming citizenship.

- *A broader understanding of identity and its application to strategy.* Personal identity is a place in which rights and participation intersect and can be both individual and collective. Each person has multiple identities, defined by race, gender, religion, class, and age among other factors. In cases where identities have been the basis of discrimination, they can serve to activate people, helping them define their rights, gain confidence and a sense of community, and organise with others to act. However, to build bridges across differences and broader alliances for social change, people also need to reflect on values of solidarity and develop a more inclusive vision of society and the common good that go beyond the boundaries of their identity group. When rights of one group conflict with others, these differences must be negotiated as well.
- *Learning opportunities* with diverse actors who share similar values and concerns. These opportunities serve a variety of functions: to exchange ideas, surface questions, challenge one another and deepen mutual knowledge and analysis about concepts and strategies related to the overall struggle for justice, including rights, development, participation, advocacy, power and change. To create effective learning opportunities, certain factors need to be overcome. Among them are urgent programme demands, time constraints, difficulties in finding effective learning and reflection methods and resistance among some donors to support such processes.

From a practical standpoint, strategies that link participation and rights demand new thinking about the role of the outside “facilitator”. Linkage strategies often require the outsider to introduce new perspectives into planning and programming that include, for example, a rights analysis, participatory methods and other information about power and policies. This understanding of the outsider’s role challenges the common but ultimately impossible (and perhaps counter-productive) aspiration among some groups to facilitate an open process without injecting one’s own perspective and knowledge.⁴ Connecting rights and participation calls for all those involved, whether facilitator or community member, to probe one another’s assumptions and by so doing, improve actions and learning. It calls for greater honesty about the intention, information, viewpoints, power and values that an outsider inevitably brings to the process and, at the same time, a recognition of the importance of outside knowledge and questions. Clarity about these principles is increasingly seen as central to the success of the work. Rethinking the outsider’s role to incorporate both questioning assumptions and offering new ideas in ways that affirm and challenge people’s knowledge is an important responsibility for trainers and organisers working to link rights and participation.

⁴ Early popular education and many Participatory Rural Appraisal (PRA)/Participatory Learning and Action (PLA) methodologies often encourage an almost invisible role for the facilitator, assuming that this will better allow for the full expression of community or local knowledge.

Participation and rights are each both means and ends, and thus are full of conflict and tension. Addressing conflicts as they emerge is what shapes each and forms the nexus between them. It is a never-ending dynamic. Through participatory processes, such as dialogue and consensus-building, rights are constantly being redefined and made real, and through the exercise of rights, participation is continually being expanded and legitimised.

4 Current thinking and practice: challenges and opportunities

This section examines the current thinking and practice of several US-based international human rights, development and democracy/governance groups as well as donors, and highlights some of the challenges and tensions they face in linking rights and participation. Our discussions revealed that the path linking rights and participation (and development) is often uneven and indirect. For many organisations, thoughtful practice in linking rights and participation is the rare product of either individual actions or certain specific, isolated programme experiences rather than the outcome of explicit organisational mandates or programme guidelines. One notable exception seemed to be in the area of promoting and protecting ESC rights, where interviews revealed that linkages are sometimes better articulated in practice.

4.1 How organisations understand participation and rights

Important differences in approach and method between development focused organisations and human rights-based organisations exist, despite their sometimes similar language. Within the range of institutions examined there are quite diverse interpretations of the concepts rights and participation. Our discussions also uncovered some of the tensions between national and international groups on related issues of representation and control over funding and agendas. Many international rights and development organisations like to characterise relationships with local groups as partnerships based on participation, yet national groups increasingly find this term disingenuous and used to mask unequal power relationships.

We found that the momentum or pressure to think seriously about linking participation and rights comes from different people within and outside organisations. The “champions” of linkage strategies have varying degrees of power with which to advance them. Sometimes senior management, board members or donors press these links. In other instances, programme staff close to the ground see the importance of these connections and try to move their organisations to incorporate them in more sophisticated ways.

4.1.2 Understandings of participation

Development organisations and social movements around the world have pioneered notions and approaches to participation. At first, most development organisations understood it as a means to improve programme design and implementation by tapping local people’s experience and ideas. Over time, it was seen as a methodology to build capacity and, more recently, as a way to engage in policy change. The work of most human rights organisations has focused on the mechanics of legal and policy strategies with little recognition of the role of participation in strategy until now. Drawing from the work

of Paulo Freire (1972; 1974) and the women's movement, the term empowerment has been increasingly used in association with participation, especially by development groups. Yet its meaning and application are frequently contested and unexamined.

Within the mix of rights and development institutions studied, there are diverse and sometimes overlapping goals, interpretations and approaches to participation, that can be characterised as:

- *utilitarian*, offering better information for more efficient and effective programmes and gaining buy-in from key populations for potential mobilisation efforts;
- *legitimising*, providing rights and development groups with credibility achieved through a constituency base;
- *citizen building*, deepening the skills, values, analysis, and attitudes crucial to active informed and critical citizenship;
- *organisational-strengthening*, building stronger constituency voices and grass-roots leadership;
- *dynamic and interactive*, participatory education and training methods that tap the voices and opinions of the disenfranchised and build on people's experiences;
- *strengthening political consciousness and agency*, helping people develop a sense of personal confidence, self-esteem, and solidarity with other excluded communities, a willingness to take action, as well as an understanding of the mechanisms and forces of power that contribute to exclusion;
- *decision-making*, involving the disenfranchised as authentic protagonists, fostering more inclusive and democratic leadership and accountability.
- *starting point* for development; tapping and beginning with people's expressed needs or concerns;
- a *fundamental human right* to be defended and advanced;
- *engagement in political processes* and public policy, referring to involvement in advocacy, electoral politics etc.

How groups interpret and apply these multiple meanings of participation shapes the scope and effectiveness of their strategies to promote justice and rights for the disenfranchised.

Development groups that use participatory methods in a utilitarian or legitimising fashion exclusively to improve planning and programming have tended to focus on the "how-to" of participation. Yet rarely do they engage people in understanding the many forces of power in their lives or explicitly helping them develop a sense of citizenship or political consciousness that reflects these complexities. Similarly, their planning and programming are not usually based on a deeper analysis of power dynamics that address the multiple dimensions of discrimination and exclusion. However, the extent to which groups end up confronting power generates a greater awareness of these dynamics, although people's ability to engage them effectively is often limited since the methods have not usually strengthened their analytical skills in a systematic fashion.

For a growing set of development and advocacy organisations, participation is connected to empowerment, yet how that term is defined and operationalised varies enormously. A contested term, empowerment is seen to varying degrees as a process which strengthens people's and organisations' political awareness, power analysis, critical consciousness, personal sense of worth and rights, analytical capacities and skills, and ability to participate in decision-making at all levels from family, to NGOs, to government. Education and advocacy initiatives fitting this view of empowerment are particularly evident in programmes dealing with HIV/AIDS, and those in which gender sensitivity is paramount to success. A handful of Northern groups are also exploring the notion of extending participation to processes of joint agenda-setting for their work with Southern partners.

Many human rights or development groups who define part of their work as participation view it as a way to link voice to accountability. In other words, it is a means to ensure that personal and community empowerment has a broader political change agenda and impact. Following well-tested development practice, participation in this view starts with identifying people's concrete needs or problems and links them to advocacy strategies designed to influence and hold public institutions accountable. However when not grounded in a deeper power analysis, which is frequently the case, this approach rarely moves beyond the visible policy process to address the powerful interests and ideologies that are "under-the-table" of decision-making that perpetuate exclusion.

When development and rights groups participate in advocacy work, their approach is often implemented through national or international organisations based in capital cities and through professionals who lobby and speak out on behalf of the interests and concerns of the poor. This approach does not take into consideration the citizen and constituency building or political awareness raising dimensions of participation and empowerment. When elite, policy focused approaches dominate, work with grass-roots groups tends to disappear, and with it, the organisational foundation that can sustain policy changes and make them meaningful in people's lives. However, when allied with other organisations that encompass broader visions of participation, useful synergies can be generated that combine grass-roots leadership and organising with high-level lobbying. These integrated approaches draw on the collective power of numbers and support change at many levels.

A common strategy of traditional international human rights groups has involved gathering information from victims and other key people about human rights violations. Participation, in this instance, can be interpreted as people providing data as informants. Staff carry out short-term missions to countries in order to investigate and document abuses and then denounce violations internationally through the media and other public fora. In the past, these missions have been necessarily extractive; researchers interview local informants who provide the substance for their report.⁵ This approach was justified by the closed political environments in which violations occurred, and the dangers that denouncement might provoke. Some of those interviewed note a gradual shift in this approach brought

⁵ This approach was shaped by the constraints and demands of human rights reporting in past decades where closed, repressive political systems made it too risky to link directly with local actors, and the strength of a denouncement of violations relied on objective, factual reporting.

on in part by the opening of many political systems. With more freedom to operate, international rights groups go beyond individual informant or extractive relationships to establish more direct ties with relatively newly established local human rights organisations. These international groups sometimes involve national organisations in the project and report design as well as discussion of follow-up strategies, and in some cases, the development of capacity building programmes which are then conducted by the international agencies.

Methodologically, many international and local human rights groups have focused on disseminating information about laws and legal procedures rather than on a more participatory learning process of helping people to analyse local problems and develop solutions that use and promote rights. There is an emerging recognition within the human rights field of the failure of their narrow legal and policy approaches and a growing eagerness to explore participatory methods that are grounded in adult education theory and Freirian and feminist notions of empowerment and dialogue.

In certain situations, the shift to more direct relationships with local groups is also leading to a discovery of participation and an exploration of the role that participation and dialogue have in the process of building and defining rights. As one interviewee commented:

It's people who decide [. . .] not human rights lawyers and the courts [. . .] The idea that we decide as a society [what constitutes rights] is the participation piece. And it is so important because it enables people to see their own role in history; enables [them] to know when their rights have been violated [. . .] and that's the importance of participation [. . .] because you can't build consensus [around rights] without participation.

Yet there is also a need to articulate the vision of the kind of participation that is important for groups to encourage. As one interviewee from a human rights organisation noted 'we must clarify what is acceptable participation. We need a set of standards for participation,' in the same way that there are human rights standards. The fact that NGOs join hands with official institutions such as the World Bank in consultations under the banner of "participation" only further confuses what is acceptable and effective.

While it is encouraging that human rights groups increasingly see participation as key to making rights real, some interviewees expressed concern that in light of 9/11 and the current global political context, human rights work is under growing scrutiny and thus, more restricted. In the US civil and political rights are under siege, a situation that has troublesome implications for the scope of action and participation. On one level, it does not bode well for work by US-based international organisations on ESC rights and, on another, it may inhibit innovation. Given the changing context and demands, practitioners fear that rights work may return to a violations based focus and that organisations may set aside efforts to integrate participation and empowerment into programming.

Very few groups, whether development, advocacy, or human rights focused, seem to distinguish between closed, invited, and claimed political spaces (Brock, Cornwall and Gaventa 2001), or to address

the implications these distinctions may have for people's ability to participate effectively. In this sense, groups lack a nuanced, strategic analysis of when and how to engage at different moments and in different political processes.

