

Whose rights? Examining the discourse, context and practice of rights-based approaches to development¹

Joanna Wheeler and Jethro Pettit

‘There is not one rights agenda. Every concrete reality determines a different agenda’
- a Mexican human rights activist

1. 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 organisations. This “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 key concerns, as with all development fashions, is ‘what is really different this time?’ Can this emerging focus on rights within the development arena help to bring about real changes in favour of poor and marginalised people? 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 Cornwall 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 generalised directives of aid agencies relate to context-specific struggles for rights, rooted historically in experiences of exclusion and marginalisation? Will formal rights policies - and particularly those pursued within a development framework - strengthen existing efforts to realise 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 the synergies. This article draws on recent insights and research findings from a variety of sources which focus on the particular experiences of groups of marginalised people struggling to articulate and claim their rights.² In comparing these specific experiences with recent donor positions and discourses on rights, we find that local context, history and actors are of central importance in the way that rights are actually understood and realised. For rights to become meaningful, they must be claimed and realised 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 generalised 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 realise 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 realising 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. 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 the 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 recognised the need to engage with development actors and their strategies, and with the increasingly organised civil society and social movements (Mwasaru 2005). The human rights field, largely dominated by legal experts, needed additional skills such as community organising, 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 organisations 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 recognise the limits of their technical and micro-project approaches in tackling the root causes of poverty. They have realised 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 mobilisation. Missing from much of this “mainstreaming”, however, was the dimension of rights and obligations - the legal, political and social processes needed to ensure that 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 organised 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 legitimising 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 the 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.

2. Whose rights?¹

The question ‘whose rights?’ is not just about who is able to claim certain rights, but also raises the importance of recognising 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

¹ The country examples and lessons in the following paragraphs are from the Linking Rights and Participation country studies, which may be accessed online:
<http://www.ids.ac.uk/ids/particip/research/rights>

contexts like Brazil and South Africa, the forces that have advocated for rights are many—and have drawn upon decades of social mobilisation 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 mobilisation 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, and social justice. Recent research has focused on some examples of struggles for rights within particular contexts and histories.³ In India, for example, there have been at least four major trajectories of discourse and mobilisation around rights since independence, each strongly situated within India’s distinct realities (see Box 1). 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 mobilising people to challenge and change unequal and unjust power relationships and enabling them to advocate for themselves” (Samuel 2004).

Box 1: Situating rights in historical context in India

Pre-independence India has a long history of spiritual leaders and activists who have addressed issues of exclusion and discrimination based on caste, status and religion. Building on this legacy during the struggle for independence, Gandhi was instrumental in articulating rights as an entitlement as well as a value. Since independence, there have been four main trajectories of discourse and mobilisation around rights, promoted at different times by different actors, and giving a diverse range of meanings to rights:

(1) Civil and Political Rights. In the post-independence period of nation-building, elite control of the development process was coupled with continued marginalisation of large sectors of the population. This was done at times in a repressive manner, including human rights violations, and at times in reaction to violent social movements. Within this context, human rights discourse arose primarily as a language of denouncing rights violations, reaching a notable peak during the 1960s and 1970s.

(2) Economic, Social and Cultural Rights. In the past 30 years, NGOs and civil society organisations have played a major role in creating a discourse on economic, social and cultural rights, having realised the need to go beyond development projects to address the underlying causes of poverty. Many drew inspiration from the constitution which acknowledges both civil and political as well as economic, social and cultural rights. Supreme Court rulings have linked access to healthcare, food security and primary education with the Right to Life, recognising these rights as fundamental and justiciable.

(3) Rights of the Marginalised. Largely inspired and lead by the women’s movement, diverse social movements have arisen in response to the lack of political will on the part of the state to address the collective rights of marginalised groups such as women, Dalits and Adivasis. Since

the 1980s, this trajectory has combined an integrated vision based on social justice, affirmative action, people's participation and economic justice. The adverse effects of neo-liberal globalisation helped to develop a pan-Indian discourse on people's rights and also helped to connect with similar movements in the global south.

