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Rights-Based Development: The challenge of Change and Power

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Abstract

This paper was written for the 2005 conference, *Winners and Losers from Rights-based Approaches to Development*, and draws from the authors' field experience of working with a range of NGOs that incorporate rights into their development activities². In particular it uses case study material from ActionAid International (AAI), an NGO that has been undertaking a shift in its strategies and operations over the last 5 years in order to integrate a rights-based perspective into its work. The paper explores both the benefits and challenges that this approach can bring when focused on strengthening the voice and power of marginalised sectors of society.

ActionAid International's experience shows that *in the best cases* rights-based approaches to development can encourage:

- Support for more holistic thinking in planning and action by:
 - promoting more complex analyses of both the causes and symptoms of poverty
 - incorporating a more complete understanding of power, politics, human relationships and social change
 - demonstrating the need for more collaborative work with other civil society organisations, social movements and networks at all levels
- A shift from a focus on discrete projects in particular areas (silos) to looking at an organisation's work in the context of broader social change processes which promotes links across programs and strategies to foster short and long-term change
- More strategic engagement with various government agencies at different levels to try to ensure that they have both the capacity and the political will to uphold their responsibilities to protect the rights of the poor and marginalised.

¹ Paper presented at the GPRG sponsored conference on *The Winners and Losers from Rights Based Approaches to Development*, Institute for Development Policy and Management, University of Manchester, 21-22 February 2005. During the development of this paper Jennifer Chapman served as the coordinator of AAI's three-year action research project and team studying advocacy, evaluation and learning; Valerie Miller of Just Associates served as special advisor and outside team member to the project; Adriano Campolina Soares and John Samuel, were AAI regional directors for the Americas and Asia respectively. This paper also draws on the work and thinking of AAI's research and action team including: Almir Peira Junior, Laya Uprety, Sarah Okwaare and Vincent Azumah. © Jennifer Chapman et al 2005.

² The paper focuses on development-orientated organisations that have shifted their vision and approach to look at development through a rights lens. There are also human rights organisations that have shifted their approach to include aspects of development and participation as part of their strategies. They have different experiences in implementing change in their organisations and are not the focus of this paper.

- Support for marginalised sectors of society, their organisations and related social movements in ways that engage them as innovators, protagonists and colleagues in a common struggle for a better world
- An increased focus by international organisations on transforming power relations and structures including their own position and relationships with partners
- Work on building active constituencies for change in the Global South as well as solidarity in the North
- Support for local groups and communities in their efforts to achieve immediate changes in their lives while strengthening their organisations and social movements so they can better contest and advance their rights in the longer term.

However these positive outcomes of rights-based approaches depend largely on linking them with what we have learnt about participation, empowerment and social change. There are considerable dangers in the tendency to equate a rights-based development approach primarily with policy and advocacy work and to see rights as the sole solution to poverty. This kind of limited understanding ignores key fundamentals about how power and change operate in society and has set up polarities with other development approaches. By emphasising the pre-eminence of rights work and not incorporating strategies of empowerment and participation such as constituency organising, leadership development and the creation of concrete alternatives to the current neoliberal paradigm, these polarities are resulting in one-dimensional responses that ultimately will be ineffectual in promoting long-term change. This paper explores some of the challenges of taking a rights-based approach including how narrow interpretations can result in a variety of negative impacts such as: ineffective strategies, a lack of engagement with the poorest and their immediate concerns, a devaluation of grassroots leadership and the role of organising and consciousness-raising, and a continuing power imbalance between donors, NGOs, popular organisations and social movements.

1. Introduction

Where there is a need, a right is born.

Written on wall, Bariloche Argentina

Many social movements and NGOs have recognised the importance of integrating rights into development work, not as a separate approach but as an essential part of a holistic process. As a result the use of rights language in development work has increased in recent years and, as with many concepts, there are disagreements about definitions and approaches to rights and rights-based development³. While this lack of clarity can have its programmatic uses at times it is not helpful when trying to draw out and reflect on lessons emerging from its application: so we start by defining what we mean.

³ For example Marks (2003) has identified seven approaches through which human rights thinking is applied to development.

First we need to be clear about our understanding of development. For the authors development is not just about growth in individual or collective incomes or fair access to material resources or markets – though all may be important. Rather it is about increasing people’s possibility and capacity to make the most of their potential to live as full creative human beings and to come together to build caring, supportive and accountable societies. It’s about responding to people’s basic needs for survival and aspirations for human dignity and respect. While all human beings and societies, whether privileged or poor, have the potential to ‘develop’ more fully, ActionAid International’s (AAI) mandate and expertise is in working with those who are poor and marginalised as a way to overcome injustice and exclusion. We have a particular focus on women’s rights, education and food rights.

On one level, a rights-based approach to development builds on people’s desire for dignity and the satisfaction of their basic needs. Over time people and organisations have broadened the traditional needs-based vision of development by expanding and reframing needs such as food, jobs, health and respect as human rights. They work to incorporate rights into laws and policies and to build alternatives and change ideas and attitudes that affect their fulfillment. Thus a rights-based development approach integrates the *political side* of development and change efforts – making legal frameworks more just and supportive of the rights of the poor and excluded – with the *capacity-building and creative side* – strengthening their skills, awareness and possibilities for designing alternatives. We see the potential for better impact with this new synergy that promotes strong social movements, political awareness, solidarity and concrete development alternatives to current neo-liberal models that prevent people from meeting their needs and fulfilling their rights.

The struggle for rights

Rights are not bestowed from on high. They are part of a never-ending human struggle to improve people’s lives drawing on both visions of a better future and a desire to prevent reoccurrences of past atrocities and abuse. As such rights have been articulated, defined and put into law by the collective efforts and struggles of many people over many years, and will continue to evolve (or be lost) as time goes on. One key success of these struggles is the wide recognition that the actual concept of ‘rights’ applies to all people in all places at all times. Yet, as with any right, this concept in itself needs protecting and strengthening as it is challenged by ideologies such as patriarchy, racism, neo-liberalism and fascism.

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 [VeneKlasen et al 2004]

This component of rights – the collective human struggle to win and protect rights – is a vital element of a rights-based approach to development. Rights are not a cold legalistic formula to be arbitrated by well meaning, well-educated and sophisticated experts on behalf of the majority. Rather they are a manifestation of what the human spirit aspires to

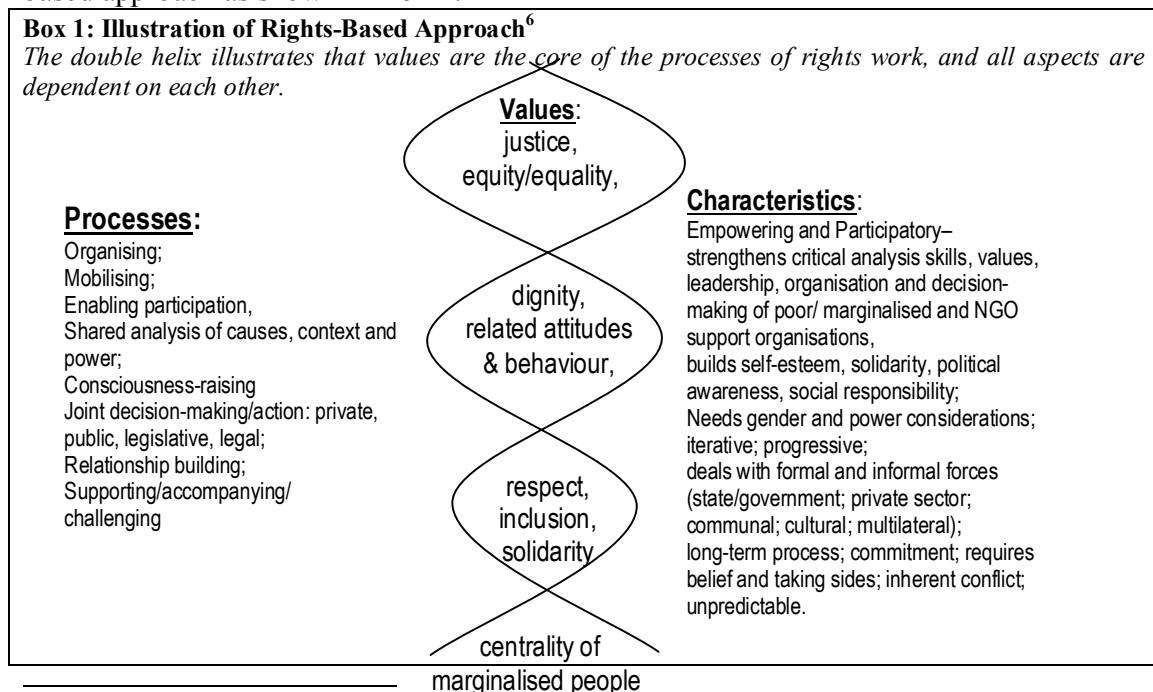
and can achieve through collective and positive struggle. As such they can only be made real by the involvement and empowerment of the community at large, particularly by those people whose rights are most violated. With people's involvement, the exploitative power relationships that deny rights can be challenged and eventually overturned.

Ethics, inclusiveness and values

A second aspect of rights-based development incorporates a vision of ethics and inclusiveness. Value-based, it is grounded in the belief that poor and marginalised people everywhere have certain rights and responsibilities purely by being members of the human race. Many of these economic, social, cultural and political rights have been enshrined in UN conventions and procedures which encapsulate universal aspirations for freedom and fairness and provide a set of guiding principles. Other rights are not enshrined in law but are moral entitlements based on values of human dignity and equity. These rights are indivisible i.e. there is no hierarchy of rights. As put by Cheria et al *'Respect for the dignity of an individual cannot be ensured without that person enjoying all her rights'*⁴. Some of these principles include:

- people have a right to a voice in the decisions shaping the quality of their lives, and
- basic economic and social resources and protections – from health care to freedom from violence in the home – are not special privileges – they are basic rights⁵.

Values of justice, equity, equality, dignity, respect, inclusion are at the core of a rights-based approach as shown in Box 1.



