

RIGHTS-BASED APPROACHES AND BEYOND

**LINKING RIGHTS AND PARTICIPATION:
CHALLENGES OF CURRENT THINKING AND ACTION**

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Just Associates
Washington D.C.
2004

A Joint Initiative of the
Participation Group-IDS and Just Associates

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Introduction

As demands for fairer public policies and government accountability increase across the world, two broad civil society groups – the human rights community and the development community – are building on each other’s experiences in an effort to forge more effective combined strategies to address poverty, exclusion, and political abuse. Each brings different strengths and visions to this new intersection of ideas and approaches. Rights organizations bring their work with governments and the international human rights system on issues of state repression and legal reform while development organizations offer their experience with grassroots groups on promoting local participation in community programs on livelihood and leadership. As organizations explore these potential intersections, a range of international institutions and donors have further shaped thinking and strategies with their own analysis, interpretations and funding priorities. The evolution of this trend is marked by both hopes and questions regarding the potential and promise this integration may offer.

In part, the growing connections between these two types of approaches and perspectives can be seen in the emerging notion of *rights-based development* advanced by many development organizations. Yet confusion abounds as to what the term means in practice, what lessons it taps from rights and participation approaches, and how it relates to questions of power, empowerment and ‘good’ governance. The expanding focus of international human rights groups from political and civil rights to economic, social and cultural rights and the accompanying need to involve local communities in their work presents similar challenges. By exploring the concepts and practice of rights and participation, and their possible connections, we hope to strengthen the analysis and actions of these groups in their efforts to build more healthy and equitable societies.

As part of a larger process that seeks to explore, document and build practical and theoretical linkages between rights and participation¹, this paper will provide an overview of some of the fundamental aspects of the discourse and practice of rights and participation among civil society organizations, especially in the U.S. It will also trace

¹ A research initiative coordinated by the Participation Group of the Institute for Development Studies, UK and Just Associates, USA in collaboration with country teams from Brazil, Mexico, Nigeria, Kenya, Zimbabwe, India and Indonesia. For more information, see <http://www.ids.ac.uk/ids/particip/>.

important streams of participation and forgotten innovative strategies that have connected rights, development and participation in past decades. Through a series of interviews with key US-based international actors, specifically groups working on human rights, development, and democracy/governance, we explore the ways these actors conceptualize the links between rights and participation and how this translates into practice. This partial sketch of current thinking and practice is not presented as a comprehensive and detailed portrait. Rather, it is meant simply to highlight some trends, tensions, and insights that merit further consideration. Absent from this analysis is the important contribution that US social movements and labor unions make to bridging these ideas and strategies. Further research is required to add their insights and perspectives into this evolving portrait.

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

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

Critical Considerations

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

Distortion of Language and Action

The review affirmed for us that more systematic thinking and ongoing dialogue is urgently needed to clarify the meanings of participation, rights, and rights-based development, including their relationship to one another and their implication for practice. Yet, huge challenges to this analysis are presented by circumstances in which concepts and language originally developed through social change efforts are co-opted, depoliticized and stripped of their original meaning.² In light of this type of distortion, linking rights and participation to understandings of development is necessary in order to reclaim and reconnect them to emancipatory and empowering notions of participation. Similarly this linkage is necessary to ground work on rights more directly in people's daily needs and struggles for survival and dignity. In the absence of this grounding, rights-based approaches are merely a new form of technical fix that combines expert-driven social and economic interventions with legal change that may not be relevant to people and communities or engage them as citizens. A holistic understanding of these concepts can help activists and practitioners to integrate development, participation, and rights into more effective social change processes and, through their synergy, accumulate strength to transform inequitable relations of power and expand the voice and decision-making role of the poor and marginalized.

Rights-Based Approaches: Trends and Tensions

For many development organizations, the process of integrating rights appears to involve adding a legal or advocacy dimension to their work rather than weaving together two distinct approaches into a stronger whole. Rights work is put in one box, development in another. By failing to challenge the boxes that have separated rights and development in the past, groups lose the potential synergy and power of participation that such integration offers. Paradoxically, some organizations seem to be moving away from their community roots and shifting their emphasis to policy and advocacy work. Their support

² See Summary Statement from [Making Change Happen: Advocacy and Citizen Participation](http://www.ids.ac.uk/ids/particip/workshops/makchhapstatm.pdf), A workshop co-sponsored by IDS-Participation Group, Action Aid and The Asia Foundation, November 2001, www.ids.ac.uk/ids/particip/workshops/makchhapstatm.pdf.

to grassroots economic and social programs so vital for guaranteeing people's livelihood and involvement in their own development seems to be losing ground.

Rather than seeing the rights and development processes as two pieces of an inextricably linked and integrated approach, there is a growing trend to separate them and give priority and value to the policy side, thus losing the balance and synergy between the two. In some cases, this is leading to the isolation and even delegitimization of some of the very development programs that give meaning to people's rights and that provide important insights into the creation of alternatives to the current neo-liberal economic development model. There is an unspoken assumption that by themselves claiming and advancing rights in policy spaces will ensure better lives for the marginalized. This belief belies the crucial complementary role of building viable alternatives to inequitable economic, social, political and cultural structures, particularly at a time when strapped and corrupt governments cannot provide even the most basic of services. This trend is also contributing to staff tensions and barriers between people who are steeped in rights and policy approaches and those who come from community development and empowerment experiences.

Whose Rights Count? - The Intersection of Power and Values

Despite the existence of the international human rights system, the terrain of rights remains a dynamic, political arena where some interest groups' rights compete and conflict with others. Whose rights take precedence when conflicts emerge? What do organizations need to take into consideration as they map out rights-based strategies in such situations? The question of whose rights count obliges rights and development groups to examine the values and forces of power that operate to exclude certain sectors of society while privileging others. The Washington Office on Latin America [WOLA] and ActionAid USA pose this type of question in their 2003 briefing paper on regional trade in terms of *Investor Rights or Human Rights?*³ By implication, the paper poses further questions about conflicting values, and how and who gets to decide whose rights prevail? In the case of trade, often governments find themselves squeezed between the opposing demands of their citizens and workers on one side and international corporate interests on the other. There are times when the pressures from corporate interests challenge their sovereignty. Such tensions reflect the underlying nature of struggle involved in the advancement of rights.

Rights and policies that protect the marginalized and improve their lives do not come in neat packages either, but rather are part of dynamic, sometimes messy, processes of resistance and change that work to engage and transform relations of power. Groups undertaking rights-based approaches are not always prepared for the inevitable conflicts that taking sides can produce. As the experiences of Nigeria and Indonesia from this study also illustrate, conflicts over whose rights count emerge at household and community levels as well, such as the case in these countries where ethnic, religious and

³ Rowden, Rick and Vicki Gass. *Investor Rights or Human Rights? The Impacts of the FTAA*. Washington D.C.: ActionAid USA and Washington Office on Latin America, 2004.

indigenous rights call into question women's rights.⁴ Without a thoughtful analysis of these forces and dynamics at all levels of decisionmaking and power, organizational strategies may turn out to be ineffectual or counterproductive and, in some cases, dangerous to those involved. Organizations, therefore, need to be clear about how power operates in their contexts, what combination of strategies are most appropriate and what sources of support they can tap to counter and transform backlash and conflict.

Clarifying Meanings

Before presenting our findings, we revisit the ideas of rights and participation to clarify our own biases and interpretations of these concepts and their linkages. This discussion draws on the definitions and analysis from the workshops mentioned above as well as from our own practical experience over the many decades that we have been involved in rights and development work.

Participation

Much participation work over the recent past has focused on and made gains in enabling communities and groups to analyze their reality and to define and carry out solutions to local development problems. In addition, some programs that advance participation have helped to increase sensitivities about gender and other differences and have influenced changes in attitude and behavior. However, participation is often framed narrowly as a methodology to improve project performance, rather than a process of fostering critical consciousness and decision-making as the basis for active citizenship. Rarely is participation implemented as a mutual decision-making process, where different actors share power and set agendas jointly. Participation, in this sense, involves conflict, and demands a capacity to analyze and alter unequal relations at all levels. Besides a vision of participation as a methodology and decision-making process, a critical analysis of different spaces of participation is becoming increasingly important to building effective rights-based change strategies.⁵

For the purposes of this report, we value participation that seeks to:

⁴ See Country Reports on Indonesia and Nigeria undertaken by this project, 2003.

