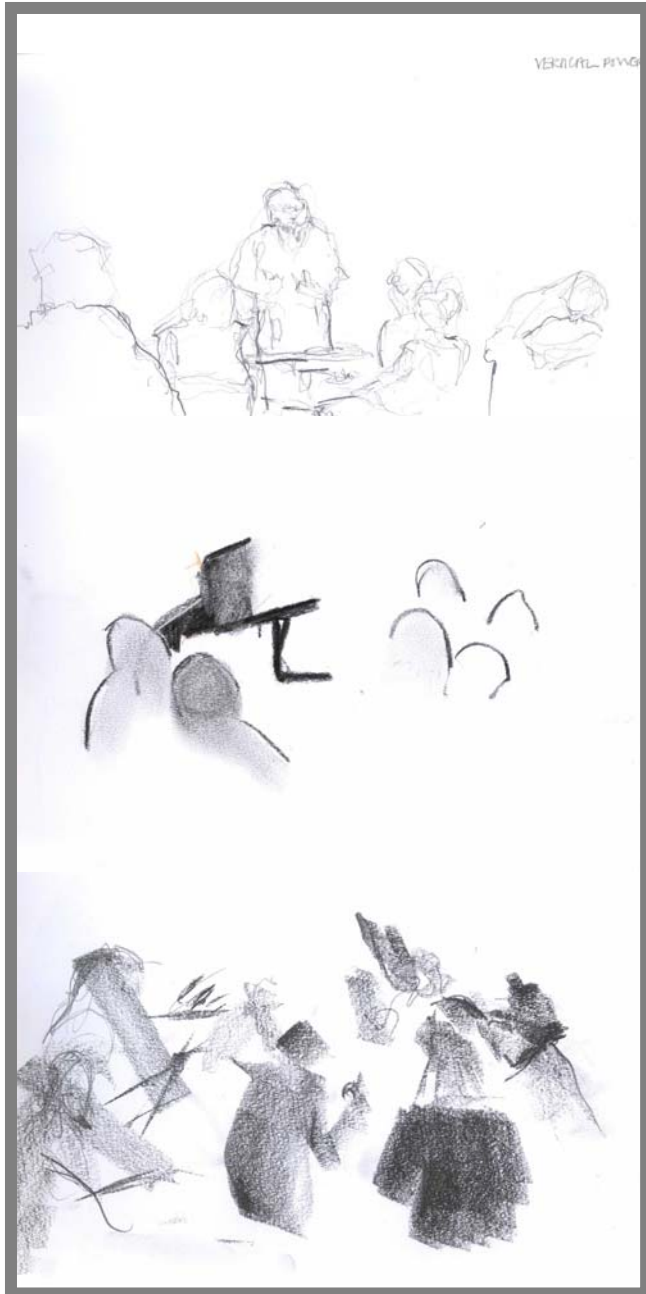


Rights and Power Workshop: Report



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Development Research Centre on
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Report on Rights and Power Workshop, 17–20 November 2003
Institute of Development Studies

Overview

This is a report of a workshop held at the Institute of Development Studies between 17-20 November 2003. Rather than seeking to capture everything presented by resource persons and discussed by participants, it highlights some of the key issues that emerged from the workshop. It especially focuses on the concerns raised by participants with respect to the application of theory to practice by international development agencies. These relate to how we variously interpret rights and citizenship and the implications of the meaning we give these concepts for our practice. Implementing rights-based approaches through the lens of power is still a relatively new idea and requires some serious analytical work. It also requires appreciating power as experience as well as theory, including the emotions felt in situations of powerlessness. Development organisations are themselves powerful political actors who without sufficient reflection may undermine the very rights that they are working to help poor people realise. Because each organisation varies in its mandate and comparative advantage there is no standard cook book for responding to these challenges. Participants shared their experiences so as to identify the different short term and longer term strategies that may be appropriate, depending on the context of their work.

1. Introduction

Rights-based approaches are increasingly part of the policy and practice of international development agencies. But how can these agencies support people's own efforts to turn rights into reality? While some believe these new approaches offer the potential for a fundamental and positive change for international development agency relations with governments and civil society in aid recipient countries, others remain puzzled or sceptical as to their relevance for achieving the Millennium Development Goals. Some observers suspect that agencies have appropriated the 'rights' language without changing the way they go about their business. Rights-based approaches are challenging. They reveal difficult issues concerning the legitimacy of action, the practice of power and lines of accountability.

The Institute of Development Studies (IDS) hosts and manages the Development Research Centre (DRC) on Citizenship, Participation and Accountability (funded by DFID and the Rockefeller Foundation) that is exploring these issues. In May 2003 we published an IDS Policy Brief on Rights and in response to requests from staff in a number of international agencies, we decided to follow up that publication with a four day workshop on the theme

Why come to a workshop on rights and power?

'I'm here to find acceptable wording to sell a rights-based approach within my own institution.'

'I'm here to learn what the different shades of meaning are within a rights-based approach to development and how this approach can be used to address inequality.'

'We need to decide how to engage with social movements who have organised to demand rights, especially in cases where the state is more interested in suppressing than acknowledging rights.'