⁴ Cheria et al 2004

⁵ VeneKlasen & Miller 2002

⁶ adapted from work at Addis workshop ActionAid International, 2003

Integrating different aspects

Rights-based approaches to development fulfil their promise when they integrate the political, organising, practical and creative aspects of our work on poverty and injustice. The political aspect focuses on ensuring that legal frameworks support and advance the rights of the poor and excluded. The organising dimension of political change and rights work builds people's organisations, leadership and synergy for the collective struggle. The practical and creative side supports education efforts and innovations in development that give meaning to rights and lay the basis for challenging oppressive practices and paradigms. Alternatives such as the creation of more effective irrigation or credit systems, health delivery approaches or decision-making and negotiation processes can lay the basis for weaving together a broader vision of practical change. This new weave of ideas and action can promote key aspects of change – strong social movements, critical thinking, relationships of reciprocity and mutual support and compelling alternatives to the current development models and ideologies that interact to deny people their rights. Integrating these dimensions of change brings potential for increased impact.

As we understand them rights-based approaches to development focus on strengthening people's dignity, solidarity, participation and creativity as well as their organisations and leadership. They work to improve the legal and political context in which people live and to support their economic and social initiatives so that their rights can have meaning.

Good governance

If we are to challenge the way power functions in our societies, we should have an alternative vision of how we would like power to operate in a more inclusive and just manner. Our understanding of rights gives us a basis for defining a vision of good governance as open and participatory that pays particular attention to promoting the voice of excluded members of society. However, supporting the most marginalised is very difficult in the current 'one-size' fits all neo-liberal development model that basically sees the role of governance as facilitating the flourishing of markets. Rather than sharing and balancing power and advancing human rights for all, this approach tends to concentrate power and wealth. Because of the dominance of this view, it is important that people work with their own organisations and governments to create alternative economic, political and social models that can support and advance their rights and confront this narrow ideological perspective of governance.

Implications of rights-based approaches

The implications of a development NGO truly adopting a rights-based approach are massive. Despite the current popularity of rights rhetoric in the development field, these implications have not been fully appreciated. First a rights-based approach is inherently a *political approach* – one that takes into consideration power, struggle and a vision of a better society as key factors in development. It opposes a depoliticised interpretation of development which portrays problems 'as purely technical matters that can be resolved outside the political arena' without conflict when in fact, they are rooted in differences of

power, income and assets⁷. Rights cannot be truly realised without changes in the structure and relationships of power in all their forms. Changes in who makes decisions, whose voice is heard, what topics are seen as legitimate, people's sense of relative self-worth and in the confidence of people to speak out.

This means that power analysis and understanding how change can happen in a particular context and be sustained over time become much more central in our work.

Interconnectedness of rights, participation and empowerment

Many people see rights and participation as separate concepts and programme approaches. We view them as connected and see empowerment as being vital to their success. Unfortunately, this connection is often lost. For example, with advocacy or campaigning becoming common interventions in rights-based approaches, decision making often excludes those already marginalised. When concerned about empowerment and participation, questions arise about how power is used and promoted inside these efforts – who sets the agenda, who carries strategies out, on what issues and using what approaches

The rapid growth of advocacy training in the last decade has generated a wide variety of definitions, approaches and strategies. Diverse advocacy approaches are not just different ways of reaching a similar end. They embody different values, political views and goals, and thus seek different ends. The distinctions have important implications for excluded groups such as women, indigenous communities and ethnic minorities. Advocacy initiatives concerned with empowerment, citizenship, and participation appear different from those that only focus on policy reform [VeneKlasen and Miller 2002]

Many advocacy approaches do little to change power structures or dynamics; instead they promote a singular focus on policy reform which often results in advocates being consumed by lobbying whether they are members of international or national NGOs or, in some cases, even grassroots leaders. Such a focus often means joining elite groups of decision makers and spending all energy on manoeuvring the national and international corridors of power thus losing touch with their constituency and grassroots base. This not only makes change much less likely to be sustained, but does nothing to transform necessary power structures, leaving the marginalised as politically excluded as before and sometimes alienated from their own leadership.

Role of development NGOs in rights-based approaches

The above understanding of rights-based approaches implies that the primary role of development NGOs and donors shifts from being implementers and drivers of development to being allies and fellow partners with people's organisations and social movements in a collective struggle for change. This implies a much more complex mix of roles that involves sharing and negotiating power in new ways, challenging assumptions, and taking clear, often risky, political stands in favour of people marginalised by poverty and the privilege of others. Inferences about the nature of these roles and relationships can be drawn from John Samuel's definition of people centred advocacy (Box 2).

⁷ Harriss cited in Dochas 2003

Box 2: People-Centred Advocacy, John Samuel

People-centred advocacy is a set of organised action aimed at influencing public policies, societal attitudes and socio-political processes that enable and empower the marginalised to speak for themselves. Its purpose is social transformation through the realisation of human rights: civil, political, economic, social and cultural.

To be effective and efficient, people-centred advocacy needs to:

- *empower those who have less conventional economic, social or political power, using grassroots organising and mobilisation as a means of awareness and assertion of the rights and social responsibilities of citizens*
- *resist unequal power relations (like patriarchy) at every level: from personal to public, and from family to governance. The challenge for public advocacy groups is to accomplish this using our meagre financial, institutional and human resources to effectively influence government or corporate power structures. Public advocacy can draw on five major sources that cost nothing:*
 - *the power of people or citizens*
 - *the power of direct grassroots experience or linkages*
 - *the power of information and knowledge*
 - *the power of constitutional guarantees*
 - *the power of moral convictions*
- *Bridge micro-level activism and macro-level policy initiatives. Public advocacy initiatives that are practiced only at the macro-level run the risk that a set of urban elites, equipped with information and skills will take over the voice of the marginalised. Public advocacy groups must make sure they are continually sensitive to the grassroots situation and organically bridge the gap between citizens and policy change.*

Grassroots organising and mobilisation lends credibility, legitimacy and crucial bargaining power to public advocacy. In the Indian context, grassroots support and constituency are the most important factors that determine the credibility of the lobbyist – not his or her professional background or expertise. Activists with an adequate level of expertise and mass support have proven to be better lobbyists than professional experts. Grassroots mobilisation and advocacy must work together if we are to achieve real progress at the macro-level. [John Samuel People-Centred Advocacy, National Centre for Advocacy Studies, 1997, Pune cited in VeneKlasen and Miller 2002]

One issue that needs careful thought is that of people's own agency - their ability and willingness to act and work with others to improve society. Central to our vision of development and good governance is the inclusion of all people in collectively building the society they would wish to see. This means that neither development nor good governance are possible without the inclusion of the most marginalised – thus people's own agency in bringing about social change is both a means and an end. However, it is not morally defensible or feasible to put the full burden of making society more just solely on the shoulders of those who are most disadvantaged. We all, as individuals and organisations, have a moral obligation to fight injustice and discrimination.

Finding the balance between promoting the leadership and voice of the marginalised and speaking on their behalf can be a challenge. In certain circumstances, it may be difficult or dangerous for the marginalised to speak for themselves such as political prisoners who are suffering the consequences of torture or their families who are being threatened. The reality of power dynamics means that sometimes NGOs and donors need to intervene directly to try to defend and guarantee the rights of the most impoverished and excluded sectors of society. In other situations where social movements are strong and circumstances less risky, NGOs will need to negotiate a different type of support role with them. Whatever the case, NGOs need to find the most inclusive way of making decisions about strategies and roles. It may be that different strategies are implemented simultaneously in public and private spaces. Where it is dangerous for the poor and

marginalised to take a lead advocacy role NGOs may speak in public, while at the same time supporting efforts of empowerment, organisation and leadership-building to strengthen their potential and collective power. In all cases NGOs need to be cautious that their actions do not undermine local organisations or place people unduly at risk. Strategies that might incur harm need to be negotiated with and decided upon by those most affected and in potential danger.

In summary we take the main features of a rights-based approach for NGOs to be⁸:

- Identifying and clearly taking sides with poor and marginalised peoples suffering injustice and severe denial and violation of their rights.
- Attempting to address not just the effects of poverty, marginalisation, injustice, denial and violation of rights, but also their causes.
- Facilitating and supporting poor and marginalised people's own empowerment, leadership, organisation and action to address injustice and restore and advance their rights;
- Affirming that individuals and civil society have both the right and the responsibility to define, defend and advance people's rights; the state has similar obligations and, most importantly, the fundamental responsibility to ensure justice and the application of those rights fairly across society
- Recognising that making rights and development real in people's lives requires changes in deeply engrained attitudes and behaviours at all levels of society. Understanding the inextricable links between rights, development, and power and the resulting need for integrated strategies that address the policy and political aspects of making rights and development meaningful as well as the organisational and creative side which involves support for strengthening organisations and leadership and creating, testing and promoting concrete development alternatives

2. Power and change

Justice and power must be brought together so that whatever is just may be powerful and whatever is powerful may be just.

Blaise Pascal

Basic Elements of Power

Our combined years of experience lead us to conclude that poverty and the denial of people's rights are linked directly with unequal power relations. This may seem obvious, but it is remarkable how many organisations claiming to take a rights-based approach in their work on poverty ignore the question of power in their analysis and planning, except on a very superficial level. The findings of a study on linking rights and participation found that:

⁸ Developed and expanded from ActionAid Asia, 2000

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 most⁹.

This is a fundamental problem as our observations indicate that gains in rights cannot be sustained without transforming power relations at all levels.

Power is a difficult concept to unpack as it works in many different ways and at different levels. Traditionally power has been seen as ‘*power over*’ another. Whereas this may have its legitimate manifestations, for example a parent physically restraining a child from running out in front of a car, or a government enforcing legislation on working conditions, it is often exercised as a ‘*win-lose kind of relationship*. Having power involves taking it from someone else and then using it to dominate and prevent others

The exercise of power shapes how people participate in society, whose voices and concerns prevail in decision-making and whose rights get advanced. [VeneKlasen et al 2004]

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 poverty¹⁰.

Power over others is not necessarily wielded in an overt way. The power of socialisation and societal norms that shape how people view themselves and what is acceptable in society are also a form of ‘*power over*’ that can operate on consciousness often in a very unnoticed way. The results of this can be seen in the affirmation of attitudes of inferiority or superiority that are instilled in individuals on the basis of such factors as race, class and gender. It is also evident in the formation of unquestioned beliefs perpetuated by ideological positions such as the legitimacy of pre-emptive warfare or the magic hand of privatisation and market solutions to promote development.