4.1.3 Understandings of rights

In many ways, the global impact of policies promoted by the International Financial Institutions (IFIs) during the 1980s and 1990s pushed US-based international development organisations into becoming active in policy work on behalf of their partners and beneficiaries.⁶ As the importance of influencing public policies became increasingly evident and the right to development more widely discussed, some of these development organisations reframed their activities in ways that went beyond a needs-based focus to one that also included rights. With this shift, many development organisations have sought to complement their service delivery and livelihood efforts with advocacy strategies that incorporate the political side of change and development. To deliver on food, water, jobs, education and other community concerns means not only supporting local development projects, but also claiming rights and directly engaging with political institutions. As this view has taken on more legitimacy, some organisations have shifted their programmes to give major priority to policy actions and one has eliminated its traditional development activities in favour of an exclusive focus on advocacy and rights.

This shift affirms the responsibility of governments to uphold rights and the role of individuals and organisations to claim and advance rights, not as victims but as members of society with certain legal and moral entitlements. By using rights as an ethical framework and legal foundation, organisations reflect their values, reinforce their legitimacy in the political arena and help empower people to see themselves as change agents rather than objects of charity. For some groups, this approach ultimately involves transforming inequitable relationships and structures of power and is grounded in processes of grass-roots empowerment. While its interpretations and origins vary, the term rights-based development has become a way to talk about these recent directions.

Given the nature of their work, many in international development organisations have found it easy to understand the imperative of promoting economic, social and cultural rights, however, some continue to be wary of work on political and civil rights. In contrast, international human rights groups have almost exclusively focused on the political and civil side until recently. There is growing recognition across the board that development necessarily involves a comprehensive view of rights and accountable governance. Private foundations in the US have added momentum to the rights-based trend by making clear their interest in ESC rights. This has, in turn, encouraged some of the larger organisations focused on civil and political rights to expand their mandate.

Nevertheless, strong ideological resistance to the idea of economic and social rights persists in the US, rooted in its political history and deeply held cultural values about individualism and limited

⁶ There are many historical factors that have given momentum to the rights-based and advocacy trend, including the very important political openings that occurred in many countries across the globe around the time of the fall of the Berlin Wall.

government that circumscribe the scope of rights. This is evident among many of the large international development organisations dependent on the US Agency for International Development (USAID) funding. Standing apart from other bilateral aid agencies, USAID has rejected the broader idea of economic rights,⁷ with the exception of investor and property rights. The influence of this unique perspective on rights is reflected in a variety of ways: in the scope of US-based human rights advocacy groups, the predominate focus of US groups on civil and political rights, and the paucity of rights-based development work within the US despite the alarming growth in poverty and income inequality. One interviewee noted that historically, those Americans who engaged in economic justice work at home and internationally have often paid a high political and personal price. It is also worth noting that despite the general prohibition against ESC rights, powerful exceptions have been carved out by strong and vocal political constituencies for labour and women's rights.⁸

While the traditional focus of international human rights groups has been the documentation and denunciation of violations of political and civil rights, a number of interviewees indicated that they are now shifting their focus and approach. This is partly due to changes in the political contexts in which they are operating, and the fact that credible, well funded organisations are emerging in the South with a clear anti-poverty rights agenda. These Southern organisations work unconstrained by the artificial separation of human rights and development and the ideological resistance to economic rights that has limited the work of US-based rights organisations. In response, US-based groups are seeking to change the way they engage with local partners by expanding their focus to include ESC rights, and re-injecting a broader vision of social and economic justice into their work. This sea of change is just beginning, and its practical implications are not yet well understood. At present, this nascent shift has different limited practical implications. For example, for development organisations, it sometimes means inviting human rights experts to comment on projects, policy analysis and proposals, or monitor humanitarian assistance interventions. For human rights groups, it can mean seeking to influence IFIs, as in the effort to condition loans on a country's human rights performance or working to challenge corporate abuses.

Our interviews revealed eagerness on the part of all concerned to break down the artificial distinctions between human rights and development. Just as some rights organisations are seeking to learn from development practitioners, increasing numbers of development organisations are searching for ways to integrate human rights into the development paradigm through rights-based approaches and other adaptations.

⁷ This contrasts with the importance it places on “economic freedom” – defined by a liberalised, minimally constrained market and trade environment – which is a central criteria for the disbursement of funds for the foreign aid initiative of the Bush Administration called the Millennium Challenge Account.

⁸ However, it is worth noting that the Bush government has reversed many of the gains on these fronts by eliminating funding for reproductive rights and reproductive health programmes thus handicapping groups working in this area, and by actively supporting the reduction of labour standards through trade and IFI policies.

The term “rights-based approach” came into usage among development organisations in the 1990s, although many groups had been incorporating aspects of a rights-based approach intuitively for some time without using the term. A small group of organisations point to participation and empowerment as a determining factor in rights-based approaches, and argue that without participation, an approach is not rights-based. One long-time human rights activist cautioned about the level of rhetoric and relatively few practical innovations in rights-based approaches. She emphasised that the inclusion of ESC rights into strategies does not make a rights-based approach on its own:

An ESC rights strategy is not necessarily a rights-based approach. If an organisation is working on housing and health, what makes it a rights-based approach has to do with their strategy, relationship with communities [. . .] participation and empowerment are central.

The larger international relief and development organisations continue to grapple with integrating rights into their programming. These groups have contributed conceptually and given impetus to the discussion on rights-based development, but changes in practice are slow. In addition to the challenges of revising planning and programming approaches that integrate rights into development work, many organisations find themselves struggling with the funding implications of “taking-sides” on rights issues.

4.2 Making the link: trends and challenges

Many people interviewed for this study tend to understand rights and participation as separate concepts and programme approaches. These conceptual and often organisationally specific understandings shape the way they work, what they perceive as their roles as well as the roles of their partners and governments, and what possibilities for action or change they can envision. Narrow perspectives on rights and participation and their connections, not surprisingly, correspond to narrow visions and strategies for change. While views evolve over time, transforming thinking on these fundamental questions is a difficult process. Below are some of the tensions and obstacles that organisations face in implementing a new understanding of the link between rights and participation.

4.2.1 Recovering a vision of change and justice

In one prominent human rights organisation the executive director expressed concern that the organisation’s work had become too narrowly focused on the mechanics of legal and policy strategies, and had lost its social justice vision. The voices of marginalised groups had been eclipsed by the technical aspects of trying to influence UN conventions and train local organisations in documentation techniques and elite-level advocacy strategies. Even citizen education initiatives had been reduced to imparting information about laws. The director argued that as human rights groups have focused on delivering technical outputs in short time-frames (such as strengthened legislatures, law and constitutional reform, legal rights pamphlets and workshops) they had lost their vision of justice and social change. With that loss they were not challenged to understand how change takes place or how power operates, nor to

develop strategies that strengthened disenfranchised populations and their organisations as powerful protagonists. The historical struggles that produced existing rights and provided crucial lessons to current social change efforts had been overlooked. Similar concerns have been echoed by some women's rights organisations who question the value of focusing almost exclusively on the UN and legal outcomes to the neglect of organising and education work with women at grass-roots levels.

4.2.2 Rights-based approaches: tensions and disconnects in practice

To integrate a more holistic view of development, rights, and participation into programming efforts, small groups of “champions” have worked to influence their organisations’ planning, staffing and grantmaking from the inside, to make them more effective at the global policy level. Changes in rhetoric, however, are more comprehensive and sweeping than innovations in actual practice and unforeseen tensions are arising that threaten programme outcomes. In some cases, rights work has taken precedence and gained legitimacy over traditional development programmes, creating a disconnect between national and global advocacy work and local partners and their development and organising priorities. This shift in the balance from local community service and empowerment efforts to national and global advocacy threatens to undermine the necessary local level work required to meet needs and create development alternatives for improving people’s lives in the short and medium-term. Claiming and advancing rights is only one part of a change process. This imbalance is occurring in part because of the tension between the fast-paced and informational demands of global and national policy work and the slower-paced organising and education efforts with development partners. Institutional needs for publicity and the intellectual excitement surrounding policy work also contribute to this disconnect. Often these strategic choices to focus on advocacy are reinforced by budgetary priorities that further marginalise efforts on the ground, which aggravate tensions between headquarters and both field offices and partner organisations, and pose challenges for linking rights and participation.

4.2.3 Organisational structures and lack of flexibility

Changing organisations is never easy. The monumental shift in policy and discourse necessary for adopting a rights-based approach is, for a large development organisation, a very slow, long process requiring a sustained commitment of senior decision-makers as well as programme staff. Experience has shown us that it can take more than ten years. Organisations are complex organisms with elaborate systems and structures that respond to a particular vision and culture. Linking rights and participation goes beyond a shift in mission and programme approach – it implies changes in staffing, incentives, budgets and priorities. Contemplating these challenges, one interviewee remarked that it is ‘so complicated to think of the implications for a massive bureaucracy that it’s almost self-defeating.’ The idea of shifting decades of policy and practice to accommodate new ideas, techniques and strategies is daunting; but if organisations are not striving to meet the needs and interests of those they serve or represent, some people interviewed asked, to whom are they accountable? Clearly many international development and human rights organisations have been working in set ways for so long that the institutional inertia is hard

to shake. Some staff point to the absence of space or willingness to be self-critical or creative. Some complain that they do not know how to translate insights they receive from Southern partners into programming changes.

4.2.4 Isolated "champions" of making the link

While the work of certain individuals within an organisation may advance a broader vision of rights, the organisation's official policies and discourse change slowly. Within a large organisation, often particular individuals support important participation work aimed at structural change. Similarly, there are small but powerful areas of innovation which get lost as those individuals leave, or when their methods and experiences are sidelined or labeled unique and therefore, not replicable. Thus, institutions forego opportunities to draw from these experiences to create new visions and momentum for change. Often, individual "converts" lack authority and require practical and theoretical evidence to demonstrate the value of the linkages. As one interviewee pointed out, such individuals are required to define 'what's the concrete value-added of shifting [to a rights-based approach].'⁷ It seems that organisations with notable advances in linking rights and participation have attempted to create learning systems for capturing and integrating lessons from innovation.

4.2.5 Language, fears and resistance

There is some resistance among development organisations to rights-based approaches because they are perceived as too political; similarly, human rights groups resist engaging in ESC rights work. Fears are related to the prospect of losing funders, public image, legal requirements and other risks. Some of these concerns have a certain basis in reality, for example, the US government funding is sensitive to both language and political leanings and the tax status of non-profits does limit the percentage of resources allowed for direct advocacy. One human rights advocate who has been working with a group of funders and activists to expand human rights advocacy in the US explained the cultural and ideological currents of American sensitivity to language and actions around rights mentioned above in this way:

[there is a] rejection of the concept of any government obligation [...] US culture is deeply individualistic with a strong belief in the self-made man. There is a lot of sense of duty to others in our value-system but it's expressed through various types of social welfare. But as soon as you transform do-gooding into rights work, then forget it. It's too radical.

Some challenges have to do with different vocabulary, language and expectations. As discussed above, different groups and individuals mean different things when they say "rights-based approach" or

“participation”. This is also a problem within organisations. Among some staff, resistance to new approaches is due to a narrow or limited understanding of rights as solely having to do with a supposedly neutral human rights system, and fear of the political implications of trying to broaden it.⁹

Church-based development groups are sometimes more comfortable with notions of justice rather than rights, however, this is changing as rights-based language becomes more common. Certain faith inspired organisations with global scope point out that rights-based approaches may be appropriate in some regions and countries, but may be risky in others, and that approaches and language need to be tailored to particular political contexts.