⁵ See Brock, Cornwall and Gaventa, *Power, Knowledge and Political Spaces in the Framing of Poverty Policy*, IDS Working Paper 143, Brighton: 2001. Increasingly, as a result of civil society pressure, opportunities for participation are being opened up by powerful institutions such as the World Bank. However, when groups are invited to participate in these spaces, the agendas are often preset or circumscribed in ways that principally serve to legitimize the institution's prior goals and do not offer civil society real opportunities to engage on key policy questions. Analysts have characterized these spaces as *closed*, *invited* and *claimed*. *Closed* spaces refer to decision making and policy processes that are controlled by state or international forces and closed to civil society participation such as those of the World Trade Organization. *Invited* spaces include public discussion or policy making processes, such as the World Bank's poverty reduction strategy processes, to which civil society groups are invited by powerful state and international actors who control the agenda and rules of engagement. In contrast, *claimed* spaces, such as citizen juries or public accountability sessions, are created by civil society organizations where the agenda and terms of debate and participation with state and international actors are defined by citizen's groups.

- Include marginalized groups as protagonists and decision-makers and foster their critical consciousness and ability to influence and transform power dynamics as well as the norms, systems and institutions that affect their lives.
- Go beyond perfunctory consultations in externally imposed project and policy processes so that local groups can be involved in agenda-setting, decision-making and structures to hold government and donors accountable.
- Build new leadership, strengthen local organization, expand strategic and political experience, and foster a sense of active, informed citizenship.
- Change public decision-making structures and processes to be more inclusive of citizens' interests as well as promote individual and group awareness of rights.
- Unpack prevailing myths and unstated assumptions about all stakeholders being equal in power and poor communities being homogeneous.
- Support grassroots efforts to challenge power hierarchies within their own communities and organizations.
- Link rights efforts to concrete, relevant problems and solutions.
- Weave in expert knowledge into strategies and analysis, where needed, so that communities can deal more effectively with a range of institutions and policies shaping their choices and livelihoods.
- Create a sense of individual empowerment, dignity, and autonomy as a basis from which to engage with dominant forms of power and knowledge and to negotiate with existing power structures.
- Recognize the differences between *closed*, *invited*, and *claimed policy spaces*⁶ of participation so that communities and NGOs use their resources strategically to affect change rather than being co-opted by official agendas that have little impact.

In order to realize this vision of participation, methodologies must involve capacity building that goes beyond a narrow focus on technical skills to those of analysis for assessing contexts, risks, power, and underlying causes of a problem. Questioning and changing attitudes and values such as the development of critical consciousness linked to action are an additional component. Capacity building also includes the skills for developing a range of strategies and the ability to implement them. Among these are organizing approaches, leadership development, information-gathering, media work, education efforts, joint planning and agenda-setting processes, conflict management, as well as ways to directly engage with state or corporate institutions such as advocacy, public accountability sessions and lobbying.

In developing effective political participation strategies, certain mechanisms and dimensions of power that act as barriers to participation need to be analyzed and addressed. *Visible* forms of power and decision-making such as legislatures, laws and policies can discriminate against and undermine rights of certain groups of people while *hidden* forces of power operate under the table to set the political agenda. These exclude some sets of people and their issues from public consideration by labeling their leaders as

⁶ Ibid.

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 superiority 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. Work on participation must provide tools and expand capacity to analyze and deal with power at the micro-level (personal, community and organizational) and macro-level (local, national and international policy arenas) as well as to develop alternative sources and forms of power that promote more equitable and healthy relationships.⁷ Appendix B offers a more in-depth discussion on theories of power.

Rights

People understand rights in many different ways. The concept often conjures up the image of a legalistic approach that is more technical than empowering. In contrast to many traditional human rights groups that place the *content* of international laws at the heart of their rights work, we start 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. Framing both demands and human needs in terms of rights lends credibility to a struggle for justice and gives people's claims greater political weight and legitimacy. Understanding oneself as the subject of rights is a part of developing a critical consciousness and an ability to act that involves self-discovery, learning, collective awareness and analysis.

The legalistic approach to rights all too often focuses on the confines of "what the law says" and downplays the *dynamic* aspect of the political process that shapes the extent to which people's rights are realized in their daily lives. This legalistic view plays out in *legal education efforts* that essentially teach people (through workshops and pamphlets) a simplified version of laws, and in *advocacy efforts* that focus exclusively on legal reform in order to "deliver rights." In contrast, our understanding builds on a notion of rights forged in human struggle and action that goes beyond the confines of "what the law says" on paper to the need for broader changes in society to ensure that those rights are enforced and that new rights can be advanced. This appreciation of political dynamics allows for the identification of multiple entry points for action and the development of more holistic strategies that respond to the complexities of power and politics.

Some rights may exist on paper. When they do, the challenge lies in claiming them by engaging and reforming the structures and institutions charged with upholding them, and in expanding people's understanding of and sense of entitlement to rights.⁸ Equally

⁷ Also see John Samuel, *What is People-Centered Advocacy?* National Center for Advocacy Studies, India, 1999.

⁸ Schuler, Margaret. *Advocacy Strategy Workbook* (draft), Women, Law and Development International, 2001, and *Women's Human Rights: Step by Step*, Women, Law and Development International and Human

important are the efforts of individuals and communities to advance and expand rights not yet enshrined in law. This happens as people articulate and define their needs in rights language, gain acceptance of these rights and ensure that they are made real in people's lives, as exemplified by the work of women's rights advocates.

Strategies and approaches that seek to build consensus and legitimacy about newly emerging rights are needed in some situations, just as are strategies aimed at upholding already recognized rights in other circumstances. Asserting rights, redressing injustice and accessing political and economic resources requires using the system where possible and challenging and expanding it where necessary. The scope of recognized rights, and the degree to which people can claim and exercise those rights, is forever changing in response to shifting power dynamics. Thus, the process of defining, claiming and advancing rights is both political and continuous.⁹ Our colleagues and partners from social movements in Brazil and India who have been involved in this project name it quite clearly as *a never-ending struggle, a life-long fight for rights*.

Interest in improving strategies among human rights organizations is motivated largely by the need to do a better job of ensuring that formal rights are actually realized in people's lives. This is particularly true with respect to the need to gain wider acceptance and recognition of Economic, Social, and Cultural (ESC) rights, a task that is becoming more important and urgent. Framing rights work as a dynamic process helps to highlight the importance of values, relationships, dialogue, and networks. It also helps to clarify strategy. Realizing ESC rights, for example, requires greater specificity in the content of the rights themselves and broader mobilization to claim them, but also demands profound change in the structures of governance charged with addressing economic, social and cultural rights.

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

Rights Watch-Women's Rights Project, Washington, DC, 1997. See also the triangle framework in the section on *Women's Rights Advocacy Experiences* in this paper.

⁹ Ibid.

strategies. The effort to clarify the links between rights, participation and power, and to understand rights in new ways, are welcome outcomes of the current crisis.

Linking Rights and Participation: Integrated Change Strategies

The understanding of rights as a political tool for use in the dynamic process of claiming resources and ensuring justice clearly suggests a link to people's active and engaged participation. Rights and participation have always been linked *implicitly*. The question is how to link them *explicitly* in ways that contribute to empowerment and lasting change.

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

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

- *A power analysis* that pushes beyond formal structures and agendas of what is “on the table” to scrutinize the hidden and invisible dimensions of power under the table. This kind of analysis allows facilitators and organizers to get beyond a disempowering “ask the people, they know” approach to solving problems that often romanticizes grassroots knowledge and stifles critical thinking. It also clarifies the similarities between how power operates in the public and private spheres and can help people envision ways to challenge its negative impact while tapping its positive force and creating more inclusive creative alternatives.
- *A deeper analysis of the process of social change* through continuous evaluation and efforts to understand the dynamics of change and power and their relation to questions of equitable development, empowerment and justice.
- *A sense of clarity about the interaction among needs, rights and responsibilities.* At one level, this is based on an understanding that meeting basic human needs has political and rights implications and involves responsibilities of both people and states. Partly it has to do with the capacity of the state or other institutions charged with upholding rights to deliver and partly with the ability of citizens to exercise and claim rights. The daily challenge of meeting human needs will always require struggle both to realize rights and at the same time to strengthen the institutional

capacity to protect, fulfill and enforce rights through accountable governance and community action and organization.