More recently alternative concepts of power have been developed. These include: *power with*, *power to* and *power within*¹¹ – which offer positive ways of expressing power that create the possibility of forming more equitable relationships and a sense of the common good and justice. By affirming individuals’ or social group’s capacity to act creatively in solidarity with others, they provide some basic principles for constructing empowering strategies grounded in values of dignity and respect for human rights.

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 or social group to shape her, his or their life and world.

⁹ VeneKlasen et al 2004

¹⁰ VeneKlasen & Miller 2002

¹¹ Definitions adapted from VeneKlasen & Miller 2002

Power within has to do with a person or social group's sense of self-worth and self-knowledge and is central to people or group's understanding of themselves as citizens with rights and responsibilities.

Other aspects of power are important to take into account in a rights-based approach:

Power is everywhere¹². Power operates both negatively and positively at many levels, in public and private, in the workplace, market and family, in relations with friends and colleagues and even at a very personal level within each individual. On the negative side it can work to prevent people's participation and the fulfilment of their rights and, on the positive, it can, serve as a source of strength to promote their involvement and struggle for justice.

We need to look beyond the notion that power operates almost exclusively in the *public sphere* of governments and political parties or in conflicts between capital and labour (employers versus workers, small farmers and peasants versus plantation owners). Gender relations, for example, show us how power plays out in the *private sphere* of family and personal relationships and how it affects women's ability to participate and become active agents of change.

Power is dynamic and multi-dimensional. It is never dormant or immovable but shifts according to context, circumstance and interest. These changing dynamics of power form cracks in oppressive systems that can be expanded and used as entry points for action. In the United States, Martin Luther King, the famous civil rights leader, joined together with student activists and used sit-ins (where African-Americans refused to leave restaurants that would not serve black people) as a way to open the cracks in the system. When imprisoned, they used song to reinforce their courage and solidarity. These actions helped spark and strengthen a broader social movement that eventually led to significant changes in oppressive relations, increasing the abilities of black communities to advance their rights.

Power has multiple forms and expressions that can range from domination and resistance to cooperation and transformation. Understanding that power is not monolithic allows activists to search out the openings and opportunities that occur as structures and forms of power change and shift over time. It also encourages people to identify and use their own sources of power such as commitment, humour, numbers, political awareness, persistence, imagination, solidarity and song among others.

¹² This section draws heavily from Almir Peira Junior's work in Chapman, Pereira Junior et al 2005

Power is always relational. Power is established and exercised through human interaction at many different levels, ranging from the interpersonal to the global. In each situation, the dynamics of power (who has *power over* others, who can build *power with*, who can exercise their *power to*, who can feel *powerful within* or not) is defined within each context and each relationship. For example, a small farmer or peasant living in utter poverty is vulnerable to the authority, power and sometimes violence of vast estate owners and multinational agribusinesses. Yet this same farmer may establish an authoritarian and violent relationship with the women and female members of his family if he is immersed in a patriarchal and *macho* culture.

*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 labelling 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 fulfilment of rights.*

VeneKlasen, et.al. 2004

As this illustrates, power relations are entwined within our social fabric and culture beyond the obvious faces of power seen in political and economic relationships. If we analyse our context critically looking at gender, caste and race issues, for instance, we will become more aware of the many different faces and forms of power relationships, and how they affect us. This will better prepare us for developing more effective advocacy and action strategies.

Power is unevenly concentrated and wielded. In historical terms, access to resources and decision-making has been monopolised by a few. This concentration of power has contributed to widespread poverty, marginalisation and the violation of human rights. Consequently, it is crucial to reverse this pattern and bring previously excluded groups and individuals into arenas of decision-making, while at the same time transforming how power is understood and used.

Power and Change Strategies

This uneven concentration of power works to privilege some people and oppress other in many different areas of life – from government and business to community and family. As a result multiple strategies and action are needed to address these concentrations of power. Strategies range from lobbying and pressuring governments, to protesting unfair business practices, to strengthening social movements and coalitions, and finally to increasing the political awareness, solidarity and confidence of poor and excluded groups and their supporters.

Rights-based approaches ultimately need to challenge and transform oppressive forms of power relations and create new relationships based on values of solidarity, equity, dignity and the common good¹³. Without a process of critical experimentation and learning, there

¹³ VeneKlasen et al 2004

is a real danger of overturning one form of oppressive power and replacing it with another.

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'

[VeneKlasen & Miller 2004]

We must not forget to include our own NGO power dynamics and the internal structures and relationships (those of our partners and the networks to which we belong) in our power analyses. It is important to consider actions in our strategic planning that can address potentially unequal and authoritarian power relationships that we ourselves may be reproducing.

Thus transforming unequal power relationships and sustaining new more inclusive ones requires change on a number of levels:

- In inequitable and unjust laws and policies
- In the way laws and policies are implemented and enforced and the attitudes and behaviours within the agencies entrusted with these tasks
- In societal attitudes and behaviours that support inequity and discrimination
- In poor and marginalised people's own sense of individual and collective self worth, entitlement and justice
- In the capacity of the powerless to analyse power, develop solidarity and act so they can better organise and mobilise to gain concrete long-term changes in their lives and communities
- In knowledge and acceptance of new practical development alternatives that challenge the prevalent neo-liberal model.

These elements are self-reinforcing and without progress on all fronts, gains achieved in only one or more arenas of change will remain vulnerable to ever changing power dynamics and eventually to being lost again.

Embracing rights-based approaches requires a greater understanding of the processes by which citizens, particularly those impoverished and excluded social groups, may gain some control over governance processes and institutions. It also requires a set of political strategies and with it the tools to connect our development work, with those other actors which are engaged in the struggle for human rights and social justice. [Morago 2004]

Which aspects of change take priority at a given time will depend on the context and moment. There may be timebound opportunities to push for change in laws and policies that demand a focus on work in the legal arena. Similarly, laws may get passed but require heavy civic pressure to ensure their enforcement. At other moments, support for leadership development, awareness-raising and organising may be appropriate. In some situations it may not be possible for the poorest and most marginalised sectors to speak out for themselves or take leadership in their own struggles for rights, particularly in contexts of conflict and risk. There are situations in which confronting power and promoting rights may cause drastic and even violent repercussions. In such cases the best NGO strategy may involve consulting with those most affected and deploying forms of advocacy 'on their behalf.' This, however, should not be an excuse for NGOs to control agendas and avoid meaningful participation of the excluded in decision-making. NGO

choices about where and in what manner to act should depend on a full contextual analysis that takes these factors into account and a careful risk analysis ideally guided by those most affected.

At the same time we cannot assume a romantic and simplistic stance that the voice of the poorest and marginalised always offers the best analysis or proposal to be adopted. If we take gender issues for example, it is easy to identify this dilemma. Within some contexts, the patriarchal culture is so strongly rooted that the everyday violation of women's rights is not viewed by the community, or even by women themselves, as a severe social injustice. And even when women's rights gain a certain level of acceptance, the underlying authoritarian logic of patriarchy and male superiority remains unquestioned.

The concept [of rights] 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. [VeneKlasen et al 2004]

Many organisations adopting a rights-based approach focus on issue-based lobbying of decision-makers by advocacy professionals. The weakness of this approach lies in its assumption that the political system is relatively open and democratic and that the policy concerns of the powerless can be met through the work of professional lobbyists

backed up by adequate resources, solid information and soundly researched, well-presented arguments. Its heavy reliance on professionals and information ignores certain realities of power and change. This approach is likely to have little impact on expanding citizen participation, community organisation, leadership development or political awareness – elements that are vital for confronting power and serve as the backbone for ensuring long-term change. Such an approach has little effect on developing organisational capacity to monitor and enforce policy gains that can hold institutions accountable over the long run and no effect on societal norms or people's sense of self-worth that perpetuate exclusion and poverty.

Invisible power¹⁴

Driven by the most visible and dramatic aspects of poverty and exclusion, we often focus on economic issues and basic government policies in our advocacy. We target the legal system since, at first glance, it is there where unjust government policies and laws can be addressed. It is also a place where the opportunity for gaining widespread influence and change appears most promising. Obviously this is an important aspect of advocacy, but should not be the only front of our struggle. Poverty and exclusion have many faces. There are factors that amplify the processes of impoverishment and social exclusion that do not always receive sufficient attention and that ultimately affect the success of work in the government arena. So while advocacy is often seen only in terms of influencing policy, we have come to realise that without work in other arenas such as culture, civil society and personal attitudes, policy gains don't get implemented or sustained. This has led us to understand that we need to include cultural and social dimension of power as

¹⁴ This section draws heavily on Almir Pereira Junior's work for Chapman, Pereira Junior et al 2005

key elements in our analysis and advocacy strategies and to probe how power operates within marginalised communities, our own organisations and within ourselves.

Poverty and exclusion are not homogenous processes that affect people equally. Some individuals and groups are even more vulnerable and oppressed than others due to stigma and discrimination. These forces – often called invisible power – shape how we view the world and our place in it, and do not always receive the attention that they require. Among other factors, discrimination based on gender, race, caste, sexuality and age can mean certain people have to surmount even greater obstacles in the social mobilisation process, to ensure that their voices are heard and acknowledged as legitimate.