4.2.6 Different analysis, different solutions

A dividing line between human rights and development groups is also apparent in their strategic analyses of problems and their methodologies to respond to those problems. Strictly speaking, one might say that traditionally human rights groups stop things from happening (e.g. violations) and development organisations make things happen (e.g. water supplied, crops planted). These two approaches necessitate different imperatives, skills, operational response time, and relations to power. There is a tendency on both sides to see their paradigm as the only one. One interviewee put these tensions in the following image:

human rights organisations have been flying by the seat of their pants, methodology has been a loose word [...] within the development community methodology and planning is more like being in an army [...] on the human rights side we are cowboys in the fray, on the cutting edge, we don't have time to plan.

Another interviewee pointed out, ‘If we think about development as economic resources, there’s a big disconnect because development people think about poverty and rights people don’t.’ Both rights and development practitioners point out that making the links between rights and participation will require adjustments in the pace of operations so that people have space to think and analyse before they actually implement. More time is required to recognise that the goal of the work needs to go beyond what you stop from happening or what you make happen to the task of creating opportunities for participation — opportunities that build people’s sense of citizenship and dignity and allow them to claim, exercise and advance their rights.

⁹ Humanitarian relief organisations in refugee camps in Goma were concerned that they were handing out food to genocide perpetrators. This case, in fact, illustrates all the tensions that can arise with a broader rights perspective because staff may recognise the right to food, but also, feel obliged to do something about individuals who are human rights violators.

4.2.7 Professional perspectives

Professional perspectives shape how people view rights and participation and what strategies they envision to promote them. Seen as critical by people with participation experience, notions of empowerment, power and advocacy, are increasingly mentioned as fundamental to a rights-based approach and necessary for broadening strategies beyond legalistic and technical remedies. One of the challenges of making this link has to do with the professional formation of staff and activists working in rights and development and the separate lenses with which they view their work. Staffs of human rights organisations are often lawyers and tend to see the world through a formal legal lens, drawing on laws and international conventions on rights as the basis for their strategies. In advocacy work this phenomenon plays out through professionals who specialise in policy analysis and lobbying, often drawing on political science or related fields, but with little knowledge of organising or development. Development professionals usually tap a more eclectic background of organising, adult education, psychology, sociology, economics and livelihood themes among others. In some cases, grass-roots experience and an acquaintance with participation, politics, local dynamics and social change theory broaden their lens and their understanding of strategy. These professional lenses and the credibility they give to different approaches can interfere with promoting cooperation and finding creative synergy between strategies. However, sometimes organisations break out of these professional boxes and develop more comprehensive strategies as illustrated by groups from the women's rights field. Some of their experiences will be discussed in Section 5.3 on women's rights advocacy strategies.

4.2.8 The need for strategic thinking, power analysis, and different skill sets

With the evolution of local human rights and development groups in the South, international donors have given Northern counterparts large grants to carry out capacity building and organisational strengthening. For both international development and rights organisations, this capacity building role involves a new area of work that demands a different set of skills, capacities, and attitudes that often requires new staff or intense staff development.

For development organisations, this includes knowledge of rights, policymaking and power dynamics as well as new approaches to strategic thinking and planning which are more attune to structural inequalities and contextual dynamics. However, in practice, many organisations have fallen back into familiar linear, project planning patterns by offering "one-size-fits-all" citizen education and advocacy approaches based on US lobbying models that may not be appropriate to different contexts. The absence of political awareness, policy knowledge and analytical and strategic capacity among international programme staff remains a limitation. One person working with an international development organisation said, 'we're not at the point of understanding the details of the rights.'

For rights groups, understanding power dynamic as well as adult learning theory and practice is key to successful capacity building with local counterparts. Yet only one or two organisations reviewed for this study seem to have incorporated these additional competencies into their work in even a minimal way. A lack of useful materials is identified as an obstacle to developing effective training and education

programmes. Even if participatory methods are used and local NGOs work with grass-roots groups, capacity building efforts done by human rights groups often have difficulty in promoting local activism or citizen empowerment. Human rights advocates recognise that part of the challenge has to do with staffing. For example, many human rights groups rely on lawyers to run programmes, few of whom have the organising or methodological background to deliver much more than legal expertise. International human rights organisations tend to be staffed by professionals with little awareness of or experience with social movements, adult education methods, political processes, or power dynamics beyond engagement with legal institutions and visible structures of authority.

Some human rights practitioners are aware of the limitations of their background:

I experientially knew the limits of my human rights approach and, at the same time, felt totally incapable of solving it [. . .] it's a real skill and capacity issue.

Another person explained the prevalent gap between theory and practice when it comes to participation and empowerment: 'Some of us feel versed in RBA [Rights-based approach] theory but less in how to operationalise it':

What makes a rights-based approach has to do with strategy and building relationships with communities [. . .] and bringing together multiple fields to collaborate [. . .] It's all about methodological approaches that make the link. It's not just about adding new content to your portfolio.

4.2.9 The need for different attitudes and multi-disciplinary approaches

Attitudes of both Northern and Southern NGO staff can be arrogant and disempowering when they interact with "beneficiaries" or excluded populations. Yet "attitudes" are not usually identified as being a necessary part of the "skill-set" required for this work. In reality, attitude, philosophy and values are also a type of skill-set. Again, the theme of making connections is key – this time in recruiting staff with crossover skills. This means organisations and programmes need to tap into people who possess cross-disciplinary capacities and thus, able to make connections with other types of knowledge and practice including adult education, social change, power, politics, development, human rights, advocacy, organising, gender and culture among others. By employing more individuals with these multidisciplinary skills, the above problems will be mitigated and the link between rights and participation will be more likely to emerge within organisations.

In addition, international development and rights staffs generally perceive their role as an expert or as a technical intervention in some form. Making the links between participation and rights often requires working alongside and in solidarity with people, and seeing the work as a common struggle for change and justice. One interviewee pointed out that most staff of Northern development and human rights NGOs have little knowledge about local dynamics of rights and poverty, and may not be active citizens in their

own country, but easily assume roles of rescuer or expert on rights and citizen participation in another. As mentioned above, the culture of expertise and related incentive systems perpetuate the interventionist approach of international NGOs, as do pressures to legitimise themselves as experts to donors.

4.2.10 Tensions regarding participation in partnership and decision-making

Unequal power relations between Northern and Southern NGOs can inhibit the kind of trust and effective partnerships necessary for linking rights and participation across borders. Large international organisations find it difficult to recognise how their own structures and assumptions can work against their mission of promoting empowerment and rights. For example, they rarely engage local partners in joint agenda setting or strategising that are the cornerstones of a balanced partnership and when ignored, create tensions and cynicism. International groups may focus on gathering data from communities and producing information for their use rather than on employing participatory approaches that promote shared decision-making and help local partners develop the analytical and research skills to produce their own information and action plans. In many cases, programme designs reflect the assumption and misconception that education and information dissemination to partners “equals” empowerment. This may occur, in part, because information production is quantifiable and easier to measure and report on than empowerment, and programmatically fits more readily into the limited two and three year project time-frames demanded by donors. Among human rights organisations, for example, this can translate into an emphasis on report writing while overlooking opportunities for doing joint work and engaging in longer learning and shared agenda-setting processes with local groups.

4.2.11 Clarifying relationships and roles

The stated goal of many international organisations is to strengthen and support civil society in developing countries, but questions arise about the role of Northern NGOs especially when conflicts surface over strategies and resources. What is the relationship of the international organisation with the local NGOs and communities?¹⁰ Who sets the agenda? How are decisions made? In what direction does accountability flow, and from where does the international organisation derive its legitimacy?

Funders and institutional survival needs often complicate these relationships. For example international funding agencies support Northern development and rights organisations to carry out capacity building of Southern groups, including support for Northern field offices in the South. By so doing, some analysts and activists believe they displace Southern organisations that have competencies necessary for conducting these programmes and thus, miss opportunities to strengthen local civil society and support the sustainability of indigenous institutions. Similarly, some stress that Northern groups need

¹⁰ It is worth noting that many Southern NGOs operate as urban-based elite institutions that have little connection to the communities they claim to represent or benefit. The country studies discuss this problem in more detail (see Jasis, Centro Mujeres and García 2003; Lumbantobing and Zulminarni 2003; Makanje, Shaba and Win 2003; Musyoki and Nyamu-Musembi 2003; Pereira Júnior, Atunes and Romano 2003; The National Centre for Advocacy Studies 2003; and Toyo *et al.* 2003).

to examine how field offices fit into their organisation mission and programmes, and make frequent assessments of their impact on the local political environment and on the development of civil society.¹¹

While certain Northern groups recognise that many Southern organisations feel they are not real partners in agenda-setting or strategy development, awareness of these tensions has not translated into concrete institutional shifts toward participatory processes of consultation or joint decision-making. Only in rare instances does there seem to be a commitment to shared agenda-setting or a full recognition of the complexities of power dynamics in these relationships and their impact on the promotion of rights and citizenship. However, within a small number of organisations, directors and programme staff are working to develop alternative processes that involve partners more directly.

4.2.12 The need for analysis and action to link global to local

Some interviewees believe that participation models are inadequate because they are small-scale or community-based and do not link micro-level problems and actions to macro-level policy work. They emphasise that combining rights and participation requires analytical and strategic linkages that target negative policies and ‘that connect local problems to bad policies that often have local, national and international dimensions.’ One person argued that ‘we need to trace reality to policies,’ a task that poses a number of practical challenges with regard to skills and information. To this end, she argued that we ‘need more powerful scholars to define the conceptual linkages’ and activists who can translate them into action. The challenge is how to draw upon the research and scholarly analysis needed to fully understand different political arenas, without disempowering people since expert knowledge tends to reaffirm their belief that they simply do not know enough. In meeting this challenge, one interviewee stressed that effective approaches have many elements:

What makes a rights-based approach has to do with strategy, and building relationships with communities [. . .] and bringing together multiple fields to collaborate on developing participatory methods. It’s all about methodological approaches that make the link, it’s not just about adding new content to your portfolio.

Experience, for example, with participatory research has proven effective as a methodology that combines local knowledge with broader expertise and can overcome the disempowering tendency of expert knowledge to undermine community ideas and information.

¹¹ Some international human rights advocates we have worked with believe that the issue of field presence needs to be questioned. What is the effect on Southern NGOs who become junior partners to larger Northern groups and whose self-reliance may be undercut? As more and more Southern NGOs become fully institutionalised, the question arises of how to deal with competition between Northern and Southern NGOs for local funds and qualified staff.

4.3 Opportunities

4.3.1 Why are groups interested in making the links now?

Influenced by significant changes in the landscape of politics, poverty and inequality, civil society organisations increasingly see work on public policy and government accountability as being crucial not only for guaranteeing basic rights but also for ensuring gains from development efforts. This understanding has led many traditional development groups to emulate human rights organisations and add advocacy and rights to their programmes. These changes, along with donor pressures, have similarly encouraged some rights groups to incorporate development approaches such as empowerment and people's participation into their strategies to ensure legitimacy and greater impact. As one leader suggested, usual approaches employed by rights groups 'don't capture the reality of people's experiences' nor the nature of struggle or dynamics between rights and development inherent in the change process; '... it's not lawyers who define rights, it's people who define rights [...] we segregated rights and development from a professional point of view when in reality they are intertwined.'