- *A broader understanding of identity and its application to strategy.* Personal identity is a place in which rights and participation intersect. Rights may be sought and participation may be based, in part, on individual identity. People have multiple identities, however, and naming and choosing them can help individuals define rights, build alliances, and negotiate differences. Such processes also need to help people reflect on values, on questions of community and solidarity, and develop a more inclusive vision of society and the common good.
- *Learning opportunities* for diverse actors to share ideas, surface questions, challenge one another and deepen their knowledge and analysis about concepts and strategies related to the overall struggle for justice, including rights, development, participation, advocacy, power and change.

From a practical standpoint, strategies that link participation and rights demand new thinking about the role of the outside “facilitator.” Linkage strategies often require the outsider to introduce new perspectives into planning and programming that include, for example, a rights analysis, participatory methods and other information about power and policies. This understanding of the outsider’s role challenges the common but ultimately impossible (and perhaps counter-productive) aspiration to facilitate an open process without injecting one’s own perspective and knowledge.¹⁰ Connecting rights and participation calls for greater honesty about the intention, information, viewpoints and values that an outsider inevitably brings to the process and a recognition of the importance of outside knowledge and questions. Clarity about these principles is increasingly seen as central to the success of the work. Rethinking the outsider’s role to incorporate both questioning assumptions and offering new ideas is an important challenge for trainers and organizers working to link rights and participation.

Participation and rights are each both means and ends, and thus are full of conflict and tension. Addressing conflicts as they emerge is what shapes each and forms the nexus between them. It is an unending dynamic. Through participatory processes, such as dialogue and consensus-building, rights are constantly being re-defined and made real, and through the exercise of rights, participation is continually being expanded and legitimized.

Current Thinking and Practice: Challenges and Opportunities

This section examines the current thinking and practice of several US-based international human rights, development and democracy/governance groups as well as donors, and highlights some of the challenges and tensions they face in linking rights and participation. Our discussions revealed that the path linking rights and participation (and development) is often uneven and indirect. For many organizations, thoughtful practice

¹⁰ Early popular education and many PRA/PLA methodologies often encourage an almost invisible role for the facilitator, assuming that this will better allow for the full expression of community or local knowledge.

in linking rights and participation is the rare product of either individual actions or certain specific, isolated program experiences rather than the outcome of explicit organizational mandates or program guidelines. One notable exception seemed to be in the area of promoting and protecting ESC rights, where interviews revealed that linkages *are* sometimes better articulated in practice.

A. How Organizations Understand Participation and Rights

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

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

Understandings of Participation

Development organizations and social movements around the world have pioneered notions and approaches to participation. At first, most development organizations understood it as a means to improve program design and implementation by tapping local people’s experience and ideas. Over time, it was seen as a methodology to build capacity and, more recently, as a way to engage in policy change. The work of most human rights organizations has focused on the mechanics of legal and policy strategies with little recognition of the role of participation in strategy until now. Drawing from the work of Paulo Freire and the women’s movement, the term empowerment has been increasingly used in association with participation, especially by development groups. Yet its meaning and application are frequently contested and unexamined.

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

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

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

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

For a growing set of development and advocacy organizations, participation is connected to empowerment, yet how that term is defined and operationalized varies enormously. A contested term, empowerment is seen to varying degrees as a process which strengthens people's and organizations' political awareness, power analysis, critical consciousness, personal sense of worth and rights, analytical capacities and skills, and ability to participate in decisionmaking at all levels from family to NGO to government. Education and advocacy initiatives fitting this view of empowerment are particularly evident in programs dealing with HIV/AIDS, and those in which gender-sensitivity is paramount to success. A handful of Northern groups are also exploring the notion of

extending participation to processes of joint agenda-setting for their work with Southern partners.

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

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

A common strategy of traditional international human rights groups has involved gathering information from victims and other key people about human rights violations. Participation, in this instance, can be interpreted as people providing data as informants. Staff carry out short-term missions to countries in order to investigate and document abuses and then denounce violations internationally through the media and other public fora. In the past, these missions have been necessarily extractive; researchers interview local informants who provide the substance for their report.¹¹ This approach was justified by the closed political environments in which violations occurred, and the dangers that denouncement might provoke. Some of those interviewed note a gradual shift in this approach brought on in part by the opening of many political systems. With more freedom to operate, international rights groups go beyond individual informant or extractive relationships to establish more direct ties with relatively newly established local human rights organizations. They sometimes involve national organizations in the project and report design as well as discussion of follow-up strategies, and in some cases, the development of capacity-building programs which are then conducted by the international agencies.

¹¹ This approach was shaped by the constraints and demands of human rights reporting in past decades where closed, repressive political systems made it too risky to link directly with local actors, and the strength of a denouncement of violations relied on objective, factual reporting.

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

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

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

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

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

Very few groups, whether development, advocacy, or human rights-focused, seem to distinguish between *closed*, *invited*, and *claimed* political spaces¹², or to address the implications these distinctions may have for people's ability to participate effectively. In this sense, groups lack a nuanced, strategic analysis of when and how to engage at different moments and in different political processes.

Understandings of Rights

In many ways, the global impact of policies promoted by the International Financial Institutions (IFIs) during the 1980s and 1990s pushed US-based international

¹² See footnote 3

development organizations into becoming active in policy work on behalf of their beneficiaries.¹³ As the importance of influencing public policies became increasingly evident and the right to development more widely discussed, some of these development organizations reframed their activities in ways that went beyond a needs-based focus to one that also included rights. With this shift, many development organizations have sought to complement their service delivery and livelihood efforts with advocacy strategies that incorporate the political side of change. To deliver on food, water, jobs, education and other development needs means not only supporting local development projects but also claiming rights and directly engaging with political institutions.

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

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

Nevertheless, strong ideological resistance to the idea of economic and social rights persists in the U.S, rooted in its political history and deeply-held cultural values about individualism and limited government that circumscribe the scope of rights. This is evident among many of the large international development organizations dependent on USAID funding. Standing apart from other bilateral aid agencies, USAID has rejected the broader idea of economic rights,¹⁴ with the exception of investor and property rights. The influence of this unique perspective on rights is reflected to some degree in the work of US-based human rights advocacy groups, the predominate focus of US groups on civil and political rights, and the paucity of rights-based development work within the US despite the alarming growth in poverty and income inequality. One interviewee noted

¹³ There are many historical factors that have given momentum to the rights-based and advocacy trend, including the very important political openings that occurred in many countries across the globe around the ever-symbolic time of the fall of the Berlin Wall.

¹⁴ This contrasts with the importance it places on “economic freedom”—defined by a liberalized, minimally constrained market and trade environment—which is a central criteria for the disbursement of funds for the new foreign aid initiative of the Bush Administration called the Millennium Challenge Account.

that historically, those Americans who engaged in economic justice work at home and internationally have often paid a high political and personal price. It is also worth noting that despite the general prohibition against ESC rights, powerful exceptions have been carved out by strong and vocal political constituencies for labor and women's rights.¹⁵

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

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

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

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

¹⁵ However, it is worth noting that the US government has reversing many of the gains on these fronts by eliminating funding for reproductive rights and reproductive health programs thus handicapping groups working in this area, and actively supporting the reduction of labor standards through trade and IFI policies.

The larger international relief and development organizations, such as CARE, Save the Children, World Vision and others, continue to grapple with integrating rights into their programming. These groups have contributed conceptually and given impetus to the discussion on rights-based development, but changes in practice are slow. In addition to the challenges of revising planning and programming approaches that integrate rights into development work, many organizations find themselves struggling with the funding implications of ‘taking sides’ on rights issues.

B. Making the Link: Trends and Challenges

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

Recovering a Vision of Change and Justice

In one prominent human rights organization, the executive director expressed concern that the organization’s work had become too narrowly focused on the mechanics of legal and policy strategies, and had lost its social justice vision. The voices of marginalized groups had been eclipsed by the technical aspects of trying to influence UN conventions and train local organizations in documentation techniques and elite-level advocacy strategies. Even citizen education initiatives had been reduced to imparting information about laws. The director argued that as human rights groups have focused on delivering technical outputs in short time-frames (such as strengthened legislatures, law and constitutional reform, legal rights pamphlets and workshops) they had lost their vision of justice and social change. With that loss, they were not challenged to understand how change takes place or how power operates. The historical struggles that produced existing rights and the lessons that such struggles provide to current social change efforts had been overlooked. Similar concerns have been echoed by some women’s rights organizations who question the value of focusing on the UN and legal outcomes to the neglect of organizing and education work with women at grassroots levels.