Making human rights work: Linking rights with participation

Most mass movements in modern India (the All India Democratic Women's Association, Ragpickers Union etc) have emphasised the process of empowerment while they also 'struggled' for rights. The notion of 'struggle' was implicit in claiming and promoting rights. Most social action groups and people's organisations started by challenging and changing oppressive power structures that perpetuate patriarchy, casteism and poverty. Thus at the core of many such organisations was political transformation through people's empowerment wherein people can assert their rights and voices and demand justice. The process of social and political empowerment encompassed a sense of conscientisation based on dignity, rights and participation. That is why the slogans of the Shramajeevi Sanghatana, the union of erstwhile bonded labourers and Adivasis (tribals) in Thane district of Maharashtra assert that "We are not animals, but human beings", "We are not here to beg, but to demand justice". [Samuel, no date]

We cannot forget that many people and groups have been denied their right to expression and citizen action, at times due to issues related to stigma and discrimination from both external and internal sources. In some cases, those in power denied them access to spaces of decision-making or, in others, people themselves felt unable to move into these areas because of internalised feelings of inferiority or fear. Empowerment work thus becomes central to a rights-based approach so that people and groups can develop a sense of entitlement, self-worth and understanding of societal dynamics including how power operates in all its forms. As put by John Samuel¹⁵:

If human rights are to have real meaning, they must be linked to public participation. And participation must be preceded by empowerment of the people. A sense of empowerment requires a sense of dignity, self-worth and the ability to ask questions. The sense of empowerment along with a sense of legal entitlements and constitutional guarantees gives rise to a political consciousness based on rights. A process of political empowerment and a sense of rights empowers citizens to participate in the public sphere.

Empowerment, however, must be recognised as a complex process that can be conflictual and painful since it requires a questioning of power relations and one's own place in the world. It is important to understand that for some such a process may be too risky as it may cause the alienation of important people that are key to a person's own survival or sense of belonging.

¹⁵ John Samuel, no date

One possible programmatic link between rights, participation and empowerment is ‘people-centred advocacy’. This approach seeks to *connect social development, human rights and governance. It is about creating enabling conditions for socio-political empowerment and enhancing the capability of the marginalised to advocate for themselves so that they can claim their rights, seek public accountability and participate in the process of governance. People-centred advocacy seeks to go beyond changing public policies to changing people's attitudes, behaviour and unjust power relationships*¹⁶.

Another aspect of invisible power is ideological in nature. Ideas generated by dominant economic and political interests shape people’s understanding of how economic and political relationships can and should operate. Such ideas set the parameters for what is considered acceptable and proper, for example, justifying a diminished role of government and the predominance of the private sector and the market. This can lead to a lack of belief in alternatives to the neo-liberal economic model or even the possibility of questioning its validity or soundness. Such beliefs influence our ability to act and confront these problems. In this instance, the construction and demonstration of different development approaches is one important way of challenging this hegemony and creating space for forging viable long-term alternatives. This can happen through experimentation with alternative development initiatives at the micro-level, or through the generation of alternative visions and overarching ideas such as ‘Another World is Possible’ symbolised by the World Social Forum.

3. Strengths of the rights-based approach: ActionAid International’s experience

With the launch of its strategy *Fighting Poverty Together*, ActionAid International formally adopted a rights-based approach in 1999 which was defined as:

*...seeking solutions to poverty through the establishment and enforcement of rights that entitle poor and marginalised people to a fair share of society’s resources.*¹⁷

In reality a number of country programmes had already been moving in this direction for several years.

Significant changes in approach were made possible through internal organisational changes within ActionAid including a shift to southern leadership bringing with it more perspectives and analyses from the global South, and a change in ActionAid’s governance structures as it shifted from being a northern NGO to a more international one.

¹⁶ John Samuel, no date

¹⁷ ActionAid 1999 p 12

To a large extent the way rights-based approaches have been operationalised throughout ActionAid has depended on the local context and the senior management team in each country. For example AAIndia has a strong emphasis on redressing the denial of rights of the most marginalised groups. Its efforts often start with building and strengthening local organisations followed by helping people create ways to access resources and other basic services so they can address their immediate livelihood needs. The work includes an education component providing opportunities for people to develop a broader understanding of their issues, relevant capacities and a sense of empowerment so they can collectively assert and advocate for their rights and a life of dignity¹⁸. In contrast AABangladesh believes that *'prolonged denial of freedom, security and dignity has imposed severe 'natural' limits on the ability and willingness of poor people to reverse the injustices inherent in their institutional environments which impose prohibitively high costs for personal and collective actions'*. While working to build poor people's capacities and livelihoods AABangladesh chooses to also put emphasis on its own 'direct advocacy' with broader civil society aimed at removing the governance and institutional injustices that produce inequity, marginalisation and denial of rights.

Since the introduction of the rights-based approach and the accompanying changes in AAI structure we are beginning to see a number of positive developments that can be attributed, at least in part, to the new way of conceptualising our work¹⁹. These include:

- More holistic thinking in planning
- Working more in partnership
- Increasing involvement in and work through networks
- Collaboration with social movements
- A focus on the most marginalised in communities
- Some examples of groups achieving both immediate changes in their lives and a collective identity and stronger position to contest their rights in the longer term.
- New energy in our work on gender and women
- More focus on power and our own position and relationships with partners
- More work on building an active constituency for change in the North
- Attempting to be more accountable to poor and marginalised communities.

These are looked at in the following sections.

More holistic thinking in planning:

In the past AAI had tended to work on a long-term basis in discrete geographical areas on issues such as education and agriculture with a focus on meeting people's basic needs in a participatory and empowering manner. These projects frequently led to tangible and concrete benefits for the people directly involved, but often became quite self-referential, working in isolation of other initiatives happening elsewhere. Projects did not adapt to changing contexts or take opportunities that these changing contexts offered and their

¹⁸ Thomson 2001

¹⁹ It should be noted that there is no clear cause-effect relationship in this process. AAI is a large decentralised organisation and many changes were happening, and continue to happen, simultaneously.

benefits were limited in scope and area. Also in some cases by providing services that ought to be the responsibility of the government they were absolving government of this obligation.

Over the last five years we have begun to see considerable change in this way of operating as the following quote shows.

To understand poverty, we are increasingly looking beyond people's material conditions and focusing our attention on their position in society. That is to say, on the web of oppressive social relations and deprivations which restrict poor people's access to resources and services, while limiting their substantive and instrumental freedoms²⁰.

Reviews reveal more comprehensive understanding of the conditions and factors which create and perpetuate poverty. By focusing on people's position in society we can better understand local power dynamics and assess the viability of our ideas for intervention, recognising that in some cases they may be completely inappropriate. For example when AANepal started work with people in one rural area, staff envisioned a project that would address poverty by helping tenant farmers increase their production and suggested that support for irrigation would be a good investment. It was only after probing the farmers' opposition to the scheme that it became clear that irrigation could actually be counter-productive for tenants who had no enforceable right to the land they farmed. With the improvement in land value and productivity, landlords might find it more worthwhile to farm themselves and evict tenant farmers from the land. The irrigation project was scrapped and instead work began on organising, education and advocacy on tenancy rights. This allowed tenant farmers to set the stage for addressing their basic economic problems and needs. As part of a more holistic change strategy this approach also supported their efforts at building strong local organisations, influencing the policy system and increasing their critical analysis and leadership skills. Winning their tenancy rights will open up the way for them to develop a more effective irrigation system that will eventually improve crop production as well as their family livelihood and perhaps provide an example to other communities. Such activities can offer illustrations of *best practice* and contribute to alternative development models that are important for future advocacy with government and international agencies and for challenging dominant development paradigms²¹.

Overall we are seeing a move from a focus on discrete projects in particular areas to looking more at the organisation's work in the context of broader social change processes which promotes links across programs and strategies to foster short and long-term change at different levels. We are beginning to see examples of work that is not only supporting marginal groups to claim rights from local government but often linking this work with national and international level advocacy as well. This includes more strategic engagement with government agencies at different levels to help guarantee that they have both the capacity and the political will to uphold their responsibilities to protect the rights

²⁰ Morago 2004

²¹ See Uprety et al., 2005 forthcoming

of the poor and marginalised. They also work to support local and national government entities to negotiate with more powerful bodies whether national government, multi-lateral bodies or other actors [see boxes on Cancun and District Assemblies].

Simultaneously ActionAid International is beginning to work more on selected global issues through teams whose members are drawn from AA offices across the world. Work on Food Rights and the international trade regime is one good example. These issues are selected by the international directors on the basis of AAI's global strategy.

Cancun: working with national governments

Four government delegations to the WTO Ministerial in Cancun (Mexico) included ActionAid staff and ActionAid teams played a clear role in supporting southern Governments in their stance against the northern lobby. In the run up to Cancun, ActionAid launched well-researched reports, organised country and international seminars/ workshops and actively engaged with the Press. [Chapman & Azumah, 2004]

Ghana: working with District Assemblies

In order to increase the capacity of government to deliver on its obligation to the right of education, and particularly to address issues of quality, AAGhana worked with District Assemblies (a local level of government structure) to jointly hold workshops and forums to improve professional competencies of both trained and untrained teachers, to improve supervision and provide a conducive school environment. In 2003, school management committees and parent teacher associations were supported to increase their participation and oversight functions in schools. AAG has also worked with the Commission on Human Rights and Administrative Justice to raise awareness on the rights provided for in the 1992 constitution. [ActionAid International 2004]

For AAI staff at all levels critical thinking and reflection are vital skills required for this new focus as is knowledge about power and change. In this way staff can question their assumptions and approaches from different perspectives, thereby being able to plan, operate and learn more effectively. This has been supported by the introduction of a much more open accountability, learning and planning system (ALPS) that encourages reflection and learning at all levels and requires periodic participatory reflection processes.

Working more in partnership with other organisations

The critical analysis that led to the adoption of a rights-based approach has not only encouraged more holistic thinking in agency planning but also resulted in a range of new types of initiatives and work in partnership with others. These include work on: political empowerment, civic training, economic governance, organisation-building initiated by communities and individuals themselves, development of accessible information on contemporary issues for other civil society actors and government, initiatives to ensure that issues are tabled and debated at parliamentary level and efforts at the international level. We are not only seeing more work in partnership but also involvement with a greater range of partner organisations. A number of ActionAid programmes, Guatemala and Bangladesh among them, are carrying out capacity building to inform an independent media. Others such as Kenya and Guatemala are working with lawyers and justice systems to link them with civil society organisations working with the poor. In addition, some ActionAid teams are working with interfaith groups (Kenya, Nigeria) or Muslim groups (Kenya, Ethiopia, Uganda) or are forming new partnerships around disability

(Kenya) and youth (Ethiopia)²². In particular we are partnering more with networks and social movements – though this is very incipient in Africa (see sections following).

