

WHOSE RIGHTS? EXAMINING THE DISCOURSE, CONTEXT AND PRACTICE OF RIGHTS-BASED APPROACHES TO DEVELOPMENT

1.0 Introduction

Enthusiasm for “rights-based approaches” to development has grown during the past decade, taking on diverse meanings within the policies and actions of development agencies, governments and civil society organizations. The “rise of rights” (Eyben, 2003) has sparked much useful critical reflection about the origins of rights discourses and what they mean in policy and practice. One of the concerns, as with all development fashions, is ‘what is really different?’ Can this emerging focus on rights within the development arena help to bring about real changes in favour of poor and marginalized? How do we know that “rights based development” is not just putting new labels on old wine? Given the experience with other development trends, such as the widespread and often contradictory uses of “participation”, this is a valid concern (Brock and Cornwell, 2004). Why have rights been elevated within the development sector at this time and what does a rights-based approach mean in practice to different actors? How do the generalized directives of aid agencies relate to context-specific struggles for rights, rooted historically in experiences of exclusion and marginalization? Will formal rights policies- and particularly those pursued within a development framework – strengthen existing efforts to realize rights and inclusion, or is there reason for caution?

These questions suggest that there are both dangers and opportunities in this convergence of rights and development and point to the need for deeper analysis and empirical evidence that might help to reduce the risks and build upon synergies. This article draws on recent insights and research findings from a variety of sources which focus on particular experiences of groups of marginalized people struggling to articulate and claim their rights. In comparing these specific experiences with recent donor positions and

discourses on rights, we find that local context, history and actors or of central importance in the way that rights are actually understood and realized. For rights to become meaningful, they must be claimed and realized by real people engaged in specific struggles related to urgently felt needs (Nyamu-Musembi, 2002). To become sustainable, the process for securing those rights needs to be one which addresses the structural inequalities and power relations which deny them in the first place. Rights are both about physical needs and personal experiences of power and citizenship. Such processes are long fought and hard won, involving deep societal reflection and awareness that can alter the many-layered fabric of power-in addition to the visible frameworks, legal reforms, political actions and development initiatives needed to deliver rights in tangible ways. Rights and development discourses and policies are highly contested arenas with inherent agendas, biases, risks and potentials, yet with ample scope remaining to discover what rights will ultimately mean in context and practice.

In comparing generalized donor discourse with contextual experiences, four key issues have emerged, that are necessary to understanding both the risks and potential for using rights in development.

First, why the rights-based approach and why now? As Cornwall and Nyamu-Musembi note (2005), there are important historical and geo-political forces behind the timing and framing of the rights-based discourse, which bear careful examination. Secondly, whose rights count? Between formal legal formulations of rights and the actual experiences of making rights substantive, questions of whose rights are being defined and claimed, by whom and how, all become crucial. Empirical research into actual situations in which rights are contested and claimed reveals the central importance of history and context in understanding how rights and efforts to realize them are experienced in practice. Thirdly, the process of making rights real is a political one, rather than a technical or procedural one, because it entails confronting the structural inequalities that underlie the negation of rights. Understanding how rights can shift power relations is essential to realizing the potential of rights to contribute to change. Finally, a rights perspective, when understood within particular contexts and linked to strategies to shift power relations, has the

potential to confront some of the most prominent assumptions of development orthodoxy-and emerging agendas of security.

2.0 Why rights-based development?

It is useful to remember that the “rights based approach” to development cannot be dismissed as simply a donor-driven agenda. Like all discourses, it combines an observed reality with a normative prescription. Doubts may be aroused by the way in which reality is perceived and re-articulated by powerful actors and by intentions that may lie behind their prescriptions. But there are nonetheless real trends that are grounded in history and experience and that may be open to diverse meanings and future directions. It is clear for example that in many contexts the meaning of “rights” work has evolved in recent decades from an historical focus on human rights violations and concern for the legal protection of civil and political rights (Lauren, 1998). In the post Cold War and post-dictatorial climate, rights efforts have begun to embrace much broader concerns (earlier suppressed as a socialist block agenda) for human dignity, access to resources and social and economic inclusion – usually referred to as “economic, social and cultural” (ESC) rights (Cornwall and Nyamu-Musembi, 2005). With this shift, many rights proponents recognized the need to engage with development actors and their strategies and with the increasingly organized civil society and social movements (Mwasaru, 2005). The human rights field, largely dominated by legal experts, needed additional skills such as community organizing, capacity-building and participatory appraisal, as well as sectoral knowledge in areas such as health, education and natural resources. A different mix of institutions was also required, with a stronger role for NGOs, community-based organizations and membership associations in articulating the “demand side” rather than relying so heavily on professionals to advocate on their behalf (Gaventa and Edwards, 2001). In short, rights needed development and to engage more directly with civil society causes.