Rights-based Approaches: Tensions in Practice

To integrate a more holistic view of development, rights, and participation into programming efforts, small groups of ‘champions’ have worked to influence their organizations’ planning, staffing and grantmaking from the inside, to make them more

effective at the global policy level. Changes in rhetoric, however, are more comprehensive and sweeping than innovations in actual practice and unforeseen tensions are arising that threaten program outcomes. In some cases, rights work has taken precedence and gained legitimacy over traditional development programs, creating a disconnect between global advocacy work and local partners and their development and organizing initiatives. This shift in the balance between local community service and empowerment efforts and global advocacy threatens to undermine the necessary local level work required to meet needs and create development alternatives for improving people's lives in the short and medium-term. Claiming and advancing rights is only one part of a change process. This imbalance is occurring in part because of the tension between the fast-paced and informational demands of global policy work and the slower-paced organizing and education efforts with development partners. Institutional needs for publicity and the intellectual excitement surrounding policy work also contribute to this disconnect. Often, these strategic choices are reinforced by budgetary priorities that further marginalize efforts on the ground, which aggravate tensions between headquarters and both field offices and partner organizations and pose challenges for linking rights and participation.

Organizational Structures and Lack of Flexibility

Changing organizations is never easy. The monumental shift in policy and discourse necessary for adopting a rights-based approach is, for a large development organization, a very slow, long process requiring a sustained commitment of senior decisionmakers as well as program staff. Experience has shown us that it can take more than 10 years. Organizations are complex organisms with elaborate systems and structures that respond to a particular vision and culture. Linking rights and participation goes beyond a shift in mission and program approach—it implies changes in staffing, incentives, budgets and priorities. Contemplating these challenges, one interviewee remarked that it is “so complicated to think of the implications for a massive bureaucracy that it’s almost self-defeating.” The idea of shifting decades of policy and practice to accommodate new ideas, techniques, and strategies is daunting; but, if organizations are not striving to meet the needs and interests of those they serve or represent, some people interviewed asked, to whom are they accountable? Clearly, many international development and human rights organizations have been working in set ways for so long that the institutional inertia is hard to shake. Some staff point to the absence of space or willingness to be self-critical or creative. Some complain that they do not know how to translate insights they receive from Southern partners into programming changes.

Isolated “Champions” of Making the Link

While the work of certain individuals within an organization may advance a broader vision of rights, the organization's official policies and discourse change slowly. Within a large organization, often particular individuals support important participation work aimed at structural change. Similarly, there are small but powerful areas of innovation

which get lost as those individuals leave, or when their methods and experiences are sidelined or labeled unique and therefore, not replicable. Thus, institutions forego opportunities to draw from these experiences to create new visions and momentum for change. Often, individual ‘converts’ lack authority and require practical and theoretical evidence to demonstrate the value of the linkages. As one interviewee pointed out, such individuals are required to define “what’s the concrete value-added of shifting [to rights-based approach].” It seems that organizations with notable advances in linking rights and participation have attempted to create learning systems for capturing and integrating lessons from innovation.

Language, Fears and Resistance

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

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

Some challenges have to do with different vocabulary, language and expectations. As discussed above, different groups and individuals mean different things when they say “rights-based approach” or “participation.” This is also a problem *within* organizations. Among some staff, resistance to new approaches is due to a narrow or limited understanding of rights as solely having to do with a supposedly neutral human rights system, and fear of the political implications of trying to broaden it.¹⁶

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

¹⁶ Humanitarian relief organizations in refugee camps in Goma were concerned that they were handing out food to genocide perpetrators. This case, in fact, illustrates all the tensions that can arise with a broader rights perspective because staff may recognize the right to food, but also, feel obliged to do something about individuals who are human rights violators.

Different Analysis, Different Solutions

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

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

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

Professional Perspectives

Seen as implicit in participation, notions of empowerment, power and advocacy are increasingly mentioned as fundamental to a rights-based approach and necessary for broadening strategies beyond legalistic and technical remedies. One of the challenges of making this link has to do with the professional formation of staff and activists working in rights and development and the separate lenses with which they view their work. Staffs of human rights organizations are often lawyers and tend to see the world through a formal legal lens, drawing on laws and international conventions on rights as the basis for their strategies. In advocacy work this phenomenon plays out through professionals who specialize in policy analysis and lobbying, often drawing on political science or related fields, but with little knowledge of organizing or development. Development professionals usually tap a more eclectic background of organizing, adult education, psychology, sociology, economics and livelihood themes among others. In some cases, grassroots experience and an acquaintance with participation, politics, local dynamics and social change theory broaden their lens and their understanding of strategy. These professional lenses and the credibility they give to different approaches can interfere with promoting cooperation and finding creative synergy between strategies. However, sometimes organizations break out of these professional boxes and develop more

comprehensive strategies as illustrated by groups from the women's rights field. Some of their experiences will be discussed in the section on women's rights advocacy strategies.

The Need for Strategic Thinking, Power Analysis, and Different Skill Sets

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

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

For rights groups, understanding power dynamics as well as adult learning theory and practice is key to successful capacity-building with local counterparts. Yet only one or two organizations reviewed for this study seem to have incorporated these additional competencies into their work in even a minimal way. A lack of useful materials is identified as an obstacle to developing effective training and education programs. Even if participatory methods are used and local NGOs work with grassroots groups, capacity building efforts done by human rights groups often have difficulty in promoting local activism. Human rights advocates recognize that part of the challenge has to do with staffing. For example, many human rights groups rely on lawyers to run programs, few of whom have the organizing or methodological background to deliver much more than legal expertise. International human rights organizations tend to be staffed by professionals with little awareness of or experience with social movements, adult education methods, political processes, or power dynamics beyond engagement with legal institutions and visible structures of authority.

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

I experientially knew the limits of my human rights approach and, at the same time, felt totally incapable of solving it...it's a real skill and capacity issue...you feel ignorant because you're dealing with high-powered people who consider themselves experts.

Another person explained the prevalent gap between theory and practice when it comes to participation and empowerment: "Some of us feel versed in RBA theory but less in how to operationalize it."

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

The Need for Different Attitudes and Multi-Disciplinary Approaches

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

In addition, international development and rights staffs generally perceive their role as an expert or as a technical intervention in some form. Making the links between participation and rights often requires working alongside and in solidarity with people, and seeing the work as a common struggle for change and justice. One interviewee pointed out that most staff of Northern development and human rights NGOs have little knowledge about rights and poverty, and may not be active citizens in their own country, but easily assume roles of rescuer or expert on rights and citizen participation in another. As mentioned above, the culture of expertise and related incentive systems perpetuate the interventionist approach of international NGOs, as do pressures to legitimize themselves as experts to donors.

Tensions Regarding Participation in Partnership and Decisionmaking

Power is not only an external foe that civil society organizations fight to transform. Internal power dynamics and structures can inhibit change within organizations. Similarly, unequal power relations between Northern and Southern NGOs can inhibit the kind of trust and effective partnerships necessary for linking rights and participation across borders. It is a challenge for large international organizations to recognize how their own power structures work against their mission. They may focus on the production of information *for* local partners rather than the *empowerment of* local partners. In many cases, program designs reflect the assumption and misconception that information dissemination *equals* empowerment. Another factor contributing to an information-focused approach may be the fact that information is quantifiable, and thus, easier to measure and report on than empowerment. Limited two and three year project time-frames, demanded by donors, reinforce a definition of success measured by number of workshops held, pamphlets disseminated and violations documented. Among human

rights groups, for example, this can translate into an emphasis on report writing while overlooking opportunities for doing joint work and engaging in longer learning processes with partners.