(4) Right to Accountable and Transparent Governance. More recently, the rights discourse has gone further to include the right to transparent and accountable governance. Responding to the saturation of the welfare state, this trajectory has been driven both by 'good governance' imperatives of the international financial institutions, seeking state efficiency, and by grassroots movements in search of greater citizen rights to information and accountability, and to people-centred and participatory governance.

In spite of this diversity of traditions, and the greater visibility and legitimacy of the human rights discourse in India, the meaning and utility of rights is still a highly contested arena. Although India has ratified five of the six international rights covenants and conventions, the implementation of the rights are rather poor. Despite the new policy papers and the documents of the Planning Commission of India increasingly using rights language, the performance of the Indian government is far from satisfactory in terms of real programmes and implementation.

Source: abridged from Samuel, 2004.

Similarly, in Brazil the struggle for rights has been shaped enormously by historical and contextual circumstances (Pereira Júnior 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 realising 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 (see Box 2). 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 Júnior et al).

Box 2: Inquiring into power, participation and rights in Brazil

ActionAid Brasil carried out an action research project with local and national NGOs and social movements. Their aim was to inquire into the meanings of participation, rights and power in Brazilian society and how these are acted upon in social change work. They used various methods to explore understandings of each of these terms, and how they connect in practice. The results showed a strong convergence of methods and practices under each of these concepts:

'For the majority of the organisations that participated in the research, these three concepts must be worked in an articulated form because they are already part of a process of "promoting citizenship". What might vary, depending on the context, is the weight given to each of these dimensions, but it was stressed that we must not dissociate them. The interviews clearly show the difficulty participants had in isolating experiences of rights, participation and power. They often used the term "fight for rights" in giving examples that were used interchangeably for rights or transforming power relations. It was easier for some actors to give isolated examples of participation.' (Peirera Júnior et al, 2004)

What emerges clearly from these and several other examples is that the perspective and experiences of marginalised 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 mobilisations 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 mobilisations 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 organisation can lead to the negation of other rights for the marginalised groups they are meant to help (Navarro 2005). In fact, community-based organisation 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 organisations of people who are seeking to realise 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 mobilisation 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 (see Box 3), 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.⁴ 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 (see Box 3).

Box 3: The evolution and convergence of rights in Mexico

The human rights movement and discourse in Mexico was very much defined by violations of human rights during the 1960s and 1970s, and strategies were responsive and focused on denunciation and protection of civil and political rights. With the decline of one-party rule, and expansion of social movements (including those demanding an end to human rights abuses), democratic openings began to take hold in the late 1980s. Rights language and

approaches changed accordingly, along with the evolving perceptions of civil society, and with the emergence of many new civil society organisations and social movements responding to economic and social issues. Women's rights, land rights, the rights of indigenous people, gays and other minority groups, labour rights, and the militarization of indigenous areas (e.g. Chiapas, Oaxaca and Guerrero) all changed the meaning and articulation of rights.

The influence of worldwide and in particular Latin American rights movements has been strong in this process, including feminism and women's rights, indigenous rights, gay rights, human rights, children's rights and the environment movement. Such advances can be seen more clearly during the 1990s, when organisations began to form networks and links with regional and global movements. Government rights language has also evolved in response to both civil society demands and international conventions. These changes are significant when viewed over a 30-year period, with rights now seen as something to be claimed and protected, not just denounced when violated. Although rights language has spread and is used by the population in general, there is still along way to go in realising rights in Mexico.

Source: abridged from Jásis and Garcia, 2004

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 defence campaigns, and focused on those civil and political rights that could be upheld under the limited provisions of their constitutions. These rights groups developed 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 marginalised 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 analysing 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. We turn to this challenge next.

4. Making rights real

The third major question arising is that of how rights become substantive or actualised 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, marginalisation, 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 fulfilment of that right. Institutionalised 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 fulfilment 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. legalised 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 specialised 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 analysing 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 emphasises 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 that 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 marginalised women's experiences of rights was a key step in moving towards realising women's rights as citizens in Bangladesh (see Box 4 below).