At the same time, development practitioners have begun to recognize the limits of their technical and micro-project approaches in tackling the root causes of poverty. They have realized the need to address deeper structures of inequality and exclusion and to confront

these at the legal and political as well as social, cultural and economic levels. The disillusionment with projects can be seen in efforts by official agencies to scale up participatory methods into processes of policy making, service delivery and governance, as well as in the move by NGOs (national and international) to engage in advocacy and mobilization. Missing from much of this “mainstreaming”, however, was the dimension of rights and obligations – the legal, political and social processes needed to ensure that the basic development commitments are met. This includes legal reforms and enforcement in addition to public awareness and action as methods of voicing demand and seeking accountability. The rise of more vocal and organized civil societies and social movements in many contexts also blurred the traditional lines between rights and development. Development therefore needed rights as much as rights needed development. This is evident, for example, in the proposal that rights must play a central role in achieving the Millennium Development Goals (Shetty, 2005).

These real and observable trends gave rise, perhaps inevitably, to the donor-articulated concept of “rights based approaches” – albeit with particular desired outcomes and instrumentalities. For example, RBAs responded to donors’ needs for new mechanisms of government accountability in an aid climate of sector and budget support (Cornwall and Nyamu-Musembi, 2005 and Piron, 2005). Further, unlike the “right to development” debates of the 1970s and 80s, the rights-based approaches discourse has largely been articulated in ways that sidestep questions of Northern, donor country or multinational corporate duties and obligations with respect to the rights of poor people in the South: the emphasis is entirely on the citizen-state relationship at country level (Cornwall and Nyamu-Musembi, 2005). And there are many valid concerns that rights are being technically packaged in ways that ignore power and structural inequalities (e.g. VeneKlasen, Miller and Clark, 2005) and that valuable lessons are being ignored from the ‘lost innovations’ of earlier rights and empowerment strategies (Miller et al, 2005). At the same time, the emergence of new discourses can provide openings for legitimizing bottom-up rights aspirations. There are many cases in which international rights agreements have been used effectively to leverage and enforce national – level change. There are signs that rights-based language could be of similar strategic value for rights

advocates in certain contexts, as well as carrying risks of cooptation. Much will depend on how rights-based approaches are understood – and challenged – in context.

3.0 Whose rights?

The question ‘whose rights?’ is not just about who is able to claim certain rights, but also raises the importance of recognizing the political and social histories leading to both legal and informal formulations of rights. Within this landscape, the use of rights within development discourse needs to be understood in relation to this genealogy of the origins of rights. The process of defining rights through international conventions and laws has been long-and politically fraught (Cornwall and Nyamu-Musembi, 2005). Similarly, the recent national constitutions of countries like Brazil and South Africa have been held up as examples of progressiveness and broadly – defined rights. But in contexts like Brazil and South Africa, the forces that have advocated for rights are many – and have drawn upon decades of social mobilization around popular education, civil rights, women’s rights, labour rights, etc (Escobar et al ,1998; Miller et al, 2005). If the international and national legal frameworks for rights have been, at least in part, the fruit of many years of mobilization and pressure, then movements for social justice themselves have both framed and defined rights in their own contexts and also employed international and national law strategically to support their efforts.

While some rights are defined by international and national legal frameworks, other formulations of rights are being advanced by donors as part of the increasing focus in the rights-based agenda (Piron, 2005). But rights are given meaning primarily through actual struggles around access to resources, demands for recognition and voice social justice. Recent research has focused on some examples of struggles for rights within particular contexts and trajectories. In India, for example, there have been at least four major trajectories of discourse and mobilization around rights since independence, each strongly situated within India’s distinct realities. Against the backdrop of this historical experience, the potential of more recent top-down and instrumentalist approaches to rights-based development may be limited. Development agencies efforts to deliver and

operationalise rights from above will fall short if they do not build upon and learn from the efforts of “advocacy movements and groups that work to promote the process of socio-political empowerment among the marginalized [which] requires mobilizing people to change and change unequal and unjust power relationships and enabling them to advocate for themselves” (Samuel, 2004).