With existing partners who have been providing services in the past without a wider analysis of power and change, we are discussing causes of poverty and linking them with others to encourage them to explore and make similar shifts in their analysis and work. At times however the move to a rights-based approach has meant the end of old partnerships.

Again these shifts mean AAI staff at all levels need increased skills in critical thinking so they can better question their approaches and bring in different perspectives to their work in partnership.

Increasing involvement in and work through networks

It is essential in the rights-based approach that we challenge power imbalances. Our experience so far shows that local organising, alliance building and networking are key strategies for changing power relations. Networks tend to have more horizontal relations between members providing a less hierarchical environment than bilateral partnerships between INGOs and local organisations. However, power imbalances between networks members obviously exist and should be a permanent concern for all the organisations involved. In particular networks that are set up at the initiative of the donor, whether for the ease of dispersing funds or for advocacy, are unlikely to be successful.

ActionAid's work at national and international level is increasingly carried out in conjunction with national or global networks and coalitions. We have found in a number of countries that providing networking opportunities and links can empower partners and encourage them to make a similar conceptual shift away from a sole focus on the delivery of services. For example in our urban work in Brazil we can see organisations that were mainly providing educational services now increasingly networking with other organisations partly as a result of support by ActionAid and are now starting to expand their approach to include policy work as a complementary strategy.

The last two decades have seen an increase in the number and visibility of international and national civil society networks to promote social justice. Overcoming power differences and conflict within these caused by differences in resources, access to information, confidence and perspectives can be an enormous and challenging task. However, where this has been achieved and where members have full autonomy vis-à-vis the network, networks can be spaces for consensus and forging mutual agreed joint actions rather than “democratic centralism”. These characteristics have made some networks very effective for the self-empowerment of hundreds of groups in the struggle against powerful governments and companies.

²² ActionAid International, 2004

The Agriculture Working Group of Brazilian Trade Network

In 1999 ActionAid and many CSOs created a working group within REBRIP (Brazilian Network for People's Integration), a large network of NGOs and social movements around trade issues. The working group has developed a collective research agenda, as well as a joint media, lobbying and capacity building plan. The horizontal nature and consensus approach to decision making created an environment that after much debate led three major rural social movements (MST, Contag and Fetrat) to join the group. The solid joint research, various networking events and participation by powerful social movements provided the conditions for influencing the Brazilian Government's trade agenda.

In 1999 the interests of small scale farmers, peasants and landless people were not even part of the governmental debates on trade. REBRIP successfully ensured that various issues were on the agenda: the need for an exceptions list to safeguard the interests of small scale farmers; the creation of a government consultative body on small scale farming and trade; and the need to enhance civil society participation in trade decision making. As a result the Brazilian government has included for the first time items such as "special products" and special and differential treatment at the centre of its agenda. REBRIP has been officially observing the trade negotiations since 2003.

Collaboration with social movements

For ActionAid work with social movements is a growing priority. We have found that the implementation of a rights-based approach is easier and more effective when the community has its own strong social movements. In Brazil, for example, the national landless peasant movement provides a structure that draws its strength from local groups and a comprehensive change strategy that integrates work on rights, advocacy, organising, political awareness and critical thinking with support for concrete development initiatives in agriculture, education and credit, among others. In such situations, a central component of our rights-based approach involves support for organising, consolidating and strengthening the ongoing work of local social movements.

Another key challenge is to link community based social movements with each other, as well as connecting them with other regional, national and international social movements and networks. This integration can increase the power of community based social movements, broaden their understanding of poverty and the denial of rights, increase their capacity to network and build powerful alliances, and provide the opportunity to learn from the experience of other movements. The World Social Forum processes have become an important opportunity for forging new thinking, building alternatives,

From our perspective, the three World Social Forums in Porto Alegre, which have been held from 2001 onwards – as well as the associated thematic, regional and national Forums ... represent one of the best examples of the new policy of real and virtual networks in the struggle against globalisation ruled by the market.

Therefore, along with the questioning of the end of history and the imperial dominance of the capitalist world system – of which globalisation centred on the market is one of its main manifestations – a new slogan has been spreading from the South: 'another world is possible', promoted and put into practice by the process of the World Social Forum. With 'another world is possible', the WSF has created the possibility of rethinking politics and democratic institutions. The WSF is currently a live laboratory of world citizenship, in which 'a social perspective on everything' is practised and diffused. The Social Forum shares a vision of the world which is opposed to the business vision of the world which governs neo-liberal globalisation with its Economic Forum in Davos (Romano 2004 & Grzybowski, 2003).

exchanging experiences and alliance building. ActionAid has been steadily increasing its staff and partner participation in these spaces as a way to learn, connect and contribute to ever more compelling visions of justice and approaches to social change.

Encouraging a focus on the most marginalised within communities

Reviews show us that ActionAid's work is reaching out to the most marginal groups within poor communities more than ever before. We are increasingly establishing relationships with groups that often remain invisible to mainstream development efforts. These include indigenous groups, ethnic minorities, women escaping domestic and social violence and those suffering mental illness. For example, ActionAid has expanded its efforts to assist and deepen processes that work to include marginalised people in the social, political and economic life of their communities. These have included: scavengers and untouchables in India, indigenous peoples in Guatemala, and people living with HIV/AIDS in Nepal and Kenya. In Burundi, 2003 saw the inclusion of the marginalised Batwa community in the Bashingantahe, a traditional system of local governance. In Vietnam, ActionAid's programme began working with unregistered migrant women and in Haiti, India and China ActionAid's programmes began working with economic migrants²³.

Emergency work:

Much as disasters can be very destructive, resulting in routine denial of people's rights, they can also provide opportunities to challenge social and institutional structures or policies that lead to human rights violation.

During the Gujarat earthquake, the Emergencies team working with ActionAid India, analysed the emergency situation by examining what rights people had, what rights were being denied and what opportunities existed to change people's access to their rights. The analysis revealed that there was a strong opposition from upper caste families against targeting the most needy and vulnerable – Dalit, Muslim, Koli etc. Therefore the 'community contributory shelter programme' had to go hand in hand with processes of overcoming caste dynamics. In that way over 1,976 families who were otherwise left out of the mainstream rehabilitation process, were supported. [AAIndia 2003]

In doing this we are not only opening up the political agenda to new issues, but are also – and perhaps more importantly – bringing new social actors into to political arenas. These include for example: women, black, indigenous, sex workers, gays and lesbians – people who have tended to be marginalised and excluded even in the development sector²⁴.

This is not to say that it is always strategic to work solely with the most marginalised or impoverished since they can be particularly difficult to organise and mobilise due to their circumstances. There are times when the most effective way to challenge inequitable power relations and structures is to work with excluded groups and poor communities as a whole – from the poorest of the poor to those living in relatively better circumstances. However it is always important in such situations to be mindful of the inherent inequities and tensions in these relationships. Building more equitable relations across the diversity of the poor and excluded helps create the solidarity and force necessary for countering powerful opponents.

²³ ActionAid International 2004

²⁴ Almir Pereira Junior personal correspondence

Some examples of groups achieving immediate changes in their lives, a collective identity and stronger position to contest their rights in the longer term

The notion that over time organised groups of poor and marginalised people can attain their rights and improve their solidarity and position in society is not a purely theoretical one. Of course it can take many years to transform deeply entrenched forces of marginalisation and impoverishment. However, we are beginning to see some results as groups organise to identify and claim rights and related services and resources and represent themselves and their communities in arenas of public decision-making. Some examples are given below. While in this paper we emphasise the support and collaboration provided by AA to these groups, we also recognise that communities often receive backing from multiple sources.

In Tanzania, ActionAid worked with local farmer groups to ensure their collective and active participation in the pricing of their produce. Grassroots farmers' associations such as Tandahimba Farmers' Association in Mtwara region, Liwale Farmers' Association in Lindi Region and the Clove Rehabilitation Coalition in Zanzibar, were influential in obtaining better prices for local farmers in 2003. Additionally one of ActionAid's local partners, ZAFFIDE, mobilised farmers to form a union. The union began negotiating with hotel owners for guaranteed prices for their produce. They are in the process of obtaining legal status and are about to sign a deal with the seed supplier to make it take responsibility for bad seeds. *'Bringing us together was one of the greatest achievements. I feel pleased because through this I have learnt a better technique of growing seeds, and I feel motivated for being a farmer because we are now going to have one voice,'* said Mr Jaji Ramadhani, one of the vegetable farmers.²⁵

The Participatory Communications Project in Sierra Leone led to polio patients forming an advocacy alliance known as the Disabled Workers' Alliance Movement (DWAM) which has been lobbying government on disability rights. It has also secured increased financial support from donors. For instance DWAM was able to access contracts for the fabrication of farm tools worth nineteen million leones (approximately £5,400)²⁶.

AA Guatemala – supported their partner the *Coordinadora Sí ¡Vamos por la Paz!* (COVAPAZ) and its member organisations in learning social audit methods to prevent and eradicate corruption in the management and administration of State institutions. More than 300 civil society organisations (women, children, youth, indigenous, teachers, unions and people with disabilities) received training in Social Audit processes. Implemented during an election year this effort helped support small organisations in developing project proposals and collective action. It also promoted accountability of State authorities through the use of citizen control mechanisms to help ensure efficient and effective management of public funds. [ActionAid International 2004]

New energy in our work on gender and women rights

The conceptual shift of incorporating rights into our strategies has given an entry point and opportunity to reenergize our work on gender by adding a clear women's rights dimension and reinserting the political edge into our efforts.

²⁵ ActionAid Tanzania 2003

²⁶ ActionAid International 2004

This is already happening in terms of our strategies and conceptualisation. We are beginning to look at gender issues that are not part of mainstream poverty reduction efforts: violence against women, reproductive and sexual rights etc. For example the Mutapola Campaign about to be launched by The Southern Africa Partnerships Programme, a programme of AAI, and the Open Society Initiative of Southern Africa²⁷, puts women's rights right at the centre of our work on HIV/AIDS. It is premised on a clear statement that the challenge of HIV/AIDS cannot be met without a focus on confronting the position of women within society as second class citizens. The challenge is to operationalise these new areas of work in an effective manner²⁸.