Box 4: Speaking truth to power in Bangladesh

In Bangladesh, Naripohkko, a leading women's NGO has mobilised to investigate how women experience their lack of rights. Specifically, Naripohkko seeks to move beyond the narrowly defined women-in-development agenda, which focuses on a specific technical agenda including maternal mortality and family planning. As Naripokkho began to explore women's rights in Bangladesh, an articulation of the links between the process of collective political action and priorities within women's rights came to the fore:

'The right not to be discriminated against - that is, the right to non-discrimination - was then our starting point; the basis on which we demand equality and justice. Our experience of discrimination as women led us to demand fair treatment and respect for our dignity as human beings, and only thereafter to claim our rights and entitlements as citizens. It is only through the process of seeking redress for unfair treatment, for discrimination and in demanding changes in the law, in cultural behaviour and in demanding accountability of the state that we became aware of ourselves as citizens and as bearers of rights' (Huq in Kabeer, 2005).

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 valid 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.

4. Can rights challenge development orthodoxy?

Despite the earlier cautions we have raised about de-linking rights from context, and the risks of separating rights policy from power analysis, the potential of rights-based approaches 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 organisations 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 marginalised groups is more likely to be realised

Second, making rights substantive in practice involves understanding how context, political processes, and relationships of power inform rights. Like “participation” and “good governance” agendas in development before, a 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).²

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 marginalisation. 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 rights, other tensions emerge in practice, such as between formal and emerging informal formulations of rights, for example (see Box 1). 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.

5. 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 legitimise 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 marginalisation and exclusion.

² 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 individuals to do something differently, but fails to address the structural causes of marginalisation, 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.

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 a 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 recognise that for rights to become meaningful, they must be claimed and realised 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.

References

Brock, Karen and Andrea Cornwall, forthcoming, ‘Beyond Buzzwords: “poverty reduction”, “participation” and “empowerment” in development policy’, *UNRISD Programme Paper*, Geneva: United Nations Research Institute for Social Development.

Cornwall, Andrea and Celestine Nyamu-Musembi, 2005 *Why Rights, Why Now? Reflections on the Rise of Rights in International Discourse*, in Jethro Pettit and Joanna Wheeler (eds) *Developing Rights?* IDS Bulletin 36:1.

Escobar, Arturo, 1994, *Encountering Development: The making and un-making of the third world*. Princeton: Princeton University Press.

Eyben, R, 2003, 'The rise of rights: rights-based approaches to international development', *IDS Policy Briefing* No 17, May 2003, Brighton: IDS

_____, 2004, 'Linking power and participation,' Background paper for World Bank/DFID Workshop on Power, Washington, DC, 23–24 March (unpublished)

Jasis, Mónica and Mayela Garcia, 2004, 'Linking Rights and Participation: Mexico Country Study - exploring the relationship between human rights and citizen participation', Brighton: Institute of Development Studies. Available online at: <http://www.ids.ac.uk/ids/particip/research/rights/>

Gaventa, John and Michael Edwards, 2001, *Global Citizen Action*. Boulder, CO: Lynne Reiner Publishers.

Gujit, Irene and Meera Kaul Shah, 1998, *Myths of Community: Gender issues in participatory development*. London: ITDG Press.

Huq, Shireen, 2005, *Bodies as Sites of Struggle: Naripokkho and the movement for women's rights in Bangladesh*, in Naila Kabeer (ed) *Inclusive Citizenship: Meanings and Expressions*. London: Zed Books.

Lauren, Paul Gordon, 2004, *The Evolution of International Human Rights: Visions seen*. Pittsburgh: University of Pennsylvania Press.

Lumbantobing, Dina and Nani Zulminarni, 2004, 'Linking Rights and Participation: Indonesia Country Study', Brighton: Institute of Development Studies. Available online at: <http://www.ids.ac.uk/ids/particip/research/rights/>

Makanje, Revai, Luta m Shaba and Everjoice J Win, 2004, 'Linking rights and participation: Zimbabwe country study', Brighton: Institute of Development Studies. Available online at: <http://www.ids.ac.uk/ids/particip/research/rights/>

Miller, Valerie et al 2005a, *Rights-based Development: Linking Rights and Participation—Challenges in Thinking and Action*, in Jethro Pettit and Joanna Wheeler (eds) *Developing Rights?* IDS Bulletin 36:1.