A number of civil society efforts worldwide make these connections and provide ideas to other groups wanting to replicate them. For example, several people interviewed highlight how women's rights work often bridges the gap between rights, participation, power and development: 'Participation and empowerment are at the heart of work on women's rights and their economic survival.' 'Take any issue facing women and there's a profound relationship between the two [rights and development] both in terms of causality and remedy.' Connections between rights, participation and development are also clearly emerging through interventions on HIV/AIDS, where service delivery programmes cannot avoid engaging on rights issues at all levels from family to government. Like women's rights initiatives, the connection between personal and political empowerment is an essential ingredient to success.

Development organisations are gaining insights from their relatively new efforts in advocacy that are leading them to refine their understanding of the connections between rights and participation. Some practitioners, for example, are questioning the impact and consequences of an exclusive focus on high-level policy and lobbying efforts and reemphasising the importance of grass-roots organising, empowerment and leadership in all advocacy initiatives. In certain instances for example, advocacy can undermine membership-based organisations when leaders become so caught up in the demands of lobbying that they neglect work with their base. When examining advocacy campaigns carried out by more elite national and international groups, questions are also raised about who sets the advocacy agenda and what this means for achieving social change and promoting strong organisations of the poor and marginalised? Other groups, with commitments to building long-term sustainable change processes and creating alternatives to the current neo-liberal paradigm, are trying to weave together participatory development models with advocacy efforts, rather than solely focusing on policy initiatives.

The plight of marginalised communities facing the growing ravages of poverty and discrimination has pushed rights and development groups to focus on issues of economic survival and dignity which has, in turn, increased interest and involvement in ESC rights and nurtured deeper connections. The evolving

emphasis on political and policy strategies to guarantee basic needs, including a focus on non-state actors such as the private sector, has given further impetus to linking rights and participation. Some people argue that the impact of transnational corporations, IFIs and trade agreements on poverty, inequality, rights and governance in the last decade has shifted the playing field for human rights and development organisations so significantly, that corresponding shifts in strategy are unavoidable. Increasingly Southern groups are also broadening the rights agenda by pushing international rights groups to include ESC rights in their scope of work. As this occurs there is a greater potential overlap with participation. Most of the larger international groups are expanding their mandates slowly, usually in the area of women's rights, health and labour rights, or corporate responsibility, due in part to Southern demands and new donor directions. Amnesty International, for example, is involved in women's rights, conflict diamonds, arms trade, and international economic policy in addition to its traditional issue areas – prisoners of conscience and the death penalty. The launching of a global ESC rights network in mid-2003 led jointly by Southern and Northern NGOs, is a hopeful sign of the possibilities for creating new types of partnerships and networks that link rights and participation where knowledge from practice is valued as well as scholarly research.

As human rights groups get involved in capacity building, some become concerned with the quality of participation, especially in terms of methodology and impact. The failure of information strategies to produce a consciousness about rights and greater activism has led some organisations to explore participatory adult education methods and other alternatives. Instead of starting with booklets and lectures about rights, practitioners have found that the most effective education and organising approaches are those that begin by helping communities identify shared problems and concerns and building local leadership.

Shifting away from a primary focus on reporting violations, rights organisations are now also working with local groups to take advantage of increased political space to engage with governments in national reform initiatives. However, the sources of violations and infringements of human rights are increasingly international and non-state actors as well as national governments, and growing poverty makes it difficult to separate basic political freedoms from economic survival. Moving from a reactive strategy of responding to violations to proactive strategies aimed at empowerment, constituency building and capacity building, human rights groups are finding that they need to build different relationships with local counterparts and assist them in dealing with international actors. Mining people for information in a purely extractive process, as has been done in the past, does not strengthen civil society groups who are so vital for advancing and sustaining change. Current challenges demand much more. Some rights organisations, with the assistance of key donors, have shifted approaches from merely reporting and denouncing to include the strengthening of local groups – their programmes, analysis and information gathering – and, in isolated cases, establishing joint agenda-setting processes for common advocacy work.

Another source of pressure on international groups to alter their relationship with local groups and incorporate forms of participation into their work comes from international institutions such as the World Bank that are the target of their advocacy. For example, IFIs increasingly question international

organisations engaged in advocacy about whom they represent and the nature of that representation. While some of these challenges are disingenuous attempts to invalidate otherwise legitimate demands, the question of representation is significant. Increasingly, international rights and development NGOs need to demonstrate more meaningful connections with Southern civil society for legitimacy and credibility in global and national policy arenas where rights and participation are claimed and negotiated.

5 Building on forgotten experiences and innovations

In this section we draw upon various past experiences and approaches to social change that seem relatively and surprisingly unknown to many development and rights practitioners who are seeking to link rights and participation in transformative strategies. These include diverse historical and conceptual streams shaping participation, and concrete approaches from participatory legal rights strategies during the 1970s and 1980s and women's rights experiences over the last three decades. We discuss them briefly, drawing primarily from our own 30-year practical experience in these various initiatives and our related research. We revisit them with the hope that they might provide insights about the “why” and “how” of linking rights and participation.

5.1. Recovering the diverse streams of participation

The mainstreaming of participation over the last 25 years has tended to detach participatory methodologies from a long history of political processes and social movements, so that often even the most innovative practitioners are unaware of the many streams of participation history. To explore these streams, we will categorise them based on our own experience, recognising that there are other types of classification and that two important currents – social movements and trade union organising – are not included.

Categories are not neat. They often overlap and mutually reinforce or challenge one another. Sometimes approaches are associated with an individual or several individuals who have developed key aspects of thinking and practice that have then been modified over time. As these approaches are applied in different settings, their initial intent and practice can often be distorted in ways that undermine or contradict their original purposes and vision of change. Whether approaches encourage actions that are capable of transforming systemic inequities depends in large part on the intentions and orientations of the people who use them. Practitioners' backgrounds, worldviews and underlying assumptions about power can shape how and where approaches are applied, and can influence the results ultimately achieved.

We cover the following selected broad traditions of participation experience:

- Human relations and organisational development
- Popular education
- Participatory research and participatory action research
- Adult and non-formal education

- Participatory Rural Appraisal (PRA)/Participatory Learning and Action (PLA)
- Community organising and education for action

5.1.1 Human relations and organisational development

In the 1930s and 1940s North American writers, researchers and practitioners from a variety of disciplines began to study group dynamics and human relations as a way to improve group effectiveness, productivity and human potential.¹² Following World War II, their thinking moved beyond the original focus on industrial relations to broader organisational settings, giving rise to a range of processes, techniques and exercises such as sensitivity training, T-groups, small group consensus-building (Delphi), role plays, games/simulations, brainstorming, feedback, participant observation, facilitation, values clarification and action research (geared toward planning and improving social actions). Instead of seeing the emerging approaches only in terms of improving private sector operations, these thinkers saw the methods as concrete ways to address major societal problems and contribute to more democratic relationships and leadership. However, these innovators did not seem to incorporate an explicit analysis of power or focus on transforming inequities. Essentially, the underlying assumption was that if people could only understand the social dynamics at work in their lives, they could cooperate together to help solve larger problems.

The National Training Laboratory (NTL), organised in the late 1940s, served as a creative home for many of these psychologists and academics. Over time as NTL gained strong support from US government/military contracts, its research and training moved from a focus on individual and personal growth to an increasing emphasis on management of government structures and corporations which helped spawn the field of organisational development and behaviour. Along the way their contributions also influenced education, therapy, and community development work, by providing practitioners with a set of participatory methods to engage people in thinking about their personal and group behaviour and broader social relationships.

When carried out with a vision of social transformation, these approaches have been applied to enhance people's sense of individual and collective power and encourage social action. They have influenced the thinking and practice of countless academics, trainers and activists and constitute an important stream that feeds into participation and rights work. However, there are certain cautions that come with these approaches. Over the years their earlier vision of social change has narrowed to one focusing on strengthening government and corporate management, returning to the field's original roots in industrial relations. As currently taught, the approaches are often used as techniques for team building and management relations. People schooled in these approaches may be highly skilled in creating a congenial group spirit and high levels of participation, but do not necessarily link their work to broader social justice goals, political empowerment or decisionmaking by the marginalised.

¹² Some of the names associated with this stream of participatory approaches were luminaries in the field of social psychology and education and included: Karl Lewin, Carl Rogers, Abraham Maslow, Pfieler and Jones, Chris Argyris, Gordon Lippett Douglas MacGregor, and Sidney Simon among others.

5.1.2 Community organising and education for action

Community organising and community education as they emerged in the United States, developed out of a particular historical context – the 1930s depression and its aftermath. These two related currents were influenced by union organisers in the US and educators in Scandinavia who during the mid 1800s developed “folkschools” designed to affirm and strengthen the cultural heritage and practices of rural peoples. Community organising and education, as developed in the US, focused on transforming relations of power, especially in terms of race and class, but placed emphasis on different aspects of social change. The community organising current arose from an urban context of poverty and racial discrimination while community education emerged from work in poor rural areas by the Highlander Center, an American version of the Scandinavian “folkschool”. Both trends were inspired and influenced by labour organising as well.

The two main figures associated with these currents, Myles Horton and Saul Alinsky, were friends yet Horton, the co-founder of Highlander, saw his work principally as one of educator and Alinsky as organiser. Alinsky emphasised the role of outside organiser and catalyst in creating community organisations and change strategies that often used highly confrontational tactics to draw official attention to neglected issues. Horton, on the other hand, believed in tapping existing organisations and community leaders, providing them a space to analyse their own problems and expand their political awareness while connecting them to other colleagues and resources in order to deepen their analysis and create more effective solutions. Horton summarised the community education approach: ‘You don’t just tell people something; you find a way to use situations to educate them so that they can learn to figure things out themselves’ (Horton and Freire 1990). He also stressed the importance of analysing failures as a way to learn from mistakes and strengthen future actions. Among its many education efforts, Highlander collaborated with Appalachian groups using participatory research methods to generate local knowledge about land tenure relations in poor communities and to establish the foundation for a powerful regional alliance building and advocacy effort.

Alinsky’s work and writing¹³ inspired a variety of “citizen action” organising efforts in the United States that thrive today, including ACORN and many state-wide citizens coalitions working on a range of issues from “the living wage” to housing rights. Internationally Alinsky helped train a first generation of community organisers in the Philippines, many of whom were then instrumental in Marcos’ downfall and later became prominent NGO leaders and activists. As international policies began to affect communities with whom the Highlander Center worked, it gradually brought activists and local leaders from poor areas of the US together with counterparts from around the world to analyse common issues and strategise across borders.

¹³ See for example, Alinsky (1971).

5.1.3 Popular education

The popular education stream took form in the 1950s and 1960s based on the thinking and work of the Brazilian educator, Paulo Freire (1972; 1974). He drew on an explicit analysis of power and class through his own experience with state repression and poverty. Freire believed that poverty was rooted in unequal structures of power and that education to gain critical consciousness about the systemic roots of inequality was a prerequisite for transforming those inequitable relationships.