At the same time we need to take more advantage of opportunities to engage with and learn from women's rights organisations working at local levels who already have experience and skills in grassroots organising, consciousness-raising, activism and livelihood initiatives. Lessons gained from women's movements around the world will also be important to consider as they critically examine their work on rights over the last 30 years. Some are finding that their almost exclusive focus in the policy arena has been too narrow and that they need to build more comprehensive and holistic strategies in order to address the different dimensions of power. Work on public power needs to be complemented by efforts to build alternative power through grassroots leadership development and organising as well as through individual reflection and empowerment processes.

Recent reviews also suggest we need to take a much more critical look at our approaches and methodologies for gender work. Very often REFLECT and Stepping Stones are cited as key methodologies for addressing women's empowerment and changes in gender behaviour at local levels. These approaches can just as easily be 'gender blind' if an in depth analysis of power, inequality and discrimination is not promoted and reinforced during our training, implementation and monitoring of these approaches. In many contexts we are not yet very bold in taking sides with women and girls who are marginalised and oppressed. We are still afraid of rocking cultural and religious boats.²⁹

More focus on power and our own position and relationships with partners

We have already elaborated how a rights-based approach challenges us to analyse power in all its forms. Once we start to do this it is impossible to avoid also looking at the dynamics of power within the organisation and between the organisation and partners. A rights-based approach has led some members of ActionAid to think more critically about how we work with others and how we use our power as an international NGO in those relationships. Behaviours and attitudes related to power are a central component of our Accountability, Learning and Planning System (ALPS) that all staff are expected to adhere to. In some situations, greater sensitivity and attention is also being given to power dynamics in our relationships with partners.

²⁷ ActionAid International 2005

²⁸ Telephone Conversation EverJoice Win and Jennifer Chapman 13th Jan 05

²⁹ ActionAid International 2004

Working with AA has been more comfortable than with the other international organisations. Other international NGOs would like to dictate but AA does not. For me that is very significant in development work³⁰

The recent amalgamation and change of the ActionAid family into ActionAid International is also partly an attempt to address power dynamics within the organisation. The metamorphosis attempts to overturn the norms of international NGOs where the power is situated in the North and most of the operations conducted in the South. ActionAid is now an international NGO based in South Africa whose leadership is principally southern. As part of this process, AAI is working towards creating a federation of affiliated organisations – from the North and South – who will have equal status and say within the organisation.

Despite this laudable vision, power issues within the organisation will continue to be challenging. The allocation of power among affiliates within the federation will be part of an evolving process and possible point of contention especially during the transition. AAI has policies on discrimination and sexual harassment and at times uses affirmative action in recruitment. However, the organisation remains a microcosm of the world and putting these policies into effective practice will take time and effort.

Encourage organisations to work on building active solidarity constituencies in the North

The concept of development as a right and not charity, and the understanding that change will only be sustained through organised constituencies challenge us to take a different approach with our supporters in the North. This notion gains greater legitimacy as we realise that problems of inequity and exclusion in the North share some of the same roots as those in the South. Northerners can no longer be viewed purely as sources of finance, but should be seen as allies in a common struggle for justice and encouraged to become active global citizens through education, solidarity and action programs. They are no longer disinterested parties solely providing support out of a sense of generosity or shared humanity, but increasingly have direct stakes in the outcomes of these joint change efforts. The common links between injustice in the North and South and the policies that underpin these inequities allow for genuine alliances of solidarity that offer new opportunities for building broader power and pressure for change.

One example comes from the youth work of ActionAid in the UK which engages youth as active international citizens and makes no attempt to raise funding from them. While fundraising is an important part of solidarity, sometimes other approaches may be effective. The following quotes are taken from young people visiting the Actionzone tent at the Reading Festival - a music festival in the UK that brings thousands of young people together every year:

Other charities, they just seem to come up to people and ask for money. But this is like actually offering something for us other than just asking for money.

³⁰ Quote from Trade Union respondent in Chapman and Azumah et al, 2004.

It's a way to find out about the issues but not in a 'talking down' kind of way. That's a reason a lot of young people have a problem with politics – it's talking down. You don't find that here³¹.

Attempting to be more accountable to poor and marginalised communities.

Ultimately, however rights-based approaches are operationalised, they would mean little if they had no potential to transform power relations. Thus, no matter how an agency articulates its vision of rights-based approaches, these must be judged on the basis of their ability to support and strengthen the capacity of the poor and excluded to articulate their priorities, take leadership, build organisations and claim genuine accountability from development agencies. Similarly such approaches need to be assessed regarding the extent to which the agencies and NGOs themselves become critically self-aware and address inherent power inequalities in their interaction with poor communities³².

ActionAid has made considerable efforts to become more accountable to all its stakeholders and in particular poor and marginalised people – this is one of the key aspects of ALPS which calls for, among other things, all programmes of ActionAid to

Accountability in ActionAid Kenya

ActionAid Kenya is trying to achieve a situation where poor people are at the centre of, in charge of, and own planning, implementing, evaluating, learning and reporting processes. Within this we recognise the diversity within communities and that special attention will be needed to ensure that the most marginalised are included at all levels (women, youth, people living with HIV/AIDS).....We are consciously trying to base our systems on principles rather than rigid methods and ensure that poor people are the primary people who are in charge of planning, accountability, evaluation and impact assessment processes as opposed to ActionAid or any other outside donor.

All our reviews and reflections are conducted by poor people and community organisations in the field and not on paper. Poor people question their own community organisations and ActionAid on what they have done, what has worked, what they didn't like, what should change.

We've made sure our finances and expenditures are no longer the domain of auditors or management – walk into any ActionAid Kenya western field programme now, and you'll find a huge board with up-to-date expenses displayed. This is not only an accountability tool, but also a way of ensuring that we build the confidence of poor people in demanding for transparency and accountability from other state and non-state actors. We've only had these boards up since May 2004 but the impact has been immense in terms of building the confidence of poor people to know that they have a right to access and view and question the finances of any organisation whether state or non-state working with poor people.

We recognise that this tool still excludes many people who cannot read expenses on our boards and we therefore make a point to ensure that when grants are given to community organisations, they are given in public meetings so that every community member can hear what amount has been given, to whom and for what purpose.

The ActionAid boards have resulted in citizens demanding financial accountability from other institutions including the government run National Aids Control Council [Chapman & Shah 2004]

³¹ ActionAid 2003

³² Almir Pereira Junior in Chapman, Pereira Junior et al 2005 forthcoming

hold annual participatory reviews and reflections that allow communities and partners to

The disconnect between rights and development work

One source of this disconnect between rights and development work may come from distinctions made by scholars and activists working on gender and women's rights. Their differentiation between practical needs such as access to water or health care and strategic interests such as changing power structures and relationships was helpful in identifying short-term and long-term program priorities. However this distinction often got interpreted in ways that gave inordinate prominence to programs focused on strategic interests over practical needs and did not reflect the relationships between the two. Connections between them were not recognised or made and their natural synergy remained untapped. For example, the fact that poor rural women wanted concrete ways to address their immediate needs was often dismissed and discredited as being non-strategic. In reality, it was not an either or case. Needs, when integrated into an overall change strategy, are a key entry point for women to become engaged in solving their problems both in a tangible way and over the long-term by challenging the system of inequitable power relations and developing strong grassroots-led organisations. With the potential for policy change on the international level, however, many women's movements focused almost exclusively on advocacy around UN conventions and national policies. Local organising, education and leadership development lost resources and attention. Recently major international women's networks are recognising these disconnects and are proposing alternatives that integrate different strategies into a holistic approach that combines grassroots consciousness-raising, organising, capacity-building and development initiatives with local as well as national and international advocacy.

One of the lessons emerging from women's organisations and networks presents a cautionary note. Despite a growing realisation that integrated education, organising and advocacy strategies linking grassroots practical needs with strategic interests are crucial to long-term change, the failure to make these links or find new ways to collaborate often arises from the need of individual institutions to guarantee their economic survival and their identities as elite-level advocates. Organisational imperatives can trump effective strategies and efforts to restructure roles and relationships. This may be a growing problem in the challenge to link support for development alternatives and organising with rights-based approaches that have focused principally on policy and advocacy. [Miller 2005]

question us about our work. The box on the previous page gives an example of how ActionAid Kenya is attempting to become more accountable to poor and marginalised people.

4. Challenges of adopting rights-based approaches

We may be seeing myth-making in progress. At the very least, all the elements are there – claims based on high moral principles backed by selective evidence, a large army of convinced proponents, eloquent and elegant defences and even taller claims when the myth is questioned but not much besides³³.

Rights-based approaches are very much in vogue among development organisations – at least on paper. Many claims are made about how these approaches will finally solve the intractable problems we have been tackling for such a long time. The authors would tend to be more cautious and believe that the positive outcomes of rights-based approaches depend largely on linking them with what we have learnt about participation, empowerment and the role of development alternatives in change processes that focus on transforming power relations. There are considerable dangers in equating a rights-based

³³ Tsikata no date

approach with an approach that relies on policy and advocacy as the sole solution to poverty and exclusion and sets up polarities between it and other development approaches. This section unpacks some of the challenges and questions that rights-based approaches raise.

Keeping a balance³⁴

While policy change is necessary, it is not sufficient to transform the structures, attitudes and values that are at the root of societal inequalities and injustice³⁵.

The trend in many development NGOs is to increasingly emphasise rights and policy work led by professionals over local organising, education and development initiatives³⁶.

There are a number of possible reasons behind this trend. An emphasis on rights and policy advocacy can be appealing as it feeds institutional needs for public visibility that is more difficult to achieve when doing local development or organising work.

On a less conscious level the dynamics of work on policy advocacy can be exciting, seductive and addictive as it engages people's analytical capacities in new ways and requires interaction with powerful players. It can make activists feel like they are doing something significant and worthwhile that will reap significant benefits.