Similarly, in Brazil the struggle for rights has been shaped enormously by historical and contextual circumstances (Pereira junior et al, 2005). In opposition to powerful elites and later the military government, Brazilian NGOs have articulated a strong sense of the relationship between participation, power and rights – and the importance of these to promoting substantive citizenship and social justice in Brazil. Social movements and allied NGOs have for many decades combined social and economic rights struggles with advocacy for civil and political reform, in an historical context in which “development” has not been treated as a separate, neutral exercise from realizing democracy, rights and citizenship. NGO activists interviewed found it difficult to dissociate or isolate their work on rights, power and participation, seeing them instead as part of an integral process. Yet there is a concern that “rights-based approaches” may be an effort by some conservative forces to dilute this indivisible and political meaning of rights within the Brazilian context (Peirera Junior et al).

What emerges clearly from these and several other examples is that the perspective and experiences of marginalized groups alters how formal rights are given meaning. Rights, in practice, are defined in part by legal frameworks and donor discourse, but these are also challenged and shaped through social mobilizations that produce actor-orientated understandings of rights. One of the key differences between donor discourses on rights and bottom-up understandings of rights is that development actors are generally motivated by what the perceived need for development, to which rights are framed as a solution. By contrast, social mobilizations around rights do not necessarily take the need for development as their starting point. Many of the cases mentioned here are concerned with broad goals of social justice, access to economic resources, political change and empowerment.

This is not to argue that social movements are somehow necessarily virtuous and democratic – they can also act to reinforce power relations and exclusions (Houtzager, 2000). And even while social struggles like the landless movement in Brazil are advancing certain rights, a lack of transparency and legitimate representations in terms of their own internal organization can lead to the negation of other rights for the marginalized groups they are meant to help (Navarro, 2005). In fact, community-based organization raises serious questions about how different voices and interests are aggregated and represented (see Gujit and Shah, 1998). But the role of social movements, NGOs and grass-roots organizations of people who are seeking to realize their rights is crucial in making rights more substantive because civil society can help articulate connections between people’s actual experiences and formal rights frameworks, where they exist and vitally, to contribute to their framing where they don’t exist. Attention to these cases of mobilization for rights does throw into relief the importance of political, economic and social context – in informing how rights are defined and used in practice.

In some cases, such as Mexico, there has been a historical schism between civil and political rights work on the one hand and campaigns for economic, social and cultural rights on the other hand – a separation that has often dissolved over time. Concern for the protection of civil and political rights has often emerged in response to periods of repressive or military rule involving violations of human rights. However, the character of these efforts varied according to historical and legal context. In both India and Mexico during the 1960s and 1970s, for example, growing popular frustration with elite control of political power and development resources was met at times with violent repression. This gave rise to human rights campaigns based on formal legal strategies (Jásis and Garcia, 2004; Samuel, 2004). In both countries, subsequent human rights efforts and understandings were very strongly defined by these violations and responses. Yet over time there has been a bridging of common ground with social movements who have advocated for the social and economic rights of excluded sectors.

In both Zimbabwe and Nigeria, understandings of human rights were similarly defined by the efforts of political opposition groups to voice their demands and defend their freedoms within the context of formal legal systems defined by the colonial legacy and not embedded in the realities of national cultures, power relations and traditional or customary laws (Makanje et al 2004; Toyo et al 2004). Human rights work in both contexts was for a long time limited to formal legal education and defense campaigns and focused on those civil and political rights that could be upheld under the limited provisions of their constitutions. These rights groups development significant experience in advocacy and in the use of international frameworks to demand rights not protected at the national level (Toyo et al 2004). But the scope of their efforts proved too limited in the context of emerging struggles for more equitable access to resources. The distinction between political and civil rights on the one hand and economic, social and cultural rights on the other hand, became less important as the broader claims of social movements emerged. In Zimbabwe, the women's movement played a vital role in demonstrating the indivisibility of rights and bridging these communities (Makanje et al 2004).

What emerges from examining more closely the specific context and histories of rights is a strong picture of the diverse, historically-rooted and context-sensitive nature of rights struggles. In Kenya a formal, legally-oriented human rights tradition, again shaped by civil and political opposition campaigns and by the limitations of a post-colonial constitution is seeking to some extent to re-define itself by 'rooting rights' in the expressed social and economic needs of marginalized and excluded sectors, while at the same time social movements are emerging and articulating demands without necessarily making use of formal rights language or legal procedures (Musyoki and Nyamu-Musembi, Mwasaru, 2004).