Working with peasants, Freire found that socialisation and cultural formation affected rural people's consciousness about their place in the world, preventing many from seeing themselves as citizens worthy of rights and capable of action. On some levels, peasants internalised a belief that they deserved their subordinate position in society, blaming themselves for their poverty and marginalisation. This realisation led Freire to place great importance on helping people develop a critical awareness of their own power and potential and a deeper understanding of politics and change. Though he did not incorporate a gender analysis into his thinking, his notions about consciousness-raising were similar in some ways to the analysis made by feminists in the 1980s and 1990s about the invisible forces shaping women's consciousness and their subordination and exclusion.

To confront this vision of power and powerlessness, Freire and his colleagues developed learning materials and dialogue processes that helped marginalised people reflect on their lives in critical ways to strengthen their confidence, sense of solidarity, hope, organisation, and skills of analysis and literacy. Problem-posing in nature, Freire's approach tapped activist and community knowledge about themes of injustice, developing related images in the form of drawings or photos to promote dialogue and awareness. These images, combined with a key words, were the basis for generating reflection, literacy skills and critical thinking that, in turn, served as a foundation for building and strengthening community organisations and social change movements. This approach to "liberation education" was contrasted with traditional "banking" education methods, where teachers or experts deposited knowledge into the minds of students, reinforcing passivity and the notion that people are empty vessels, ignorant, waiting for knowledge.

Over the years Freire's ideas and approaches were deepened, challenged and applied to a variety of contexts.¹⁴ Feminist academics,¹⁵ as well as practitioners, for example, despite being inspired by his thinking, questioned his focus on class as the sole determinant of poverty and exclusion. Other analysts challenged some of his views on culture and consciousness. While they agreed that mechanisms of power shape how people see themselves, they believed that peasants' unwillingness to engage overtly in politics may be due to an implicit analysis of risk and power and not just to internalised attitudes of subordination. Instead of direct action, peasants may opt to resist oppression quietly.¹⁶

¹⁴ The number of influential thinkers and practitioners in popular education are too numerous to name but among some of the most well-known internationally include Anne Hope and Sally Timmel from South Africa, Karl Gaspar and Ed de la Torre from the Philippines, Marcos Arruda and Augusto Boal from Brazil, Myles Horton from the United States, Adam Curle from the UK, and Maria Suarez from Costa Rica among others.

¹⁵ See, for example, hooks, bell (1993); Brady (1994).

¹⁶ See Gaventa (1980).

As is common with other approaches, popular education methods can be distorted. When popular education is reduced to a set of random participatory techniques and detached from any kind of organizing or action, it loses its ability to strengthen people's critical understanding of power and their view of themselves as change agents. In certain cases, popular education has been associated with revolutionary movements that have applied the approaches in rather formulaic ways and engaged people in limited discussions about pre-selected political themes. In some instances, this has been due to the difficult nature of the method, as it depends on the skillful facilitation of group discussions about complex social issues with people who are not accustomed to such conversations. In other cases, leaders were concerned that holding completely open discussions would result in questions or demands that they could not answer or increase criticism of their leadership. In other contexts, right-wing governments and dictatorships have adopted technical aspects of Freire's literacy method as an efficient and engaging teaching approach while eliminating the problem-posing and consciousness-raising discussion of social justice themes.

5.1.4 Participatory Research/Participatory Action Research

Participatory research, or participatory action research as it is sometimes described, emerged from the work of academics and activists concerned about specific relations of power around issues of knowledge creation, poverty and class.¹⁷ The approach evolved from international efforts that are often traced to researchers and educators in Tanzania in the early 1970s working to involve community people in research explicitly as partners and decision-makers. Together they investigated and analysed social problems such as health care, each tapping their own sources of knowledge and experience to create a more accurate, collective understanding of issues so that more effective actions could be taken in response.

Participatory research takes different forms but usually brings local people together with outside researchers and development activists to study issues of common concern and share control over the process of inquiry and action. Like action research, participatory research rejects the positivist notion of one objective "truth" that should be proven by deductive reasoning and evidence, recognising instead that knowledge and reality are often socially constructed on the basis of deeply embedded values and worldviews. In contrast to some mainstream action research, however, participatory research is explicitly intended to promote more equitable relations of power and hence, is not neutral. For both these reasons, participatory research is open to challenge by traditional researchers and development practitioners. Aimed at transforming structures of injustice, it is based on a collective analysis and creation of knowledge that produces new awareness, critical thinking and more effective strategies of social change.

¹⁷ Beginning in the mid 1970s, the International Council for Adult Education became a major leader in advancing the field through its journal and conferences and the formation of an international network called the Participatory Research Group. The United Nations Research Institute for Social Development also took up important work in this area. Some of the major writers and lesser-known innovative practitioners in participatory research include: Yusuf Kassam, Budd Hall, Orlando FalsBorda, Deborah Barndt, dian marino, John Gaventa, Rajesh Tandon, Malena de Montis, and Lisa VeneKlasen among others.

5.1.5 Adult and non-formal education

In the United States, the formal field of adult education emerged at the beginning of the twentieth century in response to needs of immigrant workers. Inspired by the ideas of John Dewey,¹⁸ educators grew to believe that adults required a different environment and structure for learning based closely on people's life experience. Early American leaders in the field such as Eduard Lindeman and Mary Parker Follet envisioned adult education as a process of group discussion leading to social action and integrally related to building citizenship and community leadership. Focused more on integrating people into American society than questioning inequities, over the years the field of adult education incorporated principles of group dynamics and problem solving and ultimately became dominated by job training and continuing education programmes for individual enrichment and life long learning. Prominent educators such as Malcolm Knowles (Knowles 1950) eschewed the political dimensions of popular education choosing to stress the learner-focused nature of experiential learning as the heart of adult education.

In the 1960s these ideas influenced the formulation of a new but related concept, non-formal education (NFE), used to categorise a type of out-of-school learning geared especially toward adults. Founded on a belief that formal educational systems around the world were not serving the needs of poor countries, UN agencies and educators such as Philip Coombs proposed an alternative system that would teach adults concrete skills they needed to contribute to national development. Adopted as a USAID strategy in the 1970s, NFE was grounded in theories of adult learning and generously funded by the United States government through universities, although by the 1990s the concept had lost much of its initial influence. NFE came to encompass a series of initiatives ranging from traditional job training and skill development to more creative participatory approaches of simulations, gaming and popular education.

5.1.6 PLA/PRA

The family of approaches and practices known broadly as Participatory Rural Appraisal (PRA) and Participatory Learning and Action (PLA) emerged from attempts in the 1970s by development practitioners, universities and international development institutions to obtain better information for development planning. Project failures caused by a lack of consultation with local people and by time-consuming, costly and often inaccurate household survey methods of data collection, moved some practitioners to advance more rapid processes that surfaced people's knowledge about problems and needs. Methods of Rapid Rural Appraisal (RRA) emerged in response, as did approaches to "agroecosystems analysis" for understanding complex farming systems and indigenous knowledge. However, the data gathering process was usually extractive in nature and findings were not always discussed with communities, nor did the process involve them in decisionmaking about appropriate actions. In the mid 1980s, Robert Chambers and other early proponents expanded the initial extractive approach of RRA and reconceived it as PRA to engage communities and tap their knowledge in a more

¹⁸ See Dewey (1916/1966; 1963).

open process, relying on visual tools that did not require literacy, and emphasising the importance of changing the attitudes and behaviour of development “experts”. PRA offered agencies better information, and also provided communities with some tools of analysis to discuss their own problems.

While many of these approaches were originally formulated in Asia and Africa to help development professionals better access local information, organisers and educators with no knowledge of PRA, such as Malena de Montis and Lisa VeneKlasen, were developing very similar tools with poor communities during the early 1980s in Latin America.¹⁹ Rather than data gathering for development planners, however, the focus was on empowerment and collective learning to strengthen participation and leadership in community-run development initiatives and organisations. With the help of outside activists and organisers, groups generated their own knowledge and analysis sometimes being challenged to rethink their assumptions or add new information. They then applied this learning directly to improving community projects and expanding participation opportunities for more marginalised populations such as women.

The evolving set of PRA and PLA tools and processes drew on a variety of experiences that included participatory research, applied anthropology, certain techniques for diagramming and visualising relationships, some of Freire’s work and widely used popular education methods. Highly visual, the approaches involved people in creating their own knowledge by mapping community resources; making lists, matrices, diagrams, and comparisons; ranking and prioritising concerns; doing role plays and discussing options and developing action plans and strategies.

The PLA/PRA traditions offer compelling opportunities for community engagement, yet serious questions have emerged about some of their assumptions and practice. Initially issues of gender and other power relations were not addressed effectively and to this day questions remain about the assumed homogeneity of the experience of poverty in a community (see Guijt and Shah 1998). In some instances, peasant knowledge is glorified as the ultimate truth and not appreciated as being a product of larger political processes that need to be challenged and analysed. The role of consciousness so important to the work of Freire and many feminists, is often ignored or addressed only superficially. Similarly, the role of probing questions and new information that help people confront misconceptions and deepen their knowledge is sometimes overlooked.

PLA/PRA approaches can generate significant expectations on the part of the poor about participation and change, yet they do not guarantee that people will be involved in actual planning, or decision-making. In part as a result of PRA work, the World Bank has adopted the language of participation and empowerment and created spaces, such as the Participatory Poverty Assessments (PPAs) and Poverty Reduction Strategy Paper (PRSP) processes designed to tap the “voices of the poor” and the thinking of civil society in shaping policies. Power relations and agendas that are not always easily discernable, however, limit the impact of these voices. For institutions like the World Bank,

¹⁹ From project documentation and interviews done by Valerie Miller with Malena de Montis and Lisa VeneKlasen about El Regadio, a participatory research and development initiative in Nicaragua from 1981–1984; also see OEF International (1991); Fals-Borda (1982); and Indian Social Institute (1985).

predetermined policy directions shape their programmes and while they consult with the poor through civil society on certain issues, these preset policy directions prevent meaningful civic participation in major decisions. Eventually this can lead to alienation, cynicism and an actual decrease in the willingness of the poor and marginalised to participate in these types of efforts.

5.2 Participatory legal rights strategies

During the 1970s and 1980s, a variety of innovative legal rights and empowerment strategies emerged in closed political environments throughout the world. These “legal resources” or “legal services” approaches, as they were sometimes called, combined participatory community development and legal rights education, and were particularly strong in Latin America and South Asia where they were tied to significant social movements and revolutionary struggles (see Paul and Dias 1985; Schuler and Kadirgamar-Rajasingham 1992).

Legal resources initiatives ran the gamut from legal literacy programmes to community-based legal promoters (paralegals) and community-based legal services, and also included other combinations of problem-centered approaches to law and legal solutions that involved strategies to foster development and social change. Many of these approaches exist today, but have undergone significant adaptations given changing contextual and historical influences and have generally seen an increase in the role of lawyers.

Similar to the tensions and contradictions in the rights-based development discourse, these legal strategies were shaped by distinct disciplines and paradigms with their own theories, language and frameworks for practice. These influences include law, critical legal studies, participatory development, gender, popular education, empowerment, human rights and political change theory. As we find with rights-based approaches, these legal strategies and their implementation tended to differ and be defined according to the perspectives and professional backgrounds of those leading them. Breaking out of the paradigms that shaped the approaches, whether framed as development, legal, or empowerment, was sometimes difficult and, therefore, made the adoption of holistic change strategies less likely. Because of these divergences and stove pipe mentalities, projects conceptualised and valued legal information as a piece of the empowerment equation differently.