'What difference will a rights-based approach make to our partners—who have their own perceptions and understandings of rights and a rights-based approach?'

— *Workshop participants*

of rights and power, designing it for staff from such agencies and who are already responding to the challenge.

The event aimed to introduce a new dimension to an existing debate: the role of power in making rights real for poor people. This suggested doing things differently: after an initial scanning of the history of the ideas and practice of rights, we discussed the history and practices of those taking part in the workshop - their own definitions of rights-based approaches based on their own positions, cultures and experiences. We also tried to highlight the role of feelings of power in the expression of rights, so after a keynote introduction by Naila Kabeer on the history of rights and citizenship, we shifted gear and involved participants in playing a cocktail party at an ambassador's residence, attended by donors, government officials and civil society representatives and supported by cooks, waiters and embassy staff. Later sessions continued to alternate between speakers and discussions proposing ideas and detailing the results of research, and exercises using drama and art, often unexpected, that drew attention to the rights and power issues of the participants themselves.

This approach, surprising, unsettling and apparently without logical purpose, was bewildering to some, and the IDS team felt that they had failed to make process and its purposes clear. However, for some the unexpected and risky nature of the approach was useful as a parallel to the realities of working with rights and power - work that is political and unexpected. Our point, though it could have been better made, was that one has to look at oneself as an actor engaged in the dynamics of relationships of power, in order to be able to understand and act upon rights in the global arena.

2. Thinking about a (human) rights-based approaches

These approaches have evolved and joined together from several streams of thought and practice. One of these is based on the international legal human rights framework, a set of United Nations conventions and covenants. Ratifying countries have to report to UN committees on their performance with respect to that right. Some UN committees permit civil society to submit an alternative report if not satisfied with the government's performance.

Another stream has grown primarily out of a myriad of social, cultural and political struggles and debates in both North and South. The process of 'legalisation' is just one aspect of the story. Rights-based approaches are inspired by autonomous movements such as those of women, the landless, and indigenous peoples which often include demands for participation in decisions which affect their lives. A third trend, identified by political scientists, emphasises an historical evolution from clientelism to citizenship.

In reality, the practice of development agencies is a blend of all these. The extent to which any one stream predominated depends on the governance structure of the agency and its institutional culture. The meaning and importance of rights-based approaches are often contested within an agency and official policy statements tend to reflect a compromise between views.

For example Rosalind Eyben, a sociologist, views 'rights' as an overarching notion that encompasses understandings and/ or claims of justice and equity with respect to relations between people that have existed throughout time and in different parts of the world. She saw 'human rights' as a narrower notion that evolved in Western Europe and North America and, as such, has been defined as specific codified entitlements through a series of international covenants.

In turn, Celestine Nyamu Musembi - an international human rights lawyer - views the term 'rights' as a broad concept encompassing a general sense of justice. She defined 'human rights' as entitlements by virtue of being human, and presented 'legal rights' as legally codified entitlements.

Key resources on rights:

Eyben, Rosalind, 2003, *The Rise of Rights: Rights-based approaches to international development*. IDS Policy Briefing 17

Nyamu-Musembi, Celestine, 2002, *Towards and Actor-Oriented Perspective on Human Rights*, IDS Working Paper 169

Kabeer, Naila, 2003, *Making rights work for the poor: Nigeria Kori and the construction of collective capabilities in Bangladesh*, IDS Working Paper No. 200

International Human Rights Internship Program, (2000), *Circle of Rights; Economic, Social and Cultural Rights Activism: A Training Resource*.

Steiner, H.J. and Alston, P., 2000, *International Human Rights in Context; Law, Politics, Morals*.

Rights and citizenship

IDS researchers presented the notions of citizenship and rights as linked concepts. Their view is based on an understanding of citizenship as a notion that goes beyond a legal status that is endowed to an individual by a nation-state. Instead, citizenship is perceived as a status derived through actively claiming rights by engaging with the state, civil society, and other actors.

In a sense, active citizenship suggests that the right - and not the opportunity - to participate should be considered fundamental to the guarantee of other rights. However, Naila Kabeer's presentation highlighted that the capacity of the poor to realise their right to participate presupposes not only an active knowledge of this political right, but more fundamental access to basic economic and social rights that fulfil basic survival needs. How can one have voice without access to a minimal level of resources, and vice versa? An integrated approach to rights in development addresses political and civil rights as well as economic and social rights.

Historical context

In her presentation, Naila Kabeer helped to historically situate the relationship between rights and citizenship, and to relate different histories to the challenges facing those working towards realising the rights of the poor.

In Europe and North America, decades of struggle characterise the shift from a system where rights and responsibilities were defined according to personal relationships, to a system characterised by an explicit public/ private divide where individuals entered the market as free, independent labour agents. Rights, and those who have access to them, came to be defined by nation states. These continue to be challenged through struggle.

In contrast, colonial mobilisations centred around independence were led by the elite, and were not always linked to struggles for inclusive democratic societies. Consequently, many colonial societies continue to be divided along certain lines (i.e., caste, religion) and in these cases people often act according to group and community norms that are more relevant and perhaps beneficial to them than institutional rules defined by the state. Honouring family and caste ties in Bangladesh, for instance, might supersede and clash with state-defined bureaucratic rules.