As development organisations move to incorporate a rights-based approach into their work, they often attempt to fill their lack of skills in policy analysis and advocacy by employing lawyers or policy analysts at the expense of those with grassroots organising and participation skills. In some cases, experienced staff members are let go and organisations lose vital resources crucial to effectively integrating rights into their change strategies. This may be due to a tendency to view rights work in very narrow technical terms and not place it in the overall context of social change and power relations. It also may arise from a legitimate concern about the complications of understanding and using existing human rights instruments and the need, therefore, for legal and policy expertise. The authors contend that the real gap is not in either of these areas – both of which are important but insufficient. The real gap in many organisations is a lack of investment in staff or recruitment of people who possess cross-disciplinary capacities and perspectives and who are thus able to make connections with other types of knowledge and practice and build relations of synergy and cooperation with other staff members and groups³⁷. These are the people who have the vision and potential to bring together the multiple aspects of a rights-based approach as laid out in this paper so that different strategies can support each other rather than operating in isolation or at cross purposes. Without these interdisciplinary skills and vision, programs and staff are in danger of remaining isolated in institutional boxes or programmatic stovepipes. In some cases, they may lose all legitimacy and support from social movements and poor communities, thus weakening an organisation's ability to develop comprehensive change strategies that can transform

³⁴ This section draws heavily on Miller 2005

³⁵ John Samuel, no date 2

³⁶ Miller 2005

³⁷ VeneKlasen et al 2004

power relations. In some scenarios, this leads to hostility between staff members and an inability to communicate with each other.

It is important that development organisations adopting rights-based approaches learn from the experience of women's movements which have called attention to the limitations of placing 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 struggle*'³⁸. (See box below).

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 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 sustain 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. [VeneKlasen et al 2004]

Power in networks and partnerships

As mentioned earlier, power relations exist everywhere, and are consequently found within communities and civil society organisations. They are present in partnership and network relations, as well as in the mobilisation processes for rights in which we are engaged. In entering such relationships, we should always consider power dynamics so as not to reproduce power structures that run counter to our values and our ethical, theoretical and political concepts³⁹.

These are not easy judgements to make but are crucial to initiatives aimed at promoting empowerment, and especially for international organisations such as ActionAid that traditionally have wielded enormous power among local NGOs and governments. Given our organisational size and resources in regions like Africa and parts of Asia, our presence and activism can dominate and eclipse the capacity and confidence of local groups to advance their ideas and interests. How large international organisations use their power becomes key to whether participation, empowerment and rights are fostered and whether groups of poor and marginalised have a meaningful voice in their societies.

³⁸ VeneKlasen et al 2004

³⁹ Almir Pereira Junior in Chapman, Pereira Junior et al 2005 (forthcoming)

The Elimu Review of campaigning around education⁴⁰ found that the most successful coalitions appeared

to be those where Actionaid staff had time and money available to invest heavily in the formation and early development of the network, but subsequently have been able to step back from power. In line with this view, several country programmes said that they played a “facilitating” role within the network: carefully encouraging other organisations to take on leadership functions, helping to establish participatory and democratic decision-making within the network and assisting members to clarify and focus their aims, as well as providing funds and occasional technical support.

*In a few countries, however, networks founded by Actionaid were less successful in establishing independence. Actionaid **India** said that part of the reason for the ultimate demise of the Citizens’ Initiative on Elementary Education was that it always remained, and was perceived as, an Actionaid project.....*

The very different trajectory of the Global Campaign on Education shows how conflict between international organisations can create intense pressure to define strong positions and achieve “hits” very early in the campaign. Where the campaign has not emerged from an existing set of social movements or grassroots mobilisation, there is an obvious tendency for this process to crowd out the space for the weaker partners in the international network – organisations based at national or local level in the South - to develop and own the campaign’s agenda.’

One analyst reflecting on the Kamaiya Campaign in Nepal to eliminate slavery and bonded labor notes that while it was successful on the legal front the policy victory itself undermined the campaign and weakened Kamiaya-led organisations. When the Kamaiya were freed in law, but found themselves with no livelihood options the campaign was inhibited in reacting and regrouping due to the dynamics between the Kamaiya and the NGOs who, over time, had gained the dominant role in the effort (see box).

Similarly a study of participatory development in practice warned about the potential danger of a rights-based approach which aimed to empower poor people to claim their rights and have more control over development. They felt there was a real risk that the end result might instead be poor people feeling obliged to ‘*sing along with the tune of the professional middle classes to an even greater extent than has previously been the case*’⁴¹.

⁴⁰ Elimu 2001

⁴¹ Fiedrich and Jellema no date

Lessons from the Kamaiya Campaign

The policy change itself was just an opening and not an end in itself. A policy change can be a double-edged sword which can be used to defuse a movement and allow re-consolidation of the old institutions, particularly when there is little interest in enforcing it within the government.

One reason that the movement was unable to shift and pursue new objectives lies in the dynamics resulting from the NGOs taking a leading role in it. Whereas it started as a Kamaiya movement, with the NGO involvement, it gradually took on the methods and the form of NGOs, while losing the perspective of the Kamaiyas. The kind of feeling and emotion of the bonded labourers is very different from that of outsiders. Thus the central role of the people in the movement is essential for a long-lasting movement, even if it entails patience and perseverance over years and decades.

The definition of success, and its associated values and purposes, as a consequence, gradually shifts from those of the people to those of the NGO organisations.

[Freedom is not Liberation in Policy Statement: Reflection on the Bonded Labor Movement in Nepal, author unknown, internal AA paper.]

Internal investment needed

AAI has made an enormous shift in the way it conceptualises its work. However ensuring that there is a common understanding of this new vision across an organisation that works in different cultures and contexts remains deeply challenging. It has also made considerable shifts in the way it actually operationalises its work. However the challenges of moving a large, diffuse organisation through a radical change process are immense and were perhaps underestimated. Having no coherent change strategy has complicated the transition as has insufficient resources and support for staff.

As a result a recent review found that:

There is no general understanding of rights-based approaches (RBA) in the organisation and there are many different interpretations of it. Some country programmes know little about RBA and others do not have the confidence to put it into practice. A good deal of work needs to be done within the organisation to demystify RBA and integrate the different elements of rights-based analysis and practice⁴².

One problem is the lack of precision with which the term “rights-based approach” is often used. This imprecision makes it easy to simply repackage programs using the new language, creating a pretty new bottle for old wine. Alternatively, it is interpreted in ways that dismisses long-term grassroots organising and local development work as having no place in the new paradigm.

ActionAid is still short of achieving the necessary depth on policy issues at a regional and international level necessary to engage the relevant institutions and bring coherence

⁴² Morago 2003, also backed up by staff audits in India and Bangladesh

across our themes into a visible and viable programme of work. While more country programmes are beginning to engage in international campaign work, this engagement is still primarily events based rather than determined by a comprehensive long-term agenda for change.

We have also not been strong in direct engagement on the substance of policies ie entering policy discussions with a thought out critique and suggestions for alternative wording. Progress in developing and agreeing on policy positions confronts a number of challenges:

- The recognition that policy positions must be grounded on solid evidence and well thought out policy analysis to back the positions emerging from the concerns of the poor.
- A lack of capacity to analyse policies and integrate this analysis with our grassroots education and mobilisation work
- Insufficient coherence in our advocacy strategies and approaches.
- The need to engage more critically in an environment that is dynamic and constantly changing.
- Limitations of country policy perspectives that only focus on the international globalisation/privatisation debates and don't make links to domestic issues.

For all of these challenges to be met, staff need to develop much more experience in policy analysis and advocacy as well as knowledge about how government structures work and interact and how to engage people living in poverty in these processes

We need to train programme officers to be able to better tease out policy issues arising from their field interventions and break down the barriers to working together at all levels. ActionAid Kenya and Uganda are good examples of where this is being achieved (see box).

The strategic focus of AA Kenya on rights-based advocacy has resulted in a broad range of issues and policy processes that the organisation is engaged with....The capacity of AA Kenya to do so, ... is substantial, and is reflected in the organisational structure that has been put in place. The preponderance of programme staff in the Nairobi office are involved in policy advocacy activities, and there is a policy research coordinator in each of the regional offices. Much of the local and regional advocacy work, however, is undertaken by Development Initiatives [staff and partners in the regions], and for this they are supported systematically by the advocacy staff in Nairobi and the regional offices". [DFID/ActionAid 2003]

One way that AAI has tried to ensure staff capacity in these areas is to hire high profile activists. This has met with mixed success as they often find themselves in administration positions where they get totally overloaded with bureaucratic tasks and cannot use their strengths as activists.

The transition has also led to some confusion about the role and identity of AAI as the following quote from ActionAid Brazil's country review illustrates:

sometimes its not clear if ActionAid is a civil society organisation, an international cooperative organisation that supports Brazilian civil society or an agency that supports political strengthening of Brazilian organisations. Sometimes AAB is also seen as an organisation that assumes a protagonist role whether this be in the campaigns or in an indirect way through local development projects

This indicates that we need to be much clearer about our identity and the political positions that we take as an organisation. Managing changing perceptions of ActionAid's role as it internationalises its structures and programs requires strong leadership and vision at all levels of the organisation. It also requires that we improve how we deal with internal disputes and conflicts over meanings, strategies and priorities and that we are able to challenge ourselves without losing our collective identity or synergy.

The political aspect

As explained in the introduction rights-based approaches to development are inherently political. This can be challenging since people's perception of politics in many countries is generally negative and development is viewed as an apolitical activity. Claiming to be apolitical/non-partisan has been a survival strategy for many NGOs operating under repressive regimes. The strategy provides women, poor people and others with a safe working space where they can be critical of the government and demand changes without being perceived automatically as subversive.⁴³

...making rights real means daily struggles and backlashes. It means an ongoing process of definition, contestation and negotiation of values, standards and rules and their application in practice. It means active citizenship and political action [Morago 2004]

Donors have contributed to NGOs reluctance to emphasise or even recognise the political nature of development and rights because of their own concern about government backlash. Most donors make clear to potential grantees that they do not support political activities.⁴⁴

Rights-based approaches demand taking sides, but organisations and individuals are not always prepared for the inevitable conflict this can produce. International NGOs, especially, can be unaware of the different arenas in which these conflicts occur⁴⁵ and the insidious ways in which opponents may attempt to undermine the legitimacy of activists or threaten and even eliminate them.