Clarifying Relationships and Roles

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

Funders and institutional survival needs often complicate these relationships. For example international funding agencies support Northern development and rights organizations to carry out capacity-building of Southern groups, including support for field offices. By so doing, some analysts and activists believe they displace Southern organizations that have competencies necessary for conducting these programs and thus, miss opportunities to strengthen local civil society and support the sustainability of indigenous institutions. Similarly, some stress that Northern groups need to examine how field offices fit into their organization mission and programs, and make frequent assessments of their impact on the local political environment and on the development of civil society.¹¹

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

The Need for Analysis and Action to Link Global to Local

¹⁰ It is worth noting that many Southern NGOs operate as urban-based elite institutions that have little connection to the communities they claim to represent or benefit. The country studies discuss this problem in more detail.

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

Some interviewees believe that participation models are inadequate because they are small-scale or community-based and do not link to macro policy levels. To combine rights and participation, they emphasize, requires analytical and strategic linkages that target negative policies and “that connect local problems to bad policies that often have local, national and international dimensions.” One person argued that “we need to trace reality to policies,” a task that poses a number of practical challenges with regard to skills and information. To this end, she argued that we “need more powerful scholars to define the conceptual linkages.” The challenge is how to draw upon the research and scholarly analysis needed to fully understand different political arenas without disempowering people by reaffirming their belief that they simply do not know enough to make a difference without experts leading the way. In meeting this challenge, one interviewee stressed that effective approaches have many elements:

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

C. Opportunities

Why Are Groups Interested In Making The Links Now?

Influenced by significant changes in the landscape of poverty and inequality, many international organizations have begun to realize that the separation between human rights and community services/development is no longer useful. “We used to distinguish between rights and development groups by asking whether they did advocacy or projects. Now that distinction doesn’t work at all.”

Some human rights groups recognize that people’s participation is fundamental and their usual approaches “don’t capture the reality of people’s experiences.... it’s not lawyers who define rights, it’s people who define rights.” As one interviewee suggested, “we segregated rights and development from a professional point of view when in reality they are intertwined.”

A number of civil society efforts worldwide exemplify and give momentum to the quest for strategic linkages. For example, several people interviewed highlight how women’s rights work often bridges the gap between rights, participation and development: “Participation and empowerment are at the heart of work on women’s rights and their economic survival.” “Take any issue facing women and there’s a profound relationship between the two [rights and development] both in terms of causality and remedy.” Connections between rights, participation and development are also clearly emerging through interventions on HIV/AIDS, where service delivery schemes cannot avoid engaging on rights issues at all levels to deal with this crisis. Like women’s rights initiatives, the connection between personal and political empowerment is an essential ingredient to success.

Development organizations are gaining insights from their relatively new experiences over the last decade of engaging in advocacy and civil society strengthening. Some groups are questioning the impact and consequences of high-level policy and lobbying efforts and exploring the implications of grassroots advocacy, including asking where the agenda for advocacy originates and what this means for achieving social change? Other groups, some with a commitment to building long-term sustainable processes of change and creating alternatives to the current neo-liberal model, are trying to weave together community development schemes with advocacy efforts, rather than solely focusing on separate policy initiatives.

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

As human rights groups get involved in capacity building, some become concerned with the quality of participation, especially in terms of methodology. The failure of information dissemination to produce a rights consciousness and greater activism has led many to seek out adult education methods and other alternatives. Shifting away from a primary focus on reporting, they are now also working with local groups to take advantage of increased political space to engage with governments in national reform initiatives. The source of violations and infringements of human rights are increasingly international actors as well as national governments, and growing poverty makes it difficult to separate basic political freedoms from economic survival. Moving from a reactive strategy of responding to violations to proactive strategies aimed at empowerment, constituency building and capacity building, human rights groups are finding that they need to build different relationships with local counterparts. They are no longer mining people for information in a purely extractive process, but supporting the strengthening of local groups, their programs, analysis and information-gathering.

Another source of pressure on international groups to alter their relationship with local groups comes from international institutions that are the target of their advocacy. For example, IFIs increasingly question international organizations engaged in advocacy about whom they represent and the nature of that representation. While some of these challenges are disingenuous attempts to invalidate otherwise legitimate demands, the question of representation is significant. Increasingly, international groups need to demonstrate more meaningful connections with Southern civil society for credibility in global and national policy arenas where rights and participation are claimed and negotiated.

Building on Forgotten Experience and Innovations

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

A. Recovering the Diverse Streams of Participation

The mainstreaming of participation over the last two decades has tended to detach participatory methodologies from a rich history of political processes and social movements, so that often even the most innovative practitioners committed to participation are unaware of the many streams of participation history. However, this history can provide useful lessons for realizing the linkages between rights, participation and development. Below we look at how different streams of participation envision and address power and the extent to which they encourage critical consciousness and citizenship.

To carry out this review, we draw on our collective work over the last 35 years using many of these approaches. Despite our long practical history, we know our analysis can only be partial. In fact, this review does not examine two of the most important streams of participation --social movement experience and trade union organizing.

For purposes of this study we will categorize these streams based on our own experience, recognizing that there are other ways to analyze them. These are not neat categories. They often overlap and mutually reinforce or challenge one another. Sometimes approaches are associated with an individual or several individuals who have developed key aspects of thinking and practice that have then been modified over time. As approaches are applied in different settings, their initial purpose and practice can be

distorted in ways that undermine or contradict their original vision of change. Whether an approach encourages actions addressing systemic inequities depends in large part on the people who use it. However, its origins and underlying assumptions about power also shape how and where it is applied and influence its ultimate results.

We cover the following selected categories of participation experience:

- Human relations and organizational development
- Popular education
- Participatory research and participatory action research
- Adult and non-formal education
- PRA/PLA
- Community organizing and education for action

Human Relations and Organizational Development

In the 1930s and 1940s North American writers and researchers from a variety of disciplines began to study group dynamics and human relations in organizational settings as a way to improve group effectiveness, productivity and human potential.¹⁷ This thinking expanded over the years giving rise to a range of processes, techniques and exercises such as sensitivity training, T-groups, small group consensus-building (Delphi), role plays, games/simulations, brainstorming, feedback, participant observation, facilitation, values clarification and action research (geared toward planning and improving social actions).

Events of World War II shaped the initial vision of the early thinkers and their development of methods, moving them beyond early influences originating in the field of industrial relations. Instead of seeing the emerging approaches only in terms of improving private sector operations, they saw them as concrete ways to address major societal problems and contribute to more democratic relationships and leadership. However, they did not seem to incorporate an explicit analysis of power or focus on transforming inequities. Essentially, they believed that if people could understand the social dynamics at work in their lives, they could cooperate together to help solve larger problems.

The National Training Laboratory (NTL), organized in the late 40s, served as a creative home for many of these psychologists and academics. Over time as NTL gained strong support from US government/military contracts, its research and training moved from a focus on individual and personal growth to an increasing emphasis on management of government structures and corporations which helped spawn the field of organizational development and behavior. Along the way, their contributions also influenced education, therapy and community development work by providing practitioners with a set of

¹⁷ Some of the names associated with this stream of participatory approaches were luminaries in the field of social psychology and education and included: Karl Lewin, Carl Rogers, Abraham Maslow, Pfiefer and Jones, Chris Argyris, Gordon Lippett Douglas MacGregor, Sidney Simon among others.

participatory methods to engage people in thinking about their personal and group behavior and broader social relationships.

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

Popular Education

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

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

To confront this vision of power and powerlessness, Freire and his colleagues developed learning materials and dialogue processes that helped marginalized people reflect on their lives in critical ways to strengthen their confidence, sense of solidarity, organization, and skills of analysis and literacy. Problem-posing in nature, Freire's approach tapped activist and community knowledge about themes of injustice and, based on those themes, developed images to promote dialogue and awareness. These images, combined with a selection of key words, were the basis for generating reflection, literacy skills and critical thinking that, in turn, served as a foundation for building community and workers'

organizations and social change movements. This approach to “liberation education” was contrasted with traditional “banking” education methods, where teachers or experts deposited knowledge into the minds of students, reinforcing passivity and the notion that they are ignorant waiting for knowledge.