In the global South, poor people's lives and relationships continue to be focused on achieving security. However, where certain norms are defined according to long standing inegalitarian relationships that affect access to resources, respecting them might result in the suppression of agency and in the undermining of political participation. This suggests a strong link between economic dependency and the curtailing of political rights.

This has implications both for existing tensions between individual versus group rights and responsibilities in many parts of the world,

Report on Rights and Power Workshop, 17–20 November 2003
Institute of Development Studies

“ Struggles - in a broad sense - against domination are linked to democratic impulses and challenging the structures of society.

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—*Naila Kabeer, IDS*

“ In the West, citizenship emerged through several centuries of struggle—the rupturing of people from their moorings and clan, their reduction to labour commodities, and at the same time, the universal rights to vote and the ability to claim rights.

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—*Naila Kabeer, IDS*

and for the relationship of agency to identity, connections and interdependency in poor people's lives.

Implications for External Actors

In this context, external actors' capacity to facilitate the ability of those who do not think they have the right and to think and act for themselves to bring about change is key. Development actors might look at how poor people are claiming rights that challenge oppressive and inegalitarian norms and facilitate and support these processes in different ways. It is also important to look at places where the state has worked to engage with citizen actions.

Some possible entry points here include support for education (formal and informal) that is geared towards improving self confidence, rights awareness, and critical thought; support of poor people's collective struggles for their rights; and improved accountability and transparency of institutions aimed to improve poor people's lives. Such institutions include justice courts, poverty programmes and donor organisations.

Important changes have emerged in development actors in response to the increasing importance of a rights-based approach and its links to citizenship. The most important of these is a shift in attitude and behaviour among development actors from treating their work as a form of charity versus one of equal partnership with the poor for whom they work. Using citizenship and rights to approach development highlights the importance of accountability, democratic practice, responsibility, and transparency among development actors and organisations.

What do I put into my 'back to office' report?

Participants' expectations varied and half way through the workshop some expressed a concern that the workshop might not be able to deliver the tools they were looking for and could include as the key element in the back to office report on the workshop.

The workshop approach had been rather different. The facilitators understand good development practice as analogous to good cooking. A successful recipe needs kitchen utensils but these will produce food not worth eating if the cook has no knowledge of the nature and behaviour of the ingredients. With no understanding of the chemistry of the egg, we risk ruining our mayonnaise, however good a whisk we use and whatever the quality of the olive oil.

It may be that too often in development practice we jump straight to the search for new tools without consideration of the concepts we are using to explain and define the problem. By asking questions, rather than proposing solutions, it may be that we find the problem is not what we had first thought it to be and that therefore our response—and the tools we decide to use—may also be rather different.

Key resources on rights and citizenship:

Foweraker, J. and Landman, J., 2000, *Citizenship Rights and Social Movements*

Naila Kabeer, 2002, *Citizenship and the Boundaries of the Acknowledged Community: identify, affiliation and exclusion*, IDS Working Paper No. 171

Gaventa, J, 2002, 'Introduction: Exploring Citizenship, Participation and Accountability', IDS Bulletin, Vol 33, No. 2

3. Thinking about power

It is power relationships, dynamics, and structures that mediate the realisation of rights. These determine who is included and who is excluded in claiming and realising their rights and in determining their own development. Recognising that the poor are right-holders and not beneficiaries, and acting accordingly, requires challenging existing power dynamics. For a development organisation, this means recognising how their own role is political in the development arena.

To promote the realisation of poor people's rights we must understand more about power, where it is located, who holds it, who does not, and above all, how to effectively challenge existing unequal power structures and dynamics.

Power is a highly contested concept with multiple meanings that can apply in specific contexts. For example a common definition of power is *power over*, or the ability of the powerful to affect the actions and thought of the powerless. But equally, it could be understood as *power to*, or the capacity to act or to have agency. Collective action, social mobilisation and alliance building is understood as having *power with*. Another important facet to power is *power within* - a sense of self-dignity and self-awareness that enables agency.

In drawing on his experience as an activist involved in a rights struggle that challenged existing power dynamics in a remote mining valley in one of the poorest parts of the United States, John Gaventa highlighted three dimensions of power. (See 'Real dimensions of power' on page 8.)

Through his research he learnt that less powerful community members did not challenge *visible power* in ostensibly 'open' public spaces. This was in part due to a history of force and discretionary resource distribution that maintained *hidden power* though upholding existing power dynamics. History and socialisation had also served to internalise community members' sense of powerlessness, reinforcing a more *invisible and intangible dimension of power*.

In today's world, these dimensions must be examined at local, national and global levels, considering global trends such as the increased involvement of new development actors, the decline of power of nation states, and increased role in development of corporate actors. Related to these shifts are changes in dynamics of power amongst and between new actors, and the arenas in which the act.

Within the context of development there also exists another continuum of power pertaining to the spaces of engagement where development actors are working. Types of spaces fall into three categories. *Formal institutional spaces* are spaces where bureaucrats, experts, and/ or elected representatives make decisions

Report on Rights and Power Workshop, 17–20 November 2003
Institute of Development Studies

“ Power is the capacity to participate effectively in shaping the limits of the possible.