For example, legal resources projects that were staffed predominantly by lawyers (which was more prevalent in Africa than in Latin America) tended to be legalistic and grounded in the notion that legal expertise was the primary tool for addressing problems. In such cases, the content of the legal education and services programmes centered on a simplification of laws, such as the “civil code,” “family-law” and “labour-law.” This content was often taught by lawyers or university students who would lecture to a community gathering or workshop organised by a community development group. The education was sometimes tied to legal aid, where makeshift clinics were established to provide individual assistance to people who did not have the means or information to pursue a complaint. This approach to rights education continues today in many countries.

Alternatively, projects for legal education and services that emphasised participation and empowerment emerged primarily from development and social change perspectives. This was a complex

task in many countries during the 1970s and 1980s because governments in many countries were repressive dictatorships. However, the experience of legal education and the basic act of pursuing legal solutions as part of a development project was often the only strategic route to affirming a sense of citizenship among poor and disadvantaged communities. Indeed, some projects in Latin America, literally focused on helping people get birth certificates and identification cards to be able to use government services.

These projects often adapted popular education methods, using pictures, posters and plays to depict and facilitate an analysis of common problems. Problem-centred rather than legalistic, emphasis was placed on understanding the many causes of a problem and exploring solutions that could be handled at community-level. Only after these problem-solving processes had generated some critical analysis would information about law and legal procedures be introduced to affirm people's sense of rights and expand their thinking about possible solutions. In the 1980s, these strategies were particularly prevalent among women's groups throughout the world. Thus they tended to focus on family laws because the issues of marriage, custody, maintenance, divorce, inheritance and domestic violence were central to women's sense of self, basic survival and participation in development schemes. These initiatives were run by women's organisations who frequently also ran complementary micro-credit, health and self-esteem programmes. Multidimensional grass-roots projects like this continue today in many countries but often under the radar of human rights or economic development groups. Similar programmes were organised with workers' organisations and trade unions using the cracks in closed political environments that allowed them to engage the state on basic demands, albeit in a limited and restricted fashion.

In some cases, participatory legal resources projects combined legal education with the added value of community-based legal promoters. Again, there were a wide variety of approaches and applications of the paralegal notion depending on the extent to which legal expertise dominated the design and implementation. In the most participatory and community-focused projects, legal promoters were elected by organisations from their own communities to play a facilitator-advisor role and to accompany individuals through a legal case. A focus on women also seemed to contribute to the quality of the empowerment aspects of a programme since gender discrimination demanded that groups develop strategies to address problems at an individual and personal level as well as levels of the family, community and the broader public arena. One innovative example was *Peru-Mujer*, which eventually operated in several cities and rural communities in Peru and worked with pre-existing neighborhood groups who elected their own promoters democratically, ensuring both relevance and accountability. Despite Peru's closed system, the organisation gave people experience in democratic decision-making and advocacy, and led a successful effort to gain legal credentials from the Ministry of Justice for promoters so they could represent clients in lower level family and community courts. Moreover, *Peru-Mujer* was a recognised as a pioneer in integrating strategies of organising, critical consciousness and collective problem-solving with direct engagement with the state (see Dasso 1992).

These legal education and empowerment programmes often described their strategies as legal literacy, emphasising power as an important basis for their work and drawing on the thinking and work of Freire:

The basic premise of Freire is that the ignorance and powerlessness of the poor and by implication, women, are rooted in social structures that determine the unequal exercise of power in society. The remedy is social transformation, for which education is a prerequisite – an education that enables people to reflect on themselves and their roles in both the old and new societies and to develop the capacity to participate rationally, critically, and democratically in public life [. . .] Since human beings are essentially creative beings, significant change will come from their own transforming action. The role of educator in this process is to engage in a “dialogical praxis” with the participants, recognising that they are equally knowledgeable, if not more so, about their own situation. Implicit in this method is a critique of traditional educational approaches, particularly extension training, which assume that the educator possesses the knowledge needed by the 'learners' and that this knowledge can be imparted to them.

[. . .] Empowering strategies assume that the grass-roots have the capacity to understand the issues, develop the skills to articulate alternatives, and mobilize its resources to press for effective change [. . .] Whether they begin with legislative change or advocacy, or another focus, they always include an educational component which progressively moves [people] from learning about rights and injustice toward an understanding of the causes of their inferior status, to the articulation of alternatives, and the development of organising and political skills.

(Schuler 1986: 33–4)

During the 1980s and 1990s, these community-based approaches fed into and shaped the global advocacy strategies of women’s movements in UN conferences where significant advances in women’s rights were made.²⁰

5.3 Women’s rights advocacy experiences

The experiences of global women’s rights movements that connected local, national and transnational change efforts, offer a variety of rich lessons for linkage strategies, including:

- The “how-to” of combining participatory processes of personal transformation, leadership development, policy influence and political change.
- Models for integrating economic livelihood work with rights, participation and advocacy.
- A reconceptualisation of rights within a useful multidimensional framework for groups seeking both to use the human rights system and expand it to include and legitimise other crucial rights (e.g. ESC rights).

Over the last several decades, as feminists, human rights activists, gender researchers, and practitioners sought to articulate and defend women’s rights, they confronted an international human rights system that did not adequately respond to the kinds of violations that women experience. For example, human rights

²⁰ Some of these advances have been subsequently reversed and continue to be hotly contested.

law and practice were not generally understood as applicable to the personal and sexual abuses women suffered. Operating under a rigid legal separation between the public and private sphere, violations based on gender were ignored. In this inhospitable context, activists challenged and pressured the system to respond to women’s experiences and needs. Through sustained and coordinated action linking community development and service delivery efforts to local, national and international research and advocacy, problems such as domestic violence and war-related rape came to be understood as human rights abuses while mechanisms for prosecution and enforcement are still evolving.

Given substance by the 1993 Vienna World Conference of Human Rights in 1993, this reinterpretation of human rights concepts did two important things. It not only demanded a breaking down of the public/private distinction that had been such a strict feature of rights affecting women, it also forced a legal obligation upon states to protect citizens from certain abuses committed by non-state actors. Women’s issues no longer could be shunted aside as private or family matters not subject to public regulation as easily as they had been in the past. The legitimacy bestowed on women’s rights by these important advances gave further momentum to organising and education initiatives.

Analysing these experiences led to useful insights about the dynamic and evolving nature of the human rights system, and ways to utilise that system effectively, which are presented in the following frameworks. The first, ‘Making Formal Rights Real Rights’ (see Figure 5.1) outlines the kinds of advocacy aims and challenges encountered for different stages or categories of rights. These include: recognised human rights for both men and women, recognised rights particular to women, and rights that are still evolving and not yet fully recognised.

Figure 5.1 Making formal rights real rights

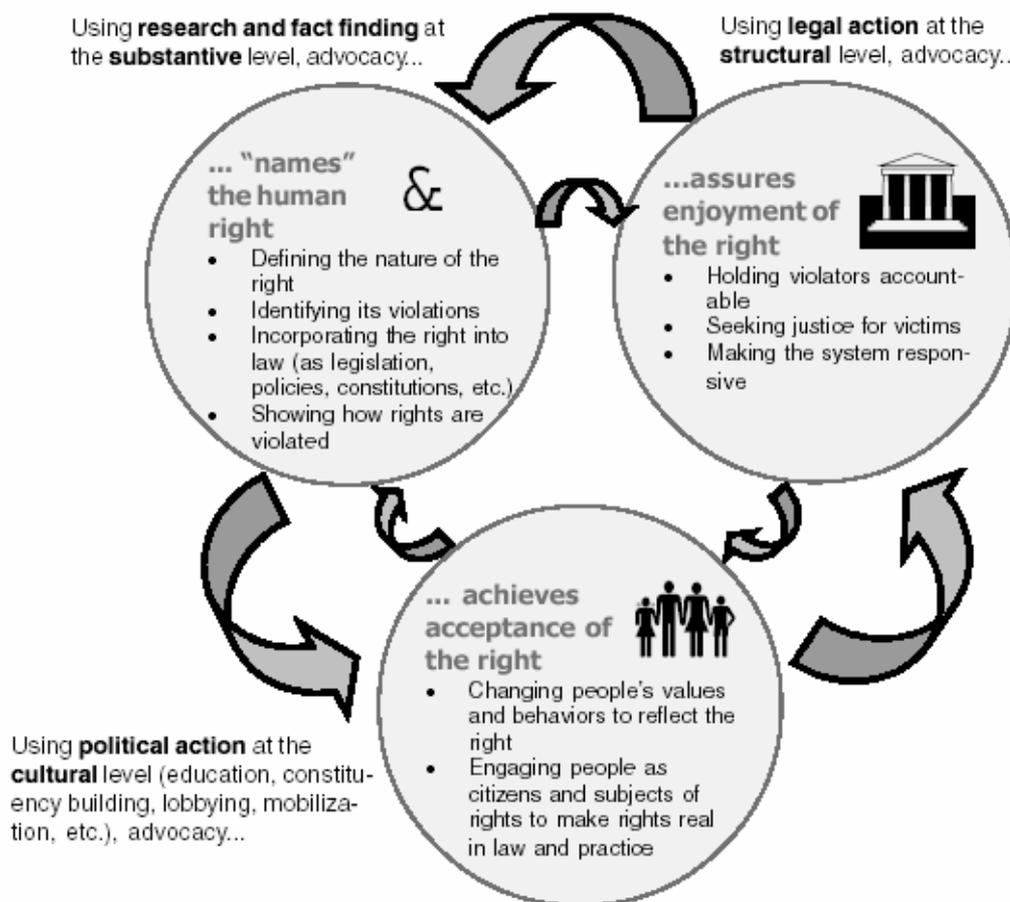
Which rights?	Where are they found?	Advocacy Challenges
All rights that apply to both men and women.	Rights found in general human rights instruments	To ensure that these rights are consistently applied to both sexes.
Rights that are specific to women or that need to be expanded to ensure basic rights for women's situation.	Rights covered in specialized instruments, such as CEDAW.	To ensure that these rights are treated with equal seriousness as the general human rights.
Evolving rights.	Not yet defined or covered in any treaty or instrument.	To press for the explicit definition and acceptance of these rights.

Women, Law and Development International and Human Rights Watch Women’s Rights Project. *Women’s Human Rights Step by Step*, Washington DC, 1997.

The following framework on ‘The Dynamics of Human Rights Advocacy’ (see Figure 5.2) describes three necessary and interactive processes and moments related to promoting and advancing rights. The circle on the upper left represents the step of naming or defining and clarifying the content or substance of a right; the circle at the bottom illustrates the step of recognising or gaining acceptance of the right both at the

formal or public level and at the cultural, social and personal level; and the final circle describes the enforcing step that involves the development or improvement of structures to ensure that the right is fulfilled and implemented in people's daily lives.

Figure 5.2 The dynamics of human rights advocacy



From *Advocate's Strategy Workbook* (draft), by Margaret Schuler, Women, Law and Development International, 2001.