Over the years his ideas and approaches were deepened, challenged and applied to a variety of contexts.¹⁸ Latin American feminists, for example, despite being inspired by his thinking, have questioned his focus on class as the sole determinant of poverty and exclusion. Other analysts challenge some of his views on culture and consciousness. While they agree that mechanisms of power shape how people see themselves, they believe that peasants’ unwillingness to engage overtly in politics may be due to an implicit analysis of risk and power and not just to internalized attitudes of subordination. Instead of direct action, peasants may opt to resist oppression quietly. Clearly the interaction of power and consciousness is a complex question that requires more analysis and understanding.¹⁹

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

Participatory Research/Participatory Action Research

Participatory research, or participatory action research as it is sometimes described, emerged from the work of academics and activists concerned about specific relations of power around issues of knowledge creation, poverty and class.²⁰ The approach evolved

¹⁸ The number of influential thinkers and practitioners in popular education are too numerous to name but among some of the most well-known internationally include Anne Hope and Sally Timmel from South Africa, Karl Gaspar and Ed de la Torre from the Philippines, Marcos Arruda and Augusto Boal from Brazil, Myles Horton from the United States, Adam Curle from the UK, and Maria Suarez from Costa Rica among others.

¹⁹ See John Gaventa, *Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valley*, University of Illinois Press, Chicago, 1980.

²⁰ Beginning in the mid 1970s, the International Council for Adult Education became a major leader in advancing the field through its journal and conferences and the formation of an international network called the Participatory Research Group. The United Nations Research Institute for Social Development also took

from work that is often traced to researchers and educators in Tanzania in the early 1970s working to involve community people in research explicitly as partners and decisionmakers. Together they investigated and analyzed social problems such as health care, each tapping their own sources of knowledge and experience to develop a more accurate, collective understanding of issues so that more effective actions could be taken in response. The roots of PR/PRA go back farther to the ideas of Karl Lewin, the Tavistock group in the UK, action research work done in Latin America and Paulo Freire's investigations of social themes.

Participatory action research takes different forms but usually brings local people together with outside researchers on issues of common concern in a new relation of power in which all participants are learners, analysts and decisionmakers, sharing control over the process of inquiry. In contrast to action research, it is explicitly intended to promote more equitable relations of power and hence, is not neutral and, therefore, is open to challenge by traditional researchers and development practitioners. Aimed at transforming structures of injustice, it is based on a collective analysis and creation of knowledge that produces new awareness, critical thinking and more effective strategies of social change. In practice, this type of research process raises questions about the construction of knowledge and the role of outsider researcher as facilitator, catalyst, questioner, and provider of information.

Adult and Non-formal Education

In the United States, the field of adult education officially emerged in the beginnings of the 20th century in response to needs of immigrant workers. Inspired by the ideas of John Dewey, educators grew to believe that adults required a different environment and structure for learning based closely on people's life experience. Early American leaders in the field such as Eduard Lindeman and Mary Parker Follet envisioned adult education as a process of group discussion leading to social action and integrally related to building citizenship and community leadership. Focused more on integrating people into American society than questioning inequities, over the years the field of adult education incorporated principles of group dynamics and problem solving and ultimately became dominated by job training and continuing education programs for individual enrichment and life long learning. Prominent educators such as Malcolm Knowles eschewed the political dimensions of popular education choosing to stress the learner-focused nature of experiential learning as the heart of adult education.

In the 1960s these ideas influenced the formulation of a new but related concept, non-formal education, used to categorize a type of out-of-school learning geared especially toward adults. Founded on a belief that formal educational systems around the world were not serving the needs of poor countries, UN agencies and educators such as Philip Coombs proposed an alternative system that would teach adults concrete skills they

up important work in this area. Some of the major writers and lesser-known innovative practitioners in participatory research include: Yusuf Kassam, Budd Hall, Orlando FalsBorda, Deborah Barndt, dian marino, John Gaventa, Rajesh Tandon, Malena deMontis and Lisa VeneKlasen among others.

needed to contribute to national development. Adopted as a USAID strategy in the 1970s, NFE was grounded in theories of adult learning and generously funded by the government through universities such as the University of Massachusetts, but by the 1990s the concept had lost much of its initial influence. NFE came to encompass a series of initiatives ranging from traditional job training and skill development to more creative participatory approaches of gaming, simulations and popular education.

PLA/PRA

The family of approaches and practices known as Participatory Learning and Action (PLA) emerged from attempts in the 1970s by development practitioners and international institutions such as the World Health Organization and the World Bank to obtain better information for development planning. Development project failures caused by a lack of consultation with local people moved Robert Chambers and others to advance processes that surfaced people's knowledge about problems and needs. However, the data gathered from communities was extractive in nature and usually not discussed with them nor were they involved in any decisions around resulting projects. In the mid 1980s, Robert Chambers and other early proponents expanded the initial extractive approach of Rapid Rural Appraisal and reconceived it as Participatory Rural Appraisal to engage communities and tap their knowledge in a more open process. PRA offered agencies better information, and also provided communities with the tools of analysis to discuss their own problems.

While many of these approaches were originally formulated in Asia and Africa to help development professionals better access local information, organizers and educators in Latin America with no knowledge of PRA were developing very similar tools with poor communities.²¹ Often their initial impetus was not data gathering for development planners but rather empowerment and collective learning to strengthen community participation and leadership in their own development initiatives and organizations. Local knowledge was generated, analyzed and sometimes challenged with new ideas. The resulting knowledge was then applied directly to improving community projects and expanding participation opportunities for more marginalized populations such as women.

The evolving set of PRA tools and processes drew on a variety of experiences that included participatory action research, applied anthropology, certain techniques for diagramming and visualizing relationships and some of Freire's work. Highly visual, the approaches involved people in creating their own knowledge by mapping community resources; making lists, matrices, diagrams, and comparisons; ranking and prioritizing concerns; doing role plays and discussing options.

PLA/PRA offers compelling opportunities for community engagement, yet serious questions have emerged about its assumptions and practice. Initially issues of gender and other power relations were not addressed effectively and to this day still raise questions

²¹ From interviews with Malena de Montis and Lisa VeneKlasen about El Regadio, a participatory research initiative in Nicaragua from 1981-1984.

about the assumed homogeneity of the experience of poverty in a community.²² In some instances, peasant knowledge is glorified as the ultimate truth and not understood as being a product of larger political processes that need to be challenged and analyzed. The role of consciousness so important to the work of Freire and many feminists is often ignored.

PLA/PRA approaches can also generate significant expectations on the part of the poor about participation and change, yet they do not guarantee that people will be involved in planning, decisionmaking or implementing actions. This has raised certain ethical questions for professionals using PRA and led to the formulation of Participatory Learning and Action (PLA), a more autonomous process that helps groups tap their own learning and apply it to actions defined and directed by themselves.

However, nagging questions remain. In part as a result of PRA work, the World Bank has adopted the language of participation and empowerment and created certain spaces that tap the thinking of civil society and, in some instances, the poor themselves. Power relations and agendas that are not always easily discernable, however, circumscribe the extent of participation. For institutions like the World Bank, predetermined policy directions shape their programs and while they consult with the poor through civil society on certain issues, these preset policy directions prevent meaningful participation in real decisionmaking. Eventually this can lead to alienation, cynicism and an actual decrease in the willingness of the poor and marginalized to participate in these types of efforts and others.

Community Organizing and Education for Action

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

The two main figures associated with these currents, Myles Horton and Saul Alinsky, were friends, yet Myles, the co-founder of Highlander, saw his work principally as one of educator and Saul as organizer. Saul emphasized the role of outside organizer and catalyst in developing community organizations and change strategies that often used highly confrontational tactics to draw official attention to neglected issues. Myles, on the

²² See, for example, *The Myth of Community: Gender Issues in Participatory Development*, edited by Irene Guijt and Meer Kaul Shah, Intermediate Technology Publications, London, 1998.

other hand, believed in tapping existing organizations and community leaders, providing them a space to analyze their own problems, and connecting them to other colleagues and resources in order to deepen their analysis and develop more effective solutions. Myles summarized the community education approach: “You don’t just tell people something; you find a way to use situations to educate them so that they can learn to figure things out themselves.” He also stressed the importance of analyzing failures as a way to learn from mistakes and strengthen future actions. Among its many education efforts, Highlander used participatory action research to generate local knowledge about land tenure relations in poor communities and establish the foundation for a regional organizing and advocacy effort.

Internationally Alinsky helped train a first generation of community organizers in the Philippines many of whom were instrumental in Marcos’ downfall and later became prominent NGO leaders and activists. As international policies began to affect communities with whom the Highlander Center worked, it gradually brought activists and local leaders from poor areas of the U.S. together with counterparts from around the world to analyze and strategize.