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— Hayward 1998

“ Developing and using 'power to' is about having a sense of the possible, having the imagination to see and do things differently – departing from the rules, working around the barriers, working with obstacles honestly and openly, and building alliances for change.

”

—Workshop participant

Key resources on rights and power:

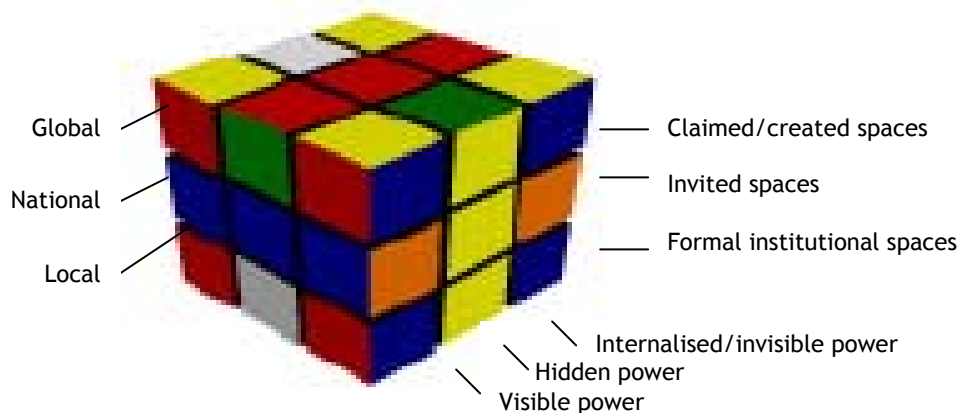
VeneKlasen, L. with V. Miller, (2002), *A New Weave of Power, People and Politics; The Action Guide for Advocacy and Citizen Participation*

Gaventa, John (1982), *Power and Powerlessness; Quiescence and Rebellion in an Appalachian Valley*

with little consultation or participation of those whose decision is meant to effect. *Invited spaces* are spaces defined and designed by authorities where citizens are invited to participate in. In turn, *claimed or created spaces* are spaces either claimed by less powerful actors, or created more autonomously by them.

These dimensions are graphically depicted in John Gaventa's 'power cube' - a tool that can be used to analyse power in a given context. The power cube is an analytical tool that can help situate our own work as development actors in terms of the power we exercise as well identify possible entry points and strategies to alter power dynamics. The power cube can serve to disaggregate what can be a very overwhelming and debilitating complexity of a given situation.

In some cases a 'power cube' analysis might point to strategies that focus on strengthening global rights frameworks versus ones that focus on local capacities to claim rights. A 'power cube' analysis might also suggest that working towards the creation of new inclusive spaces or supporting grassroots local movements might be more effective than strengthening formal institutions of governance. Strategic approaches and entry points will obviously depend on a number of factors determined by the case at hand, and the analysing actor's positionality (and comparative advantage) as a development agent. As with any analytical tool, the 'power cube' has its limitations and must be used with care.



Some power cube considerations:

Power is dynamic. Each dimension of power is in constant change in its inter-relationship with one another. Changes in one dimension will alter others.

Power is contextual. Strategies for pro-poor power in one context may work towards disempowerment in another sphere.

Power is historical. Even if new institutional openings appear, historical actors' learnt behaviours and attitudes may be enacted within them.

Power is relational. Those who are relatively powerless in one setting may be more powerful in others.

Real dimensions of power

“ Traditional understandings of democracy suggested that those who had a grievance would take action. So I looked for actions...but I found none. The question of why, under certain conditions people weren't acting puzzled me.

I went to local institutions but couldn't find poor people articulating their rights in these formal spaces either.

So I began to ask who wasn't participating. I learnt that those who voted the wrong way, or spoke up against the mining company had paid dearly for it. There was a history of force and a control of resources related to rights struggles.

Conflict existed, but remained hidden. These forms of hidden power were keeping people from struggling openly for their rights.

But power structures weren't maintained strictly through control of institutions, force and resources. The less powerful had also internalised their powerlessness. They held onto assumptions about certain needs, roles, and possibilities of change that come out of long histories of socialisation. Not having a sense of right to act was paralysing.

“

- John Gaventa, IDS

Putting the personal in power: cocktail parties and ‘power pots’

To help link power to personal experience, workshop participants assumed different roles—from ambassador to nanny—to enact at a ‘cocktail party’ at the embassy of Norlandia in the country of Surlandia. Participants situated themselves in relationship to a ‘power pot’, depending on how much personal power they perceived they would exercise at the party in their respective roles. A pattern of concentric circles emerged surrounding the power pot, where those more distant from the power pot were also more distanced from each other and those close to the power pot were closer together. The powerless emerged as fragmented rather than unified, where those with more power were closely linked.