Miller, Valiere, et al 2005b, *Rights-based Approaches: Recovering Past Innovations*, in Jethro Pettit and Joanna Wheeler (eds) *Developing Rights?* IDS Bulletin 36:1.

Musyoki, Samuel and Celestine Nyamu-Musembi, 2005, *Defining Rights from the Roots: Insights from Council Tenants' Struggles in Mombasa, Kenya Rights-based*, in Jethro Pettit and Joanna Wheeler (eds) *Developing Rights?* IDS Bulletin 36:1.

Pereira Júnior, A, M Atunes and J Romano, 2004, 'Linking rights and participation: Brazil country study,' Rio de Janeiro: ActionAid Brasil, and available online at: www.ids.ac.uk/ids/particip/research/rights/

Pirón, Laure-Hélène, 2005, *Rights-based Approaches and Bilateral Aid Agencies: More Than a Metaphor?*, in Jethro Pettit and Joanna Wheeler (eds) *Developing Rights?* IDS Bulletin 36:1.

Samuel, John, 2004, 'Linking Rights and Participation: India Country Study', Pune: National Centre for Advocacy Studies, and Brighton: Institute of Development Studies. Available online at: <http://www.ids.ac.uk/ids/particip/research/rights/>

Shetty, Salil, 2005, *Can a Rights-based Approach Help in Achieving the Millennium Development Goals?*, in Jethro Pettit and Joanna Wheeler (eds) *Developing Rights?* IDS Bulletin 36:1.

Taylor, Charles, 1998, *Multiculturalism*. Princeton: Princeton University Press.

Toyo, Nkoyo, with Justice CC Nweze, Kaine Agary, Timiebi Koripamo Agary, Hussani Abdu and Ibrahim Nai'ya Sada, 2004, 'Linking Rights and Participation: Nigeria Country Study - exploring experiences from the Niger Delta and North West Regions', Brighton: Institute of Development Studies. Available online at: <http://www.ids.ac.uk/ids/particip/research/rights/>

VeneKlasen, Lisa and Valerie Miller, 2002, *A New Weave of Power, People and Politics: The Action Guide for Advocacy and Citizen Participation*, Oklahoma: World Neighbors

Walker, R.B.J., 1988, *One World, Many Worlds: Struggles for a Just World Peace*. Boulder: Lynne Reiner Publishers.

Walzer, Michael. 1994, *Thick and Thin: Moral argument at home and abroad*. Notre Dame: Notre Dame University Press.

Williams, Emma, 2005, *Small Hands, Big Voices? Children's Participation in Policy Change in India*, in Jethro Pettit and Joanna Wheeler (eds) *Developing Rights?* IDS Bulletin 36:1.

Notes

¹ Paper presented at 'The Winners and Losers from Rights-Based Approaches to Development' at the University of Manchester in February 2005. An earlier version of this paper appeared as the introductory article in *Developing Rights?*, Jethro Pettit and Joanna Wheeler (eds), IDS Bulletin Vol 36 No 1, January 2005, Brighton: Institute of Development Studies.

² The major sources for this article are derived from two collaborative research projects. The first, *Linking Rights and Participation*, involved the Participation Group at IDS, Just Associates (Washington) and partners in seven countries (Brazil, Kenya, India, Indonesia, Mexico, Nigeria and Zimbabwe), and was jointly supported by the UK Department for International Development (DFID), the Swedish International Development Agency (Sida) and Swiss Development Corporation (SDC). The second is

the *Development Research Centre on Citizenship, Participation and Accountability*, a consortium of six regional partners coordinated by IDS and supported by DFID. Additional insights are drawn, as referenced, from the work of other colleagues, research programmes and institutions.