As mentioned above, a significant gap in this review of the streams of participation is the history and writings from social and political movements. However since much has been written elsewhere concerning these leaders and their movements, we focused on the less familiar thinking and practice above in order to re-introduce them to current ideas about participation.

B. Participatory Legal Rights Strategies

During the 1970s and 1980s, a variety of innovative legal rights and empowerment strategies emerged in closed political environments throughout the world that provide rich practical lessons for rights-based practice. These “legal resources” or “legal services” approaches, as they were sometimes called, combined participatory community development and legal rights education, and were particularly strong in Latin America and South Asia where they were tied to significant social movements and revolutionary struggles.²³ Despite the value of these experiences in the search for practical examples of linking rights and participation, they are generally unknown, even to human rights practitioners. It is unclear why this is so, although one likely factor is the lack of scholarly writing about these experiences beyond some lesser known women’s rights and alternative legal studies journals.

Legal resources initiatives ran the gamut from legal literacy programs to community-based legal promoters (paralegals) and community-based legal services, and also included other combinations of problem-centered approaches to law and legal solutions

²³ See Dias, Clarence and J.C.N. Paul, *Educating for Alternative Development: Sharing Knowledge About Law*, and *Developing Legal Resources for Participatory Organizations of the Rural Poor*, Third World Legal Studies, 1985; and Schuler, Margaret and Sakuntala Kadirgamar-Rajasingham, *Legal Literacy: A Tool for Women’s Empowerment*, OEF International/UNIFEM, Washington, DC: 1992.

that involved strategies to foster development and social change. Many of these approaches exist today, but have undergone significant adaptations given changing contextual and historical influences and have generally seen an increase in the role of lawyers in operations.

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

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

Alternatively, projects for legal education and services that emphasized participation and empowerment were more oriented to development and social change. They were problem-centered rather than legalistic, introducing information about law and legal procedures toward the end of an empowerment and grassroots organizing effort. Legal information was offered as one of many avenues for possible solutions and to validate the fact that people were entitled to assistance from the government. To gain access to the system, people were also instructed on how to pursue such measures individually and collectively. This was a complex task in many countries during the 1970s and 1980s because most governments were repressive dictatorships. However, the experience of legal education and the basic act of pursuing legal solutions as part of a development project was often the only strategic route to affirming a sense of citizenship among poor and disadvantaged communities; this frequently required organizing people into groups for joint action or mutual support.

These projects often adapted popular education (Freirian) methods, using pictures, posters and plays to depict and facilitate an analysis of common problems. The emphasis of the process was on understanding the many causes of a problem and exploring

solutions that could be handled at community-level. Only after these problem-solving processes had generated some critical analysis would information about law and legal processes be introduced to affirm people's sense of rights and expand their thinking about possible solutions. In the 1980s, these strategies were particularly prevalent among women's groups throughout the world. Thus they tended to focus on family laws because the issues of marriage, custody, maintenance, divorce, inheritance and domestic violence were central to women's sense of self, basic survival and participation in development schemes. These initiatives were run by women's organizations who frequently also ran complementary micro-credit, health and self-esteem programs. Multidimensional grassroots projects like this continue today in many countries but often under the radar of human rights or economic development groups. Similar programs were organized with workers' organizations and trade unions using the cracks in closed political environments that allowed them to engage the state on basic demands, albeit in a limited and restricted fashion.

In some cases, participatory legal resources projects combined legal education with the added value of community-based legal promoters. Again, there were a wide variety of approaches and applications of the paralegal notion depending on the extent to which legal expertise dominated the design and implementation. In the most participatory and community-focused projects, legal promoters were elected by organizations from their own communities to play a facilitator-advisor role and to accompany individuals through a legal case. A focus on women also seemed to contribute to the quality of the empowerment aspects of a program since gender discrimination demanded that groups develop strategies to address problems at an individual and personal level as well as levels of the family, community and the broader public arena. One innovative example was Peru-Mujer, which eventually operated in several cities and rural communities in Peru. Its vast network of community-based promoters added such value in the eyes of the legal establishment that the Ministry of Justice bestowed credentials on the promoters which qualified them to legitimately defend and assist clients in the lower level family and community courts. Moreover, it was recognized pioneer in combining strategies of critical consciousness and collective problem-solving with direct engagement with the state.²⁴

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

The basic premise of Freire is that the ignorance and powerlessness of the poor and by implication, women, are rooted in social structures that determine the unequal exercise of power in society. The remedy is social transformation, for which education is a prerequisite—an education that enables people to reflect on themselves and their roles in both the old and new societies and to develop the capacity to participate rationally, critically, and democratically in public life.... Since human beings are essentially creative beings, significant change will come from their own transforming action. The role of

²⁴ See Dasso, Elizabeth, "Paralegals as Community Resources in Peru: Asociacion Peru Mujer" in *Legal Literacy: A Tool for Women's Empowerment*, edited by Margaret Schuler and Sakuntala Kadirgamar-Rajasingham, UNIFEM, 1992.

educator in this process is to engage in a 'dialogical praxis' with the participants, recognizing that they are equally knowledgeable, if not more so, about their own situation. Implicit in this method is a critique of traditional educational approaches, particularly extension training, which assume that the educator possesses the knowledge needed by the 'learners' and that this knowledge can be imparted to them.

.... Empowering strategies assume that the grassroots have the capacity to understand the issues, develop the skills to articulate alternatives, and mobilize its resources to press for effective change.... Whether they begin with legislative change or advocacy, or another focus, they always include an educational component which progressively moves [people] from learning about rights and injustice toward an understanding of the causes of their inferior status, to the articulation of alternatives, and the development of organizing and political skills.²⁵

During the 1980s and 1990s, these community-based approaches fed into and shaped the global advocacy strategies of women's movements in UN conferences where significant advances in women's rights were made.²⁶

C. Women's Rights Advocacy Experiences

The experiences of global women's rights movements offer a variety of rich lessons for linkage strategies, including:

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

Over the last several decades, as feminists, gender researchers and practitioners working in a variety of disciplines sought to articulate and defend women's rights at local and national levels, they confronted an international human rights system that did not adequately respond to the kinds of violations that women experience. For example, human rights law and practice were not generally understood as applicable to the personal and sexual abuses women suffered. Violations based on gender were ignored. In this inhospitable context, women activists challenged and pressured the system to respond to women's experiences and needs. Through sustained and coordinated action that linked community development and service delivery efforts to local, national and international research and advocacy, problems such as domestic violence and rape during wartime came to be understood as human rights abuses.

²⁵ Schuler, Margaret. "An Approach to Women, Law, and Development: Conceptualizing and Exploring Issues and Strategies" in *Empowerment and the Law: Strategies of Third World Women*, OEF International, 1986, p.33-34.

²⁶ Some of these advances have been subsequently reversed and continue to be hotly contested.

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

Analysis of the experience and practice of advancing and defending women’s rights led to useful insights about the dynamic and evolving nature of the human rights system, and ways to utilize that system effectively, which are presented in the following frameworks. These charts help activists to see the human rights system as a work in progress and identify challenges and strategies for different stages and moments. *Making Formal Rights Real Rights* outlines the kinds of advocacy aims and challenges encountered for different stages or categories of rights. These include: recognized human rights for both men and women, recognized rights particular to women, and rights that are still evolving and not yet fully recognized.