Key insights about the personal use of power:

- **People in different roles tended to understand their own power in terms of the stereotypes surrounding those roles.** A ‘representative of the World Bank’ was situated very close to the power pot, but a workshop participant *from* the World Bank argued that the World Bank is not necessarily a powerful actor and is often constrained by institutional rules and burdens. Support and service staff, such as ‘the ambassador’s driver’ and ‘the waiter’—situated themselves far from the power pot, but they might see their jobs as empowering especially if they did not have better alternatives.
- **Power has multiple sources.** These include the control of resources (representatives of donor agencies, ministries, and international financial institutions), position (ambassadors, representatives of political parties), as well as the personal confidence in the particular context of a cocktail party that certain roles could take for granted (donor representatives versus local NGO representatives).
- **Power is situational.** While certain roles were perceived as powerful at the party, the same people could have different identities and levels of power in other contexts. While some were comfortable and confident in the environment of a cocktail party—leading to greater power—others, such as local NGO representatives or opposition politicians could be equally confident and powerful in other situations.

Some scenes to reflect on...

Mr. Big on literacy in Surlandia

Mr. Inbetween, Surlandia's country officer for Donor Agency, has been working to build an alliance between a local NGO coalition, the Ministry of Education, and the Church in support of a critical literacy programme. After a year of negotiations, they have agreed to work together and Mr. Big back in headquarters has virtually committed to fund the programme.

Mr. Inbetween rushes to a meeting where the partners are anxiously waiting to pass on the news that Mr. Big is in favour of the programme. His good news is greeted with much enthusiasm and a fruitful planning session. Finally, the long year of partnership building and negotiation is going to pay off—Surlandia's literacy rate has a chance to improve!

A few weeks later, Mr. Inbetween calls Mr. Big again to convey local level enthusiasm and confirm the programme's approval. Mr. Big has little time to chat. He says he was going to issue a memo that week some time, and tells Mr. Inbetween (rather coldly) that funds have been redirected to Iraq. The literacy programme will have to wait. Mr. Big is late for an important meeting and hangs up. Inbetween is in shock. Gradually, his every pore is saturated with rage, disappointment and frustration. Too embarrassed to call himself, Inbetween asks Miss Secretary to call another meeting. His local partners sense something is wrong.

At the meeting and with nervous grunts in between words, Mr. Inbetween explains that the project funding has been redirected. He is consumed by guilt, and leaves the meeting hastily. He says he is late for another appointment.

Left alone the leaders sit around the table quietly for some moments. These things have been known to happen in Surlandia before. And surely they would happen again.

What was difficult was that it was outsiders they had to rely on. Or did they? Didn't the coalition between church, government and civil society provide a strong enough platform from which to gather resources to take the programme forward, even if it was on a smaller scale? They complain and then laugh about Surlandia's predicament, and begin a long chat about the challenges and potentials of their new endeavour.

The potential of invited spaces?

She wanted to remember every detail of the building so that she could relay it all to her people. There was little time to experience the building though. And as she entered deeper and deeper into the structure, past one security gate after another, she could feel her pace and heart rate begin to race.

Why were these officials asking her for all these documents at every doorway? Perhaps her hosts had forgotten to tell them that she had been invited to this place. Surely such a small person from such a simple and poor place could not be a threat to the sophisticated United Nations of New York City!

Exhausted and shaken, she was directed to a room at the end of another long corridor. It was only large wooden doors that separated her from those that had the power to end the terror her people were experiencing back home. Her trembling hand reached towards the door handle. A uniformed official blocked her arm brusquely. He asked for her identification and scrutinised it carefully. He told her she had five minutes. He opened the door and told her where to stand.

The big wooden doors closed behind her and she stared into an audience of important and powerful people. This was her chance. She was exhausted. Her legs trembled, her voice shook. She could not remember. Her time was up and the uniformed man escorted her out of the room.

Confusion consumed her. Why did the two important men sitting behind the gold signs - 'US' and 'UK' not listen? What were they talking about between themselves that was so important? Perhaps they did not know that she was invited to speak with them.

4. What makes rights so challenging for development organisations?

Politicising development through rights-based approaches to development demands internal change within development actors at both organizational and individual levels. However actions that challenge existing power relations within and between development organisations, and poor, marginalised and excluded groups carry risks with them.

A combination of factors can make rights-based approaches dangerous to its advocates. Development organisations' operate within multiple worlds. They selectively use and produce knowledge, and perverted accountability and incentive systems seem to work in combination to constrain the political change that working for poor people's rights requires. Disciplinary boundedness and bureaucracy-driven 'group think' also contributes to institutional and individual paralysis. Open support of a rights-based approach in some organisations might even be seen as a 'career limiting move'. Similarly, programmes that explicitly work towards realising the rights of the poor might be considered as threatening by governments or others.

Multiple worlds and accountabilities

Rosalind Eyben outlined the multiple worlds that bilateral and multilateral donor organisations operate in, and the way this shapes its actors' accountability. Although these organisations' stated mandates are directed towards improving the lives of the poor in recipient countries, in effect, primary lines of accountability for them is to the citizens of their donor countries - the tax payers who support their governments. Systems, procedures, rules and relationships are designed around these accountability structures and are defined according to broader government interests and institutional culture.

More recently, efforts to shift accountability towards host country governments are emerging. However several questions remain. How effectively do recipient governments represent their citizens' voices? Should donors not be more *directly* accountable to host country citizens? And if so, how?