These diverse experiences in defining and claiming rights invite some optimism about the potential for self-determined strategies for achieving rights – even where the wider discourses have also been influential, or have been perceived as too interventionist, as prescriptive or culturally insensitive, or as lacking “teeth”. Rights are being pursued in multiple ways, often deeply rooted in local context, history and conditions, as well as

through engagement with and support from more international discourses. What these studies also reveal is the intensely political nature of rights struggles in situations of high levels of poverty and inequality and of the importance of analyzing and confronting deeply embedded power relations and structural barriers on the road to securing rights. It is in this sense that framing rights within development, which had often been treated as a politically neutral process, is problematic.

4.0 The Human Rights Legal Framework

Examples of Human Rights:

Civil and Political Rights

- ✓ the right to life
- ✓ the right to liberty and security of person
- ✓ freedom of movement
- ✓ equality before the law
- ✓ independence of the judiciary
- ✓ the right to privacy
- ✓ freedom of thought, conscience and religion
- ✓ freedom of expression
- ✓ freedom of association
- ✓ the right to take part in the conduct of public affairs
- ✓ the right to vote and to be elected
- ✓ the right to freely determine political status

Economic, Social and Cultural Rights

- ✓ right to work, form trade unions, safe and healthy working conditions
- ✓ right to the highest attainable standard of physical and mental health
- ✓ right to education
- ✓ right to an adequate standard of living, including adequate food, housing and clothing
- ✓ right to take part in cultural life
- ✓ the right to freely pursue economic, social and cultural development

5.0 Fundamental Principles of the Rights-Based Approach

Universality/Non-Discrimination/Equality

Human rights are acquired at birth and belong equally to all human beings regardless of their race, colour, sex, language, religion, political or other opinion, national or social

origin, birth or other status. They apply to all people wherever they may be found. Inclusion is the fundamental consequence for development. The most vulnerable, marginalized and excluded should be prioritized in setting targets for national policies.

Indivisibility/Interdependence

Some rights cannot be classified as being more basic than others. All human rights are equally important and equally essential to the respect for the dignity and worth of every person. One cannot deal with one specific right in isolation without taking into consideration the whole range of related rights (For example, it does not make sense to speak about the right to life without regard for the right to food and to security of the person, and vice versa). Moreover, one right cannot be pursued to the detriment of others. However, indivisibility does not preclude priority setting in programming.

Accountability

Human rights do not simply define the needs of people , but also recognize people as active subjects and claim-holders, thus establishing the duties and obligations of those against whom a claim can be brought to ensure that needs are met. Therefore, the identification of duty-holders will have to become part and parcel of all assessments and analysis related to programming. In this regard, it is important to keep in mind that the State has the duty to respect, protect, promote and fulfill all human rights.

Participation

An essential principle of the international human rights framework is that every person and all peoples are entitled to participate in, contribute to, and enjoy civil, economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized. This means that participation is not simply something desirable from the point of view of ownership and sustainability, but rather a right with profound consequences for the design and implementation of development activities.

Thus, it is concerned also with access to decision making, and the exercise of power in general.

Rule of Law

Rights themselves must be protected by law. Disputes about them are not to be resolved through the exercise of some arbitrary discretion, but through adjudication by competent, impartial and independent processes that will to ensure full equality and fairness to all the parties, and determine the questions in accordance with clear, specific and pre-existing laws, known and openly proclaimed. All persons are equal before the law, and are entitled to equal protection. Without a sound legal framework, without an independent and honest judiciary, economic and social development risks collapse. The rule of law ensures that no one is above the law, and that there will be no impunity for human rights violations.

Progressive Realization

Within the framework of human rights law, States have to undertake steps, individually and through international assistance and cooperation, to the maximum of their available resources, with a view to achieving progressively the full realization of the rights recognized. Moreover, the World Conference on Human Rights (Vienna 1993) proclaimed that “a lack of development may not be invoked as a justification for the abridgement of internationally recognized human rights”. This principle should be kept in mind during assessments, evaluations etc. In order to take the progressive realization principle serious it is of the utmost importance to disaggregate all available data.