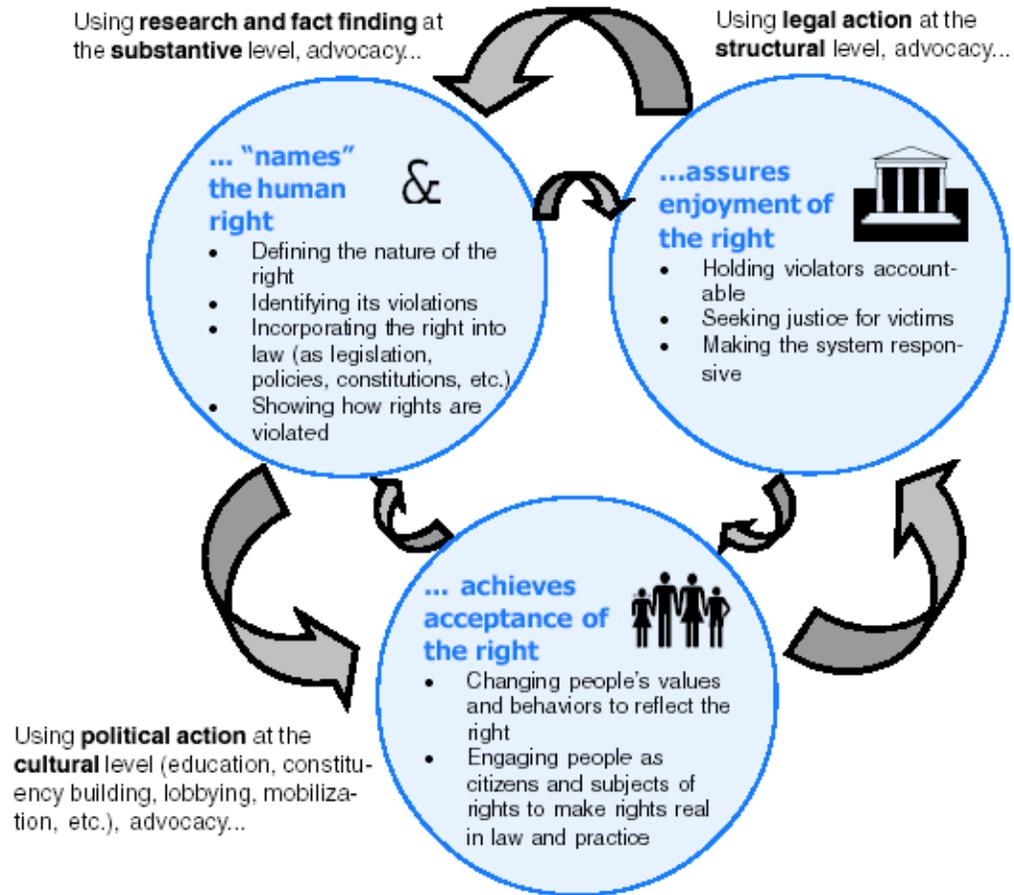
Making Formal Rights Real Rights

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

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

The following framework on *The Dynamics of Human Rights Advocacy* describes three necessary and interactive processes and moments related to promoting and advancing rights. The circle on the upper left represents the step of *naming* or defining and clarifying the content or substance of a right; the circle at the bottom illustrates the step of *recognizing* or gaining acceptance of the right both at the formal or public level and at the cultural, social and personal level; and the final circle, describes the *enforcing* step that involves the development or improvement of structures to ensure that the right is fulfilled and implemented in people’s daily lives.

The Dynamics of Human Rights Advocacy



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

Work on the issue of domestic violence, which occurred and continues to occur on a vast scale at many different levels, offers some crucial insights about the links between personal and public power, as well as the links between development, rights and participation. On the one hand, development workers seeking to address abuse through counseling and economic interventions have learned that systemic change is key to adequately address women's needs besides education and access to credit. On the other hand, rights activists and legal professionals have learned that changes in law and policy or in institutional behavior and practice (the courts, police, hospitals) have little impact on the problem unless complemented by personal empowerment, education and the development of critical and skills to exercise rights. Like other marginalized groups, women are socialized to accept and blame themselves for their abuse, despite its injustice. This theoretical insight is made painfully concrete in the case of physically abused women who blame themselves for the violence or who accept it as a manifestation of love or attention.

Women experiencing violence are unable to benefit from more just laws or protection by police and public health systems unless they are able to assess their reality critically, name their problem, and develop the self-confidence and sense of worth needed to take risks and pursue change. Thus, domestic violence explodes the public/private dichotomy in how the law is framed, but also very concretely in how change in the personal and intimate sphere (the micro level) must be an integral part of larger political change strategies. Dealing with domestic violence also illustrates the overwhelming influence of invisible forms of power and culture -- values and social attitudes -- in shaping the degree of responsiveness of state institutions to enforce and implement law and policy. In addition to legal reform, experience has demonstrated how education and awareness-raising of civil servants is a critical aspect of making rights real.

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

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

Conclusions

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

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

There is a danger that RBA gets reduced to a narrow set of technical fixes, such as professional lobbying and policy research, overlooking the holistic nature of change. If this happens, vital elements necessary for producing long-lasting social change can get neglected. Among these are: strengthening grassroots organizations and leadership; increasing people's political awareness, sense of citizenship, and ability to create and

sustain livelihood opportunities; and providing concrete development experiences from which to learn and build practical alternatives to the prevalent neo-liberal economic model. To further strengthen rights-based approaches and integrate rights and participation into effective change efforts, lessons from the rich experiences in participation, legal resources programs and women's rights initiatives over the past decades can provide important insights.

Any trend creates with it eagerness and opportunities to reflect, ask questions, and make changes. The growing tendency to incorporate ideas and strategies from the rights and development communities is providing organizations with opportunities to deepen their analyses and improve their practice. However, at the same time, competition for funds, visibility and credibility tend to be reducing the willingness and spaces for learning. In such a context, how can donors and large organizations work to sustain this opportune moment for understanding rights-based approaches from closing down into one controlled by a few dominant experts and bound by a new set of technologies? The challenge, at this juncture, is how to remain open and supportive of expanding opportunities to stimulate ideas, strategies and learning from action that can produce the innovations and surprises vital for building alternatives that make societies more equitable and just.

APPENDIX A: Sources of information for this study

Persons interviewed

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

Informal and open-ended discussions with staff of:

Catholic Relief Services

ActionAid International

Grassroots International

Unitarian Universalist Service Committee

Materials, Project Reports and Documentation from:

Oxfam America and Oxfam International

Action Aid International

World Vision

CARE

Save the Children

InterAction

Association for Women's Rights in Development (AWID)

Center for the Study of Human Rights at Columbia University

Center of Concern

Women, Law and Development International

Amnesty International

Washington Office on Latin America

Center for Economic and Social Rights

Unitarian Universalist Service Committee

Grassroots International

Ongoing working relationships with:

Catholic Relief Services

Action Aid

Oxfam America

PACT

InterAction

AWID

The Asia Foundation

Women, Law and Development International

Center for Development and Population Activities

International Solidarity Center of the AFL-CIO

Unitarian Universalist Service Committee

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Appendix B: Power

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

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

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

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

Sources and Expressions of Power

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

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

Power over... is seen as a win-lose kind of relationship. Having power involves taking it from someone else, and then using it to dominate and prevent others from gaining it. In politics, those who control resources and decisionmaking have power over those without. When people are denied access to important resources like land, healthcare, and jobs power over perpetuates inequality, injustice, and poverty.

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

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

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

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

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

Many Levels of Power

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

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

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

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

2. Hidden Power: Setting the Political Agenda This level of power over is less obvious and, hence, more difficult to engage. Certain powerful people and institutions maintain

their influence by controlling who gets to the decisionmaking table and what gets on the agenda. These dynamics exclude and devalue the concerns and representations of other less powerful groups, such as women and the poor. Excluded groups often point out that they and their issues, such as toxics, land rights, and domestic violence, are both invisible to the society at large and absent from the political agenda... In some cases, leaders are vilified or even killed....

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

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

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

The third level of *power over* also works to make problems invisible by controlling access to information. If people are unaware of a problem, they are unable to make informed choices or participate in public decisions that can contribute to its solution. For example, numerous communities around the world have suffered serious illness or death due to toxic waste. When confronted, those responsible for the pollution have often denied that the substances are dangerous. Yet lawsuits have later revealed that they knew about the potential health impacts but chose to keep them a secret.

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

Gender Theory and Power

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

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

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

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

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

Note from the authors

We have undertaken this study as educators, organizers, activists and learners – as people who have worked around the world in communities with peasant and grassroots organizations and in capital cities with national and international organizations and alliances on problems of injustice, violence, poverty and discrimination. Over the years our work has taken us inside many organizations. The list is long and runs the gamut from UN agencies, ecumenical and secular human rights institutions, advocacy coalitions, European and US development NGOs, secular and church-based service agencies, the US Congress, university research institutes, USAID and the World Bank. In the global South we have collaborated with women's rights groups, labor movements, peasant federations, cooperatives, and policy centers and, at an international level, with coalitions and movements working on peace, development, environment and human rights. This work has reinforced in us a profound appreciation for the courage, challenges and creativity of groups struggling to make the world a healthier more equitable place to live. We thank those of you who have contributed to this study, to the analysis and to improvements in practice.