NGOs are also constrained by the different dynamics and interests governing the worlds their offices operate in. Participants suggested that existing upwards lines of accountability have implications on how to effectively implement a rights-based approach.

The rights-based approach has the potential to employ human rights institutions as tools of accountability. Donor communities have explicitly committed themselves to support international human rights frameworks through their actions. However, while many governments have signed up to these - non-representative governments included - most have not fully ratified these

Report on Rights and Power Workshop, 17–20 November 2003
Institute of Development Studies

“ One of our proposals was funding eco-tourism initiative meant to be carried out by indigenous people. The recipient country's Ministry of Tourism said that indigenous groups had approved the proposal, but we discovered that an indigenous community was suing the government for expropriating their land. It was not clear how the indigenous communities would be compensated. The prominent view from within my organization was not to involve ourselves with internal politics and to assume that if the proposal was backed by the government, it was legitimate. I was personally concerned that we were funding something so contested by rights-holders that the funds were meant to benefit.

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—workshop participant

conventions. Are the Millennium Development Goals, to which all donor countries have committed themselves to, a potential accountability hook for donors advocating a politicised rights way forward?

What you can do often depends on who you are and where you sit. Development organisations have different strengths and weaknesses in relation to the impact they might have on challenging power structures and facilitating the realisation of poor peoples' rights. For instance, bilateral agencies may benefit from legitimacy they hold as representatives of foreign governments. They may also suffer from political and diplomatic interests that limit their activities. Being foreign does have its limitations and might potentially disallow donors to reach the necessary dimensions of power that they wish to influence.

Non-governmental organisations are in different positions and face different challenges and comparative advantages. They may have stronger local networks or histories of opposition to governments. Being involved in legal and political rights issues can lead to clashes with governments. In one such case, a host country government threatened to close down an international NGO's rights-based programme for fear that 'foreign' lawyers would spread misinformation about government activities. Had it not been for other NGOs' lobbying with them to prevent its closure, their work would have been stopped.

Development organisations are not monolithic or homogeneous entities. Different groups within these offices identify and ally themselves around different causes that are attributable to their own value systems and academic training.

Bureaucratic 'group think'

In a bureaucracy, individual thought can be submerged. This can lead to 'group think' where individuals remain closed minded, experience pressure towards uniformity, over-estimate group power and consequently endorse self-censorship. This has been experienced by participants working in both bilateral and NGO organizations.

The role of knowledge

The construction of knowledge that guides development organizations' policies is highly politicised. Development research and resulting analytical approaches are funded by, and therefore influenced by donors. Their priorities therefore structure the creation of knowledge and lead to a pre-determined analysis. Consequently, donor harmonisation with shared priorities may result in development 'group think'. In speaking to one another, they actually hold up a mirror and get their own reflection. This also occurs along disciplinary boundaries, where individuals might group themselves according to their academic training and experience. (See 'Bound by discipline' on page 13.)

“At the time certain individuals were struggling within the organisation to formulate a rights-based approach, I was offered a lift by the Permanent Secretary to a meeting. He wanted a policy statement that looked at civil and political rights situated neatly in a governance framework. He used this lift as an opportunity to implicitly threaten me, urging me to think carefully about my career when taking the rights issue forward within the organisation.”

- Workshop participant

“In our organisation there is a term for stepping out of 'group think'; if you have a thought that is not along the railroad of thoughts you must voice and use it carefully. Otherwise you might be carrying out a 'career limiting move', more commonly referred to as a CLM.”

- Workshop participant

“One officer in a broader chain of rules and procedures can make a big difference. Where are the entry points where catalytic powers can be mustered?”

—Naila Kabeer, IDS

Naila Kabeer highlighted how individuals construct and are constructed by the organisations they work in. Their behaviour and rationale are guided by existing incentive structures. It is clear that as agents of change, development actors must call on themselves to do much more, to learn how and work towards improving the institutions in which we work. To do this, we must not only question the deep structures, procedures, and values that may be inherited from earlier times, such as the colonial period in the case of DFID. We must ask ourselves who we are personally and where we come from.

Rosalind Eyben noted that all those present at the workshop were people who have benefited enormously from existing unequal power relations in the world today. Their work is a paradox then, if it is these relations that we are working towards shifting. Development work is highly contradictory.

Bound by discipline?

Workshop participants noted that within their organisations, reactions to a rights-based approach were often influenced by people's academic background or discipline.

Political scientists and economists in one organisation openly contested a more politicised rights-based approach, while many governance people focused on civil and political rights, and on formal notions of power. Governance people also grappled with the indivisibility of these civil and political rights from economic and social rights. In turn, economists tended to focus on needs and the budgets pertaining to fulfilling these needs, without necessarily asking who should have a voice in designing budgets. Their needs-based approach tended to be technocratic and top-down, lacking acceptance of the conflict and complexity that often emerges when citizens have a right to voice, and to engage in political processes that affects their lives.

In another donor organisation where economists hold prominent status, and the impetus for using a rights-based approach derives from the organisation's supervisory ministry, opposition to the rights-based approach manifested itself through silence.