Work on the issue of domestic violence, which continues on a vast scale, offers some crucial insights about the links between personal and public power, as well as the links between development, rights and participation, especially as they relate to marginalised groups. Development practitioners have learned that, besides counseling and economic projects, systemic change is key to adequately address questions of abuse and women's needs; rights activists and legal professionals have learned corresponding lessons, specifically that the law cannot solve problems of abuse and inequality without additional complementary individual, community and social efforts. Changes in the substance of the law and policy or in the behaviour and practice of enforcing structures (e.g. the courts, police, hospitals) have little impact on abuse unless complemented by cultural changes (personal empowerment, education and the development of critical thinking and skills). Economic development alone, which is often seen as the solution to

inequality, will not automatically lead to the improvement of governance systems or the advancement and exercise of rights. Like other marginalised groups, women are socialised to accept and blame themselves for their abuse, despite its injustice.

The issue of domestic violence explodes the public/private dichotomy in how the law is framed, but also very concretely in how change in the personal and intimate sphere must be an integral part of larger political change and rights-based strategies. Dealing with domestic violence also illustrates the overwhelming influence of invisible forms of power and culture – values and social attitudes – in shaping the degree of responsiveness of state institutions to enforce and implement law and policy. In addition to legal reform, experience has demonstrated how education and awareness raising of civil servants is a critical aspect of making rights real.

Advocacy experience on women's rights also sheds light on some operational questions about strategic and practical approaches to change and their link to work on participatory development and rights, and economic rights in particular. Over the years, women's groups frequently engaged in small-scale economic activities from micro-credit to income generating schemes with the assumption that improving a woman's economic status would enable her to make choices and exercise more control over other aspects of her life. Some groups saw greater income as the solution to women's problems and got stuck at that point in their strategies. They never moved forward to influence structural and systemic change. Other groups pursuing broader transformational goals made the links to power and participation and used the economic work as an entry point or vehicle into the longer-term process of consciousness raising, education, organisation building, political change and the creation of alternatives to the neo-liberal model of development. They used activities focused on practical needs to help establish relationships with women and the credibility and understanding required to then embark on human rights and advocacy work over the long-term. International development organisations working today that are slow in linking their efforts to processes of systemic change – by incorporating a focus on claiming rights and altering political structures – often share a similar mistaken assumption with colleagues from the past who concentrated solely on livelihood projects. Many assume that economic development alone will automatically lead to the improvement of governance systems and the advancement of rights.

Perhaps it is partly the realisation that power and powerlessness are unavoidable factors in women's lives that has led some development and rights organisations to pursue more holistic approaches to change when working with them. Poverty and inequality for women, after all, are products of a complex blend of personal and political factors, of prejudice and subordination, as well as of systemic failure to provide equitable access and protection. Thus, to create change for women, strategies of participation and rights need to be grounded in a broad vision and process of empowerment that is both an individual personal (private) process, and a collective (organisational) political (public) process. This evolution of vision and practice, as seen in the history of participation and legal resources strategies, can provide rich lessons for the quest to find practical ways to link rights, participation and development and build more effective change strategies.

6 Conclusions

The growing recognition that human rights and community development concepts and approaches can be combined to improve strategies for addressing poverty and promoting social justice offers considerable promise. However, as the nature of poverty, inequality and governance shifts, it becomes imperative that strategies link rights, development and participation with a deeper understanding of power and social change to ensure that such promise be fulfilled. Lack of clarity about these concepts and processes complicate their effective application, as do political and financial factors such as fear of taking sides, co-optation of language, the US government's restricted view of ESC rights and donors' tendencies to interpret these notions and strategies narrowly. Institutional challenges further complicate the work of development and rights groups as they attempt to integrate these ideas and approaches into their planning, programming and fundraising in organisational contexts not geared to critical reflection or learning. Finding staff and creating teams with the interdisciplinary skills and holistic vision of rights and participation required for successful change is a continuing and urgent organisational challenge.

The notion of rights-based development has gained prominence as part of this trend, although its interpretation and application vary widely. Certain aspects of rights-based approaches offer considerable potential for advancing work on rights and social justice, yet others raise important questions. Many groups using rights-based approaches do not seem to incorporate an analysis of how the dynamics of power interact to enhance or prevent citizen participation in politics or surface tensions about whose rights count most. In such cases, there seems to be little recognition of the crucial and sometimes contradictory role that advocacy strategies can have in promoting or undermining local organisations and their leadership. Furthermore, work on rights and advocacy increasingly seems to be given priority by development organisations in a way that supplants traditional economic and social development projects as if they were unrelated, or as if rights and advocacy were superior to development and empowerment.

There is a danger that rights-based approaches get reduced to a narrow set of technical fixes, such as professional lobbying and policy research, overlooking the holistic nature of change. If this happens, vital elements necessary for producing long lasting social change can get neglected. Among these are: strengthening grass-roots organisations and leadership; increasing people's political awareness, sense of citizenship, and ability to create and sustain livelihood opportunities; and providing and testing concrete development experiences from which to learn and build practical alternatives to the prevalent neo-liberal economic model. To further strengthen rights-based approaches and integrate rights and participation into effective change efforts, lessons from the rich experiences in participation, legal resources programmes and women's rights initiatives over the past decades can provide important insights.

Any trend creates with it eagerness and opportunities to reflect, ask questions, and make changes. The growing tendency to incorporate ideas and strategies from the rights and development communities is providing organisations with opportunities to deepen their analyses and improve their practice. However, at the same time, competition for funds, visibility and credibility tend to be reducing the willingness and spaces for learning. In such a context, how can donors and large organisations work to sustain this

opportune moment for understanding rights-based approaches, keeping the process dynamic and preventing it from becoming controlled by a few dominant experts and bound by a new set of technologies? The challenge, at this juncture, is how to remain open and supportive of expanding opportunities to stimulate ideas, strategies and learning from action that can produce the innovations and surprises vital for building alternatives that make societies more equitable and just.

Appendix A: Sources of information for this study

Persons interviewed:

1. Ann Blyberg, International Human Rights Internship Programme
2. Michael Gibbons, Banyan Tree Foundation and Human Rights Funders Group
3. Gary Hansen, Democracy and Governance Unit, US Agency for International Development
4. Carolyn Long, consultant, former deputy director of InterAction, author of *Participation of the Poor in Development Initiatives*, 2001, London: Earthscan
5. John Zarafonetis, Committee on Development Policy and Practice, InterAction
6. Holly Bartling, Center for the Study of Human Rights at Columbia University
7. Michael Gibbons, Banyan Tree Foundation
8. Charlotte Bunch, Center for Women's Global Leadership at Rutgers University, well-known author on women's rights
9. Dorothy Thomas, formerly with Human Rights Watch, current advisor to the newly created Global Fund for Human Rights
10. Gay MacDougall, International Human Rights Law Group
11. Martina Vandenburg, Human Rights Watch
12. Madalene O'Donnell, Democracy and Governance Unit, USAID
13. Mona Younis, Mertz-Gilmore Foundation and Human Rights Funders Group
14. Evan Bloom, PACT
15. Juliane Kippenberg, Human Rights Watch
16. John Ruthrauff, Oxfam America
17. Heather Robinson, Oxfam America
18. Martha Thompson, Brandeis University

Informal and open-ended discussions with staff of:

Catholic Relief Services

ActionAid International

Grass-roots International

Unitarian Universalist Service Committee

Materials, project reports and documentation from:

Oxfam America and Oxfam International

Action Aid International

World Vision

CARE

Save the Children

InterAction

Association for Women's Rights in Development (AWID)
Center for the Study of Human Rights at Columbia University
Center of Concern
Women, Law and Development International
Amnesty International
Washington Office on Latin America
Center for Economic and Social Rights
Unitarian Universalist Service Committee
Grass-roots International

Ongoing working relationships with:

Catholic Relief Services
Action Aid
Oxfam America
PACT
InterAction
AWID
The Asia Foundation
Women, Law and Development International
Center for Development and Population Activities
International Solidarity Center of the AFL-CIO
Unitarian Universalist Service Committee

Appendix B: Power

When analysing the dynamics between approaches to rights and participation, and their potential impact on inequity and exclusion, questions of power become key. The exercise of power shapes how people participate in society, whose voices and concerns prevail in decision-making and whose rights get advanced. How power operates, therefore, requires close scrutiny in order to develop effective change strategies. The following questions related to power were formulated to guide our overall inquiry and examination of specific country experiences.

To what extent and how do strategies incorporate understandings about unequal relations of power? How do these different interpretations of power affect how organisations relate to whom they serve or represent, what strategies and methods they use, and the kind of participation they promote?

- *In particular, to what extent do these behaviours and strategies address unequal relations of power in the personal and public spheres?*
- *How do they affect individual and collective agency on the part of the marginalised?*
- *To what extent and how do strategies promote critical consciousness about systemic inequalities, including awareness about how ideas, beliefs and socialisation shape rights and participation*

Grappling with power is at the core of our participation and rights work, yet is rarely explored critically or integrated into practice by groups adopting rights-based development language. How can power be understood and how does it affect change strategies? To initiate this discussion, we cite excerpts from *A New Weave of Power, People and Politics* (VeneKlasen with Miller 2002) which draws heavily on the work of John Gaventa, Steven Lukes, Naila Kabeer, Srilatha Batliwala, Malena de Montis and the Grass-roots Policy Project among others.

Sources and expressions of power

[. . .] power is both dynamic and multidimensional, changing according to context, circumstance and interest. Its expressions and forms can range from domination and resistance to collaboration and transformation [. . .] We look at power as an individual, collective, and political force than can either undermine or empower citizens and their organisations. It is a force that alternatively can facilitate, hasten or halt the process of change [. . .] Similarly it shapes the parameters of citizen participation and their ability to claim and advance their rights.

To get a handle on the diverse sources and expressions of power – both positive and negative – the following distinctions can be useful.

Power over [. . .] is seen as a win-lose kind of relationship. Having power involves taking it from someone else, and then using it to dominate and prevent others from gaining it. In politics, those

who control resources and decision-making have power over those without. When people are denied access to important resources like land, healthcare and jobs, power over perpetuates inequality, injustice, and poverty.

In the absence of alternative models and relationships, people repeat the *power over* pattern in their personal relationships, communities, and institutions. This is also true of people who come from a marginalised or “powerless” group. When they gain power in leadership positions, they sometimes “imitate-the-oppressor”.

Practitioners and academics have searched for more collaborative ways of exercising and using power. Three alternatives – *power with*, *power to* and *power within* – offer positive ways of expressing power that create the possibility of forming more equitable relationships. By affirming people’s capacity to act creatively, they provide some basic principles for constructing empowering strategies.

Power with has to do with finding common ground among different interests and building collective strength.

Power to refers to the unique potential of every person to shape his or her life and world.

Power within has to do with a person’s sense of self-worth and self-knowledge [. . .] and is central to people’s understanding of themselves as citizens with rights and responsibilities.

Many levels of power

What makes political power even more difficult to analyse and confront is the fact that it does not always operate in visible ways. To help activists and advocates navigate power more effectively, we describe three interactive dimensions of power that shape the parameters of political participation and advocacy. These range from the more obvious and visible to those that operate largely unnoticed behind the scenes [. . .] The less visible dimensions are, of course, more difficult to engage since power tends to be concealed and diffuse, embedded in cultural and social norms and practices.