Human rights cannot easily be measured; the complexity of every context goes far beyond what can be captured in two digits. But without information, the realization of rights cannot be assessed. Statistical indicators may not reveal the full answers, but they do equip people for analyzing, understanding and debating the questions. Data disaggregated by gender, ethnicity, social origin, race, age, location, disability etc.

highlights discrimination and vulnerability, undermining the view that no such problems exist. Moreover, data on state policies and spending allocations help answer whether earlier identified duties/obligations are met.

6.0 Making rights real

How do rights become substantive or actualized in practice and what are the structural and power implications of this process? Focusing on particular cases of struggles for rights reveals how the negation of rights, whether political, economic, social or cultural, is nearly always predicated on structural and relational factors that lead to exclusion, marginalization and injustice. This is an important starting point for examining struggles for rights and the barriers to substantiating them. The negation of rights can be very powerful, especially as it often involves a constellation of forces arrayed against the potential fulfillment of that right. Institutionalized forms of racial and gender discrimination and the long and difficult path to securing the rights of women and ethnic or racial minorities (or in some cases majorities) in nearly all societies, are obvious examples. The implications of understanding rights in development from the perspective of the negation of rights, requires examining how the fulfillment of rights must confront the underlying interests, social norms and ideologies behind the causes of exclusion. While there are specific objects of rights struggles (e.g. legalized land rights in the case of Kenya, or protection against domestic violence in the case of women's movements), the process of achieving these substantive and specific goals in practice involves a process of confronting the embedded power relations that have perpetuated the negation of these rights in the first place. Is the field of development really up to this task?

The development aid sector is highly specialized and professional in sectoral areas but often lacks political and social understanding and has had limited capacity for analysis and shifting of power – and an impoverished understanding of how power is used (Eyben, 2004). What is required to shift structural in power relations, if in fact, these are barriers to rights and development? VeneKlasen and Miller (2003) provide a useful overview of some practical and theoretical frameworks for analyzing and addressing

power in the context of social movements for rights. In particular, these tools point to some of the limitations of Western “pluralist” assumptions about the ways in which conflicting interests are negotiated and decisions made; there are often culturally and ideologically embedded forms of power which shape social values, norms and behaviours and determine what issues are even considered legitimate for debate (*ibid*). This has been the core intention of many social movements throughout history – not necessarily to seize power but to change the accepted norms which validate and perpetuate both the structure and agency of power relations. A more in-depth understanding of how power works emphasizes in intimate connection between rights and power. For example, women’s movements in Bangladesh had to confront a series of powerful and pervasive social norms that meant women as a group were not valued equally for their personal worth, except where issues like maternal health intersected with a technical agenda to meet development targets. The process of challenging the underlying power structures that marginalized women’s experiences of rights was a key step in moving towards realizing women’s rights as citizens in Bangladesh.

It is in this sense that there is so much to learn and recover from proven rights strategies which have involved the building of awareness and self-confidence, the use of popular education and communication, methods for reflective action, leadership development and the forging of common visions, understandings and alliances – often well before any direct attempts at legal or political action (Miller *et al* 2005). Yet there are concerns that many of the innovative methods and lessons that can be found, historically, in these approaches to social and political transformation are noticeably absent from current articulations of rights based approaches to development (*ibid*). There is a sense therefore of lost opportunity and a warning that taking formal, visible and procedural steps toward making rights real within a development programme framework may easily miss the underlying foundational processes involved in building social awareness and lasting change.

7.0 Can rights challenge development orthodoxy?

Despite the earlier cautions raised about de-linking rights from context and the risks of separating rights policy from power analysis, the potential of rights-based approach to challenge development orthodoxy remains. Given the strong trends towards the marketisation and scaling back of state services promoted by the World Bank, the IMF and many national governments; and the wholesale exportation of hegemonic models of democracy by USAID and others as part of the wider ‘good governance’ agenda, what can this discussion of rights offer?

First, bringing rights into development challenges some of the fundamental assumptions implicit within neoliberal reforms about the nature of state/society relations. Using rights in development requires attention to both sides of the equation – from claims for rights by citizens to the obligation and duties of the state to uphold those rights. The obligation/duty side of the coin is part of the reason that the right – to – development has not been promoted more widely and why commitment to rights by donor agencies have been only rhetorical in certain cases (Cornwall and Nyamu-Musembi, 2005, Piron, 2005). However, as the cases of India, Mexico and Brazil show, ensuring substantive rights involves both institutions which are able to respond to rights claims and citizens and social organizations that engage with these institutions to shape the meaning of rights and how they are promoted in practice. When these two sides of the equation can come together the potential for change that benefits poor and marginalized groups is more likely to be realized.