“ Imagine you are driving a motor car that breaks down. Everyone on the street agrees that the car has broken down. You call five mechanics, and they all agree that the carburetor has gone wrong, and they each give you a budget and a timeframe for fixing it. You hire one of the mechanics, wait a few hours and drive away. That was a difficulty.

Now, imagine you are driving a motor car that breaks down. Nobody can agree to what is wrong with the car -or even that it is a car and that it has broken down - neither the people on the streets or the mechanics. Nor can they agree on how to fix it. This is a mess. Development practice is a mess.

”

—Rosalind Eyben, IDS

5. Feel the fear and do it anyway, but carefully: How to use rights to influence power

Despite the risks associated with rights-based approaches to development, participants persevered in their search for strategies to take it forward. Towards the end of the workshop specific strategies emerged on how to use a rights-based approach to development to change power dynamics in their development work (i.e., interventions, programmes, and partnerships) and internally - within their organisations and at a personal level. Most of these practical suggestions were rooted in participant experience and emerged from action group discussions.

Map power: situate yourself and your organisation in the power cube. Identify the loci of power that can be influenced and where barriers can be unblocked. How are individuals positioned with respect to these? Remember that as individual actors, each of us uses personal power. Recognise the role personal power plays in driving change.

Change requires using our positions and identities as positive power - *power to* build alliances and understandings across differences; *power to* refuse to be complicit with discrimination; *power to* break away from conventions and to ‘share the problem’ and to foster genuine relationships rather than partnerships-of-convenience. It is personal power that can make a difference in these situations. (See ‘Some power cube considerations’ on page 6.)

Use language strategically. Rights language is powerful in both positive and negative ways. In some contexts it can ‘shut you down’ while in others, it can serve your cause. Assessing a situation and developing a strategy and language that frames a rights-based approach in a way that responds to the internal priorities and values, and is acceptable (or even exciting) to an individual or organisation can be an effective tool for generating alliances and creating change.

Gather solid evidence and use knowledge strategically. Document success stories of rights-based approaches, and use your strong and convincing evidence strategically. This material can be employed to challenge existing assumptions that are often bound by disciplinary biases (e.g. the assumption that more hospitals will reduce child mortality versus the assertion that realising women’s rights and empowerment will not).

Make, bend, and reshape ‘the rules of the game’. One key aspect to power is the ability to use knowledge to frame the possible, set rules, and delimit what counts as knowledge and whose knowledge counts. Making, bending, and reshaping the rules of the game is one way for individuals to bring about changes. Those who *carry out* the rules can also learn how to bend them, and can use their discretion

“ Appreciate that your default position needs challenging.

”

–Workshop participant

“ We sit smug in our single-minded groups. We must face the discomfort of really listening to others to assess what we can learn from them, where they are coming from, and how we can influence them.

”

–Workshop participant

“ It is difficult to get people to accept a rights-based approach. I had to be very tactical, and let people discover for themselves how rights can help explain why democracy is close to failure—introduce rights as a way to help achieve what you want.

”

-Workshop participant

to do things differently. Over time this can translate into different procedures or can feed struggles for formal procedural change.

Identify and strategically exploit entry points and hooks. Changing power relationship requires identifying entry points and hooks that match your comparative advantage and the type of power you and/ or your organisation exert with the types of spaces and actors you aim to influence. It demands prioritising the entry points for action in terms of the realistic expectations for change in light of power relations.

There is no instruction manual.

Experiences of implementing a rights-based approach shared at the workshop highlighted a series of key lessons about learning how to use a rights-based approach more effectively. These demonstrated why an instruction manual for a rights-based approach can actually undermine rights-based work.

- **Consider contexts and draw from examples.** Rights-based approaches work very differently in different contexts and examples of how rights-based approaches have been implemented in particular contexts provides important lessons. It is principles, not checklists that define and underline the approach.
- **Use international rights frameworks with caution.** International human rights frameworks can provide the basis for common action on rights, but they can also trigger political turmoil. One donor agency's experience of using an international human rights framework as a basis for intervention in the suppression of minorities highlighted the complexities of linking a rights-based approach to an international human rights framework. While the international human rights framework provided a basis for protecting human rights and structuring those rights into programmes that were designed to address the problem of exclusion for minorities, this approach also had negative political implications for those same minorities. The translation of international legal frameworks into local contexts can either strengthen or undermine local work as political implications of rights-based work threaten existing political power structures.
- **Bring rights-based approaches onto the agenda carefully.** One workshop discussion group emphasised the importance of making space within organisations to discuss and share experiences of implementing a rights-based approach. Careful use of language and recognizing the value of incremental change was considered key. Existing work may already use a rights-based approach implicitly, but encouraging the naming of that work as rights-based helps promote a rights-based approach within an organisation and wins easy allies. In another case, if security is becoming an important issue, than a rights-based approach can be incorporated by advocating for 'human security' that puts a human face on security issues. That said, another action group noted that where the term is threatening it should be used with caution.

“ Our international NGO has been working to balance formalisation with different ways of working and experiences. Formalisation can smother innovations and it is important to allow flexibility for local contexts. How do we ‘let 1000 flowers bloom’ but ensure that a rights-based approach works? There are no Bible or how-to manuals for RBA; we need examples that balance praxis with implementation.