1. *Visible Power: Observable Decision-making.* This level includes the visible and definable aspects of political power – the formal rules, structures, authorities, institutions, and procedures of decision-making. Examples include elections, political parties, laws, legislatures, budgets, corporate policy, by-laws etc. There are two main ways that visible power discriminates against certain interests and people: biased laws and policies [. . .] serve one group of people at the expense of others [. . .] and closed, corrupt or unrepresentative decision-making structures [. . .] do not involve the voices or interests of the people they are intended to serve [. . .]

Legal reform and electing more women to office are examples of strategies designed to challenge these aspects of power, yet they [. . .] are not sufficient to overcome society's unwritten rules and power dynamics that often override the system's formal rules.

Despite the existence of fair laws and decision-making structures, politics never occurs on an even playing field. Behind-the-scenes, political, economic, social, and cultural forces operate to shape who gets to sit at the decision-making table and whose issues get addressed [. . .]

2. *Hidden Power: Setting the Political Agenda.* This level of power over is less obvious and, hence, more difficult to engage. Certain powerful people and institutions maintain their influence by controlling who gets to the decision-making table and what gets on the agenda. These dynamics exclude and devalue the concerns and representations of other less powerful groups, such as women and the poor. Excluded groups often point out that they and their issues, such as toxics, land rights, and domestic violence, are both invisible to the society at large and absent from the political agenda [. . .] In some cases, leaders are vilified or even killed [. . .]

Advocacy [and rights] groups challenge this level of *power over* by creating broad-based constituencies for policy and institutional reform that reduce systemic discrimination. In building strong and accountable organisations they tap their *power with* others to get to the table. They produce and disseminate analysis and alternative perspectives about their issues and politics [. . .]

3. *Invisible Power: Shaping Meaning.* Probably the most insidious of the three dimensions of power, this third level operates in ways that render competing interests and problems invisible. Significant problems and issues are not only kept from the table, but also from the minds and consciousness of the different players involved, even those directly affected by the problem. By influencing how individuals think about their place in the world, this level of power shapes people's beliefs, sense of self and acceptance of their own superiority or inferiority. In many societies, for example, men and women have been taught to accept their respective roles and relationships as natural. Socialised consent prevents people from questioning or envisioning any possibilities for changing these relationships or addressing injustices.

Processes of socialisation, culture, and ideology perpetuate exclusion and inequality by defining what is normal, acceptable and safe [. . .] Paradoxically, this kind of *power over* can also foster resistance and action in people when they come together around common issues. People gain a sense of the *power within* themselves and *with* others to change the conditions that hurt and limit them [as seen in] women's consciousness-raising [. . .]

The third level of *power over* also works to make problems invisible by controlling access to information. If people are unaware of a problem, they are unable to make informed choices or participate in public decisions that can contribute to its solution. For example, numerous

communities around the world have suffered serious illness or death due to toxic waste. When confronted, those responsible for the pollution have often denied that the substances are dangerous. Yet lawsuits have later revealed that they knew about the potential health impacts but chose to keep them a secret.

For marginalised communities, being denied information can reinforce feelings of powerlessness, ignorance, and self-blame, but it also can spur people to action [. . .] To address this dimension of power, NGOs and community groups frequently join with academic institutions or investigative journalists to uncover the nature and scope of a problem [. . .]

Gender theory and power

Gender theory adds another perspective for understanding different levels and expressions of power which are applicable to women as well as men. It critiques the focus on *visible* power as the place where all politics takes shape. Practitioners and scholars familiar with the challenges of women's empowerment explain that political power takes shape in three interacting levels of a woman's life. Change will not occur, they argue, unless political strategies look at and address power in the public, private and intimate realms.

The public realm of power refers to the visible face of power as it affects women and men in their jobs, public life, legal rights, etc.

The private realm of power refers to relationships and roles in families, among friends, sexual partnerships, marriage, etc.

The intimate realm of power has to do with one's sense of self, personal confidence, psychology and relationship to body and health.

For an individual woman, the experience of power and powerlessness will be different, based on race, class, or age, and may even be contradictory in different realms of her life.

Bibliography

- Alinsky, S.D., 1971, *Rules for Radicals*, New York: Vintage Books
- Brady, J., 1994, 'Critical Literacy, Feminism and a Politics of Representation' in P. McLaren and P. Leonard (eds), *Politics of Liberation*, Routledge
- Brock, K., Cornwall, A. and Gaventa, J., 2001, 'Power, knowledge and political spaces in the framing of poverty policy', *IDS Working Paper* 143, Brighton: Institute of Development Studies
- Chambers, R., 1997, *Whose Reality Counts?*, London: Intermediate Technology Press
- Clark, J.-D., 2002, 'Commentary', dissertation, London School of Economics
- Dasso, E., 1992, 'Paralegals as Community Resources in Peru: Asociacion Peru Mujer', in M. Schuler and S. Kadrigamar-Rajasingham (eds), *Legal Literacy: A Tool for Women's Empowerment*, New York: United Nations Development Fund for Women (UNIFEM)
- Dewey, J., 1916, *Democracy and Education. An Introduction to the Philosophy of Education*, 1966 edn., New York: Free Press; also *Experience and Education*, New York: Collier Books, first published 1963
- Dubell, F., Erasmie, T. and de Vries, J. (eds), 1981, *Research for the People – Research by the People*, Linköping, Sweden: Linköping University
- Fals-Borda, O., 1982, 'Participatory research and rural social change', *Journal of Rural Cooperation*, Vol 10 No 1: 25–39
- Freire, P., 1995, *Pedagogy of Hope*, New York: Continuum
- 1972, *Pedagogy of the Oppressed*, New York: Herder and Herder
- 1974, *Education for Critical Consciousness*, London: Sheed and Ward
- Gaventa, J., 1997, 'Citizen knowledge, citizen competence, and democracy building', *Good Society*, Vol 5 No 3
- 1980, *Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valley*, Chicago: University of Illinois Press
- Guijt, I. and Shah, M.-K., 1998, *The Myth of Community*, London: Intermediate Technology Press
- Hall, B. and Kidd, J.R., *Adult Learning: A Design for Action*, Oxford: Pergamon Press
- Holland, J. and Blackburn, J., *Whose Voice? Participatory Research and Policy Change*, London: Intermediate Technology Press
- hooks, bell, 1993, 'Speaking About Paulo Freire' in P. McLaren and P. Leonard (eds), *Paulo Freire*, Routledge
- Horton, M. and Freire, P., 1990, *We Make the Road by Walking*, Philadelphia: Temple University
- Indian Social Institute, 1985, *Knowledge and People's Power: Lessons with Peasants in Nicaragua, Mexico and Colombia*, New Delhi, India: ISI
- Jasis, M., Centro Mujeres, A.C. and García, M., 2003, *Linking Rights and Participation: Mexico Country Study: Exploring the Relationship Between Human Rights and Citizen Participation*, Brighton: Institute of Development Studies
- Kabeer, N., 1994, *Reversed Realities: Gender Hierarchies in Development Thought*, London: Verso

- Knowles, M.S., 1950, *Informal Adult Education*, New York: Association Press
- LaBelle, T., 1976, *Nonformal Education and Social Change in Latin America*, Los Angeles: University of California
- Lukes, S., 1974, *Power: A Radical View*, London: Macmillan Press Ltd
- Lumbantobing, D. and Zulminarni, N., 2003, *Linking Rights and Participation: Indonesia Country Study*, Brighton: Institute of Development Studies
- Makanje, R., Shaba, L.-N. and Win, E.-J., 2003, *Linking Rights and Participation: Zimbabwe Country Study*, Brighton: Institute of Development Studies
- de Montis, M., 1994, 'Feminism, empowerment, and popular education in Nicaragua', doctoral dissertation, Amherst, University of Massachusetts
- 1986, 'Vistazo a Las Experiencias de Campo: El Regadio' in O. Fals Borda (ed.), *Conocimiento y Poder Popular*, Bogotá: Siglo Veinte-Uno
- Miller, V., 1994, *NGOs and Grass-roots Policy Influence: What is Success?*, Boston: Institute for Development Research
- Miller, V. and Covey, J., *Advocacy Sourcebook: Frameworks for Planning, Action and Reflection*, Boston: Institute for Development Research
- Musyoki, S. and Nyamu-Musembi, C., 2003, *Linking Rights and Participation: Kenya Country Study: Linkages and Gaps in Theory and Practice*, Brighton: Institute of Development Studies
- National Centre for Advocacy Studies (John Samuel), 2003, *Linking Rights and Participation: Indian Country Study*, Brighton: The Institute of Development Studies
- OEF International, 1991, *Haciendo Camino Al Andar: Guía Metodológica Para la Acción Comunitaria*, Washington, D.C.: OEF
- Paul, J.N. and Dias C.J., 1983, *The Importance of Legal Resources in Strategies for the Rural Poor in Sub-Saharan Africa*. New York: International Center for Law in Development.
- 1985, *Developing Law and Legal Resources for Alternative, People-Centered Development: A Human Rights Approach*. New York: International Center for Law in Development.
- Pereira Júnior, A., Antunes, M. and Romano, J.-O., 2003, *Linking Rights and Participation: Brazil Country Study*, ActionAid Brasil and Brighton: The Institute of Development Studies
- Pretty, J., Guijt, I., Thompson, J. and Scoones, I., 1995, *Participatory Learning and Action*, London: International Institute for Environment and Development (IIED)
- Rowden, R. and Gass, V., 2004, *Investor Rights or Human Rights? The Impacts of the FTAA*, Washington, D.C.: ActionAid USA and Washington Office on Latin America
- Samuel, J., 1999, *What is People-Centered Advocacy?*, India: National Center for Advocacy Studies
- Saul, D., 1971, *Rules for Radicals*, New York: Vintage Books
- Schuler, M., 2001, *Advocacy Strategy Workbook*, draft workbook, Washington, D.C.: Women, Law and Development International

- 1986 ‘An Approach to Women, Law, and Development: Conceptualizing and Exploring Issues and Strategies’, in *Empowerment and the Law: Strategies of Third World Women*, Washington, D.C.: OEF International
- Schuler, M. and Kadirgamar-Rajasingham, S. (eds), 1992, *Legal Literacy: A Tool for Women’s Empowerment*, Washington, D.C.: OEF International/ United Nations Development Fund for Women (UNIFEM)
- The Asia Foundation, ActionAid and the Participation Group at the Institute of Development Studies, 2001, *Making Change Happen: Advocacy and Citizen Participation*, www.ids.ac.uk/ids/particip/workshops/makchhapstatm.pdf, (accessed 14 July 2004)
- Toyo, N. *et al.*, 2003, *Linking Rights and Participation: Nigeria Country Study: Exploring Experiences from the Niger Delta and North West Regions of Nigeria*, Brighton: Institute of Development Studies
- VeneKlasen, L., 1983, unpublished report from interviews done by V. Miller with M. de Montis and L. VeneKlasen about El Regadio, a participatory research initiative in Nicaragua from 1981–1984, Ministry of Education
- VeneKlasen, L. and Miller, V., 2002, *A New Weave of Power People and Politics: The Action Guide for Advocacy and Citizen Participation*, San Francisco, Washington, D.C.: World Neighbors