Other misconceptions also influence the effectiveness of these approaches. No matter how much civil society may be viewed as the place for solidarity and social transformation – particularly for the more impoverished and excluded sectors – there is no homogeneous block of interests that operate in harmony with one another. Rather,

⁴³ VeneKlasen and Miller 2002

⁴⁴ VeneKlasen and Miller 2002

⁴⁵ VeneKlasen et al 2004

there are hierarchies and inevitable clashes or differences of opinion as groups negotiate with one another on issues and strategies. Some may be willing to take more risks while others prefer less confrontational approaches⁴⁶. Rights-based approaches mean being prepared to deal frequently with conflict both within alliances and with external forces as well. This can be a very difficult step to take in countries where this kind of debate is not common:

The debt campaign was very lucky in that they could pick on foreigners as the bad guys – the IMF, the World Bank and so on. When the responsibility lies here at home it is much more difficult. There is massive corruption in our education system and our members know who is to blame, down to the names and addresses of the individual officials. But it has taken us a whole year to even be able to discuss such highly political issues in a coded way within our own network, and if we went public with them, we would be at high risk of losing credibility with government, because we would be seen as playing into the hands of the opposition parties⁴⁷.

A widespread weakness in AAI has been the inattention given to the analysis of risk and power (both visible and invisible) in our approach to poverty eradication. The shift to a rights-based development model entails the adoption of a more political positioning in relation to other actors and requires a more explicit analysis of power dynamics and the potential dangers arising from political engagement. The lack of attention given to risk and power is particularly a problem in contexts where there is a high level of social and political violence.

Building on empowerment and organising

One concern arising from recent reviews is the lack of follow-through in some country programmes. Numerous cases speak of poor people coming together, mobilising and opening channels of contestation. Yet these processes do not necessarily lead to effective action. ActionAid staff and our partners – particularly at local levels – need more support on how to ensure that initial processes of training and awareness raising are sustainable and expand into broader collective experiences. Very often there is no change in power relations, and people are not able to free themselves from the status of simple ‘beneficiaries.’⁴⁸ Staff are unsure what outside knowledge is necessary to introduce, how to do this in an empowering way, and what skills we might build in areas such as campaigning or advocacy⁴⁹.

Approaches that do not lead to tangible progress in people’s lives can lead to disillusionment and cynicism about ‘rights-based approaches’.

⁴⁶ Almir Pereira Junior in Chapman, Pereira Junior et al 2005 forthcoming

⁴⁷ Former Campaign member, Ghana, cited in Elimu 2001

⁴⁸ Morago 2004

⁴⁹ Thomson 2004

... it is ESC rights that are most elusive. This is because the rhetoric of economic and social rights is not necessarily reflected in policies, programmes and budgetary allocations. As a result, the State pretends to promote economic and social rights, while systematically undermining these rights following the dictums of the IMF, World Bank and WTO. This situation leads to a growing sense of disillusionment and cynicism about the so-called rights-based approach. As a result the political content and policy feasibility of the rights-based approach is increasingly questioned⁵⁰.

The false dichotomy between service delivery and rights

In some organisations that have adopted rights-based development approaches there has been a tendency to see any type of ‘service-delivery’ as an outmoded and inappropriate intervention. This ignores the role that service delivery efforts can play in strengthening empowerment processes, local organisations, leadership development, alternative development models, trust-building and concrete changes in people’s living conditions (see p 26). Indeed in many cases these types of effort are a necessary prior condition and step before any work on rights is conceivable. The question is not so much whether service-delivery work is done at all but how it is done, by whom and how it will build in the long run to more transformative work.

Increasingly many groups seem to be embracing rights and policy advocacy for advancing systemic change, characterising ‘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 urgent, felt needs). [VeneKlasen et al 2004]

There is a fundamental difference between services controlled by others and provided to the poor as victims, and service and development efforts intended to support the planning, management and leadership of the poor and disenfranchised as protagonists and active members of society. Depending on how service-delivery approaches are carried out, they can be charity and disempowering or can contribute to empowerment and community control.

It is possible to construct a ‘typology’ relating rights approaches and service provision⁵¹:

- *The delivery of services by NGOs as an end in themselves* (belief in NGOs providing services but no notion of participation or larger social change goals; sometimes narrow service-delivery is identified as being a rights-based approach by claiming that producing and supplying a basic service that is a right e.g. education, makes it a rights-based approach in and of itself, which it is not)
- *The participatory delivery of services by NGOs as an end in themselves* (provided because of severe distress, but with dignity and some community participation and oversight)

⁵⁰ Samuel, no date

⁵¹ Thomson 2001

- *Services as an entry point* (done to start an engagement, understand community issues, help people create options for livelihood and basic services, develop principles and institutions for managing common pool resources; supported by processes of collective analysis to strengthen consciousness and awareness of power dynamics and oppression, and local organisation and leadership capable of claiming and advancing rights).
- *Services provided by NGOs as an impetus for testing and creating innovative models* for local development, advocacy, building social capital, or as a way to lever funding or other entitlements.
- *Direct advocacy or advocacy on behalf of* the poor or marginalised, which can be seen as providing a service with all the same pitfalls of ‘needs-based’ service delivery approaches.
- *Mobilisation and organising* work with communities that is not based on any prior relationship around the provision of services.

ActionAid India’s work with the homeless provides a good example of how people’s immediate problems and needs can be used as a starting point in a larger empowerment process and how a range of actions and strategies are necessary for effective change. Services were provided that were complemented by efforts that promoted people’s organisation, mobilisation, and advocacy for anti-poor laws (on shelter and begging). AAI began by addressing the immediate needs of homeless people living on the streets through a variety of services -- health outreach, provision of shelter, hospital facilities, and blankets in freezing weather. This work built a relationship of trust between the homeless people and ActionAid, and laid the basis for their future mobilisation and organisation which eventually led to their expanding leadership role in running the shelter and health programme and in advocacy efforts. AAIndia also studied the macro-level policies and laws that discriminated against the homeless, for example the policy of night shelter, and the law on begging. Raising awareness of homeless issues amongst the broader population also helped to create an environment conducive to policy change⁵².

Despite examples of good practice ActionAid has found making these links to build to transformative work in the long run quite challenging in some countries. A recent review found:

In many country programmes, there is little relationship between the service delivery elements of our work and other components of ActionAid’s approach (e.g. mobilisation of the poor, political and legal advocacy). Different approaches seem to coexist with programme staff often confused about how to link the two approaches and achieve greater synergy and impact in our work. Further work is needed with staff to help them understand the links between different kinds of work⁵³.

⁵² Thompson 2001

⁵³ ActionAid 2004

Utopian expectations

In some places the understanding of a rights-based approach leads to the assumption that the national government is the sole duty holder and is obligated to provide all rights to its citizens regardless of its capacity to do so. This ignores wider analyses of global power dynamics and allows the international community and richer governments to avoid their responsibilities.

One of the problems raised by the RBA is the role of the nation states in its implementation. Much of the discussion about responsibility and accountability has been in terms of what governments of developing countries need to do differently. Given the dismantling and disabling of the state under structural adjustment, the proactive role being given to the state under the RBAs is unrealistic. Even more significant is the fact that not much is being directed towards the accountability of the IFIs, trans-national corporations, western governments and international NGOs. Given that the site of development policy making has changed from the state to the international arena, the focus of the RBA on national actors- citizens and governments- and the exclusion of the corporate sector, foreign governments and the IFIs from scrutiny makes it a non starter.

The roles of national states and international actors in ensuring rights are still being debated. Northern governments have denied that a duty exists to provide resources to address the problems of developing countries⁵⁴.

More work is needed to conceptualise what a rights-based approach means in countries with failed, repressive or bankrupt states, or states whose authority has been crippled by international policy, etc. Communities in Zimbabwe, for instance, have raised many rights issues that people felt unable to talk publicly about. Whether rights are the most useful framework for analysing all issues --from the global to the interpersonal -- has been questioned:

It is also doubtful if rights are the best analytical tools for understanding the challenges of globalisation, militarism, the rise of the trans-nationals, the impacts of neo-liberal policies, class, gender, race, kinship and other social relations. Does the rights language help us to understand the world trading system, or even marriage and intra-household relations?⁵⁵

In addition work is needed to clarify how roles and responsibilities might be divided between government, civil society and other players. For example is the government the sole duty bearer with regards to changing attitudes on gender or responding to domestic violence? Would women's groups wish or trust the government to take a lead on changing gender attitudes, or should the state's role be mainly to set the legal framework, provide support programmes, ensure that school curriculum challenges rather than

⁵⁴ Tsikata no date

⁵⁵ Tsikata no date

reinforce stereotypes – certain essential roles that guarantee the fulfilment of rights. Should the obligation to ensure that women’s rights are recognised and advanced belong to other actors?

5. Conclusion

In conclusion our experience with ActionAid and other development organisations shows that rights-based approaches hold considerable potential for putting politics and power back into development work and encouraging development workers to think more deeply about their actions. Indeed in many cases they have energised staff to make more connections between their work, their own life and the larger society they live in. This deepening of analysis and potential strengthening of people’s power can help ensure that our actions have greater long-term impact and truly make a difference in the lives of poor and excluded communities. However, this will only happen, if these approaches are grounded in more careful analysis of power in all its forms, and in a more complex understanding of how change both happens and is sustained. In particular the hard-won lessons of grassroots development work on issues of participation, empowerment, conscientisation, organising, leadership development etc should not be discarded or given short shrift but rather be built on and integrated into rights-based approaches.

In the absence of grounding [in peoples daily needs and struggles for survival and dignity] RBAs 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 citizens⁵⁶

There is no quick policy fix to issues of exclusion, powerlessness and poverty. Considerable dangers exist in the tendency to equate a rights-based development approach primarily with policy and advocacy work and seeing rights as the sole solution to poverty. This kind of narrow interpretation ignores key fundamentals about how power and change operate in society and can lead to ineffective strategies, a lack of engagement with the poorest and their immediate concerns, a devaluation of grassroots leadership and organising skills, and a continuing power imbalance between donors, NGOs, popular organisations and social movements. Efforts that include a more comprehensive view of power and incorporate multiple change strategies will need to be developed, supported and examined critically by ActionAid for potential lessons and insights that can be used to improve its ongoing programmes and collaborations with partners around the world.

⁵⁶ VeneKlasen et al 2004

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