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—Workshop participant

Key on-line resources on rights-based approaches to development:

Human rights links
www.derechos.net

International network for economic, social and cultural rights
www.escri-net.org

Office of the High Commissioner for human rights
www.unhcr.ch

UNDP's Regional Governance Programme for Asia (PARAGON)
www.undp-paragon.org

Participants pointed to human rights frameworks as potential hooks upon which their efforts can hang. When advocating and taking rights-based approaches forward calling on these frameworks can effectively legitimise practice. However, use of them must be strategic. In some cases, for instance, the use of national versus international frameworks and legislation may be more acceptable to local organisations than using international ones.

Others experienced issues and concerns around which people grouped themselves as entry points for a rights-based approach.

Using issues as entry points...

A donor organisation worked under the assumption that the shift from authoritarian rule to democracy would invoke deep-seated change. Over time they learnt that democracy did not necessarily create the space for political participation since the existing political structure was founded on corruption, mismanagement of resources and lack of transparency. Unless these rules were changed, democracy would remain rhetorical.

An issue-based approach was employed to build up coalitions around these issues that are beginning to address how power plays itself out in the short and in the long term. This approach also shifts away from stakeholder analysis that might pick up on divisions, and helps to identify identities around which people and organisations come together.

Build strategic alliances, coalitions and networks other actors who share a similar vision. Coalitions with other actors is essential given individual and their organisations' positional limitations and comparative advantages. Within alliances information sharing is key both internally and externally. So is modesty, when calculating expectations of one another with respect to comparative advantage. True partnerships are based on transparent and full information sharing, and mutual respected. When part of an alliance it is important not to hide when things go wrong.

For national level organisations alliances foster linkages with local organisations that are already working on rights-based approaches. In many cases local-level NGOs may have been developing a rights-based approach, and will have built strong alliances within communities around rights. In turn, these organisations may not be able to make themselves heard in other forums. Through a strategic alliance local experiences can be heard in spaces that might otherwise be closed to them. These alliances could also help donor agencies and INGOs to influence power dynamics that would otherwise be out of reach.

Enable claimed and created spaces. Link these to invited spaces with caution. Claimed and created spaces have the potential to shift power dynamics, but supporting them to ensure that it is effective in doing this is a challenge for many development actors.

Key resources on rights and accountability:

Eyben, R and Ferguson, C, (2004), *Can donors be more accountable to poor people?*

Norton, A and Elson, D, (2002), *What's Behind the Budget? Politics, rights and accountability in the budget process*

“ In Brazil racism was openly denied. Our organisations' work reinforced black citizens' voices. Always ask yourself what you are maintaining/ supporting in your way of working.

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—Workshop participant

“ A rights-based approach requires building capacity to actually challenge the system, to build networks and mechanisms that might help communities become aware of their rights and realise their interests, and act on these

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—Workshop participant

Power is contextual and people with it in created and claimed spaces may not be confident or effective in invited spaces. Linking actors in claimed and created spaces to invited spaces is not necessarily easy, and may require building the capacity to articulate and present oneself convincingly in an invited space, and exert agency effectively manner.

Here, participants raised the question as to whether invited spaces should be modified for more effective and inclusive participation of the poor and their representatives, or whether it is the participants who must learn the rules, norms and regulations that would make them more effective in these spaces.

Strengthen the capacity for agency. Building the capacity of people in created and claimed spaces, and in other marginalised and excluded groups to articulate their rights is a necessary element to using a rights-based approach that challenges power relationships. A rights-based approach requires that both the staff involved with implementation and the communities involved in rights-based work have an understanding of their rights, and are able to articulate those rights in terms of their own experiences and contexts. Without this, it is difficult for any successful mobilisation around claiming rights to emerge.

In the case of one international NGO working on health care at a local level, residents believed they were powerless. The rights-based approach worked to develop a sense of agency, and raised aspirations to make people believe that they could take on the system. Limitations at other levels emerged, however raising the challenge of not raising false expectations through this approach.

Walking the talk. Rights-based approaches to development inherently politicise development actors' work by challenging the power structures that not only define decision-making at programme level, but also at internal, organisational, and personal levels. The workshop came to many conclusions, but most obvious to all who participated was that the walls that such an approach will come up against run deep within institutional structures and the cultures, values and priorities that underpin them.

Essentially it is accountability and responsibility that must be brought into the development equation at all levels, drawing upon our own personal sense of citizenship and accountability to the poor. There was a call to examine where we are within existing power matrices, to look at our individual behaviour and use our changing behaviour *strategically* to further accountable, transparent, democratic and honest decision-making in our work, and among our colleagues. In other words, we must apply the governance agenda to ourselves.

“ In our everyday experience we confront and create good news and bad news. Take a long term view and try not to think of history as inevitable progress. Remember that struggles are on-going and the way we have to exert our agency is to make good news solidify.

”
- Rosalind Eyben, IDS

“ The problem is not whether you are radical or not. It is about being more open and democratic in the way institutions make their decisions. How does one cut through that feeling of patronage and inequality? How does one move towards equal partnership with the poor?

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