Second, making rights substantive in practice involves understanding how context, political processes and relationships of power in form of rights. Like “participation” and “good governance” agendas in development before, technical and abstracted approach inevitably leads to the perversion of the potential of these approaches to lead to positive change. As the cases of India, Brazil and Mexico highlight, policies seeking to promote rights in development are consistently confronted by the complexities of political

realities. The political aspects and power relationships that pervade development are often edited out of development discourse (Eyben, 2004)¹.

Finally, using rights in development requires understanding the potential of rights to challenge political realities – and also the corresponding obligations and responsibilities of states and development actors which are necessary to support shifts in the structural causes of marginalization. Using rights in practice is a complex process filled with contradictions and tensions. Rather than the artificial division between ESC rights and political and civil, other tensions emerge in practice, such as between formal and emerging informal formulations of rights. Because of both the need to confront political realities and power structures and the tensions and conflicts that emerge in using rights in practice, using rights in development requires moving beyond a technical approach to rights. Rights-based approaches, if reduced to technical and operational plans that ignore political context and power relations will fail to be effective in promoting social justice in a sustainable way.

8.0 Conclusion

Are rights-based approaches to development adrift from any coherent normative framework (Piron, 2005), or from social and political contexts (as the case studies reviewed here seem to indicate)? If so, what are the implications for the impact that using rights can have? Rights are alternately treated as a technical fix or rejected by development agencies for seeming to lack the ability to generate pro-poor growth. But despite this, the growing attention on rights is raising another possibility – that rights will be used selectively by powerful development actors to foster a favourable environment for marketisation, or to justify a growing focus on security and anti-terrorism concerns. In the same way that democracy was used by the West during the Cold War as a battering ram to open markets, shore up military and autocratic governments and legitimize

¹ For example, the trend of promoting ‘empowerment’ focuses in most cases on changing the abilities of particular individuals to be more able to control their lives. One of the critiques of the use of empowerment in development programmes is that it tends to focus on the powers of the individuals to do something differently, but fails to address the structural causes of marginalization and the power relations that perpetuate those. The assumption is that one sector of society can be empowered without necessarily challenging the power of other sectors, or the norms and values that uphold that power.

invasions to check Soviet power, the ostensible international consensus around rights risks being used to further the interests of the powerful, rather than being a path for challenging marginalization and exclusion.

There are justifiable fears that the “rights based approach” is a donor-driven agenda with a deeper purpose of reinforcing neo-liberal values and interests, or of imposing singular Western notions of what rights and development mean (Escobar, 1994). This article has tried to raise concerns about the motives driving rights-based language and policy and about the denial of valuable historical innovations and traditions related to securing rights in both the North and the South. But because discourse both describes observed realities and prescribes desired outcomes, there is always scope to re-examine the observed real events and trends that have given rise to rights and the assumptions behind those observations and to discover different interpretations and forward projections of these same experiences.

The struggle for rights is happening, with or without discourse and policy and it is not simply an agenda of the powerful. What emerges is a vibrant picture of often diverse meanings and strategies being pursued throughout the world, rooted in national histories and contexts as well as connected with international rights language and global movements. Many realities and discourses become apparent, the lines between them often blurred, each with past trajectories and alternative pathways into the future. If the current enthusiasm for rights in development can open up space for thinking and action appropriate to the particularities of each moment and context rather than serving as one-size-fits-all export – then rights based approaches are to be welcomed.

This location of rights within specific realities is not to venture onto the thin ice of debates about cultural relativism or particular vs. universal rights (Walzer, 1994, Taylor, 1998, Walker, 1988), but to move beyond these old debates and simply to recognize that for rights to become meaningful, they must be claimed and realized by real people engaged in specific struggles related to urgently felt needs (Nyamu-Musembi, 2002). And to be sustainable, the process for securing those rights needs to be one which squarely

addresses the structural inequalities and power relations which deny them in the first place. Rights are both about physical needs and personal experiences of power and citizenship. Such processes are long fought and hard won, involving deep societal reflection and awareness that can alter the many-layered fabric of power – in addition to the visible frameworks, legal reforms, political actions and development initiatives needed to deliver rights in tangible ways. Rights and development discourses and policies are highly contested arenas with inherent agendas, biases, risks and potentials, yet with ample scope remaining to discover what rights will ultimately mean in context and practice.

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