Introduction

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The rights-based approach to development has grown in popularity during the last decade. In 1995, rights remained the preserve of lawyers, specialist nongovernmental organizations (NGOs), and United Nations (UN) treaties. By 2005, rights had entered the language, commitments and promotional material of development agencies (see, e.g., Moser and Norton 2001, 5; Eyben and Ferguson 2004, 163). This volume explores experiences of the rights-based approach, both from inside—through agencies that have adopted this approach—and from outside—through agencies and professionals working alongside development institutions and otherwise supporting rights. The volume therefore contributes to a stocktaking of what the rights-based approach means for progressive development and social transformation. This introduction first locates the debate within broader historical and contextual processes, and then introduces the chapters that follow by presenting five critical themes that have emerged from both the experiential learning of agency professionals and the observations of interested academics.

Rights, Rights-Based Approaches and Development in the 21st Century

The decade of the 1980s was marked by two contradictory and some-times contentious ideological trends, both of which came to be reflected within the policies of development institutions. First, development agencies and national governments replicated, and sometimes initiated, the neoliberalism embedded within the policy shifts of the international financial institutions in the 1980s, and supported the growth of market-oriented economic and social policies. These policy shifts had been catalyzed by the financial crises associated with balance-of-payments and public financing deficits, and in some cases with rising inflation, in the context of attendant conflicts over the scale of redistribution within the nation-state (Harvey 2006). The stabilization and restructuring packages

of the ubiquitous structural adjustment programs were expected by the international financial institutions to lay the ground for economic growth and prosperity in the medium-to-long term. Whatever the anticipated benefits, however, in the short term many low- and middle-income groups suffered from the deflationary measures, which resulted in low and negative growth, state retrenchment, and the withdrawal of state-financed benefits such as health and education services and food subsidies (Cornia, Jolly and Stewart 1987).

The "old poor" (unskilled workers, those unable to work, and informal-sector workers) were joined by the "new poor" (newly unemployed middle-income households) (Minujin 1995). Households that had expected to receive adequate state assistance found themselves made vulnerable as the state–citizen relationship was redefined. Middle-class citizens who had previously received services were told they were no longer entitled to these benefits, or were entitled only if they could afford to pay for those provided on a cost-recovery basis; lower-income groups, many of whom had never received such benefits, continued to be ignored except for a few programs seeking to strengthen relations of dependency in a reference back to more populist policies. The state's position shifted from provider to enabler, with the private sector being identified as the key sector responsible for the efficient delivery of public services.

The widespread rise in poverty indicators was associated with active citizen protests as popular expectations of state programs and provision clashed with the roll-backs of the austerity era (Mayo 2005). The scale of protests prompted by the ideological trend toward neoliberalism appeared to threaten the stability of political regimes, and hence the economic reform programs being promoted by the international financial institutions. Social investment funds and other amelioration programs were introduced by donor agencies to address some of the worst social effects of neoliberalism and/or to demonstrate that at least some of the problems were being addressed (Robb 2004, 28).

In a context in which states were still held to be problematic and inefficient providers of public services and state expenditures were considered to be a major cause of economic crises, donors funding social programs sought nonstate mechanisms (Lewis 2007). However, the private sector, struggling even to respond to restructured economies and supposed new opportunities for growth, was generally not a credible alternative for social services. Hence civil society organizations, and more specifically their professional and formalized manifestation in the form of NGOs, were preferred suppliers of social programs (Hulme and Edwards 1997). In addition to donor programs, governments also started poverty-alleviation programs. These were often very limited and designed to bolster the governments' own political position with minimal financial commitment.

(See for illustration the discussions in Escobar Latapí and González de la Rocha 1995.)

For NGOs, the nature of the emerging opportunities was hard to assess. Many feared being co-opted through being drawn into donor-financed social provision outside the state line ministries (Hulme and Edwards 1997). But equally they were conscious that their legitimacy and indeed credibility was under threat: how could they refuse to participate when they had been vocal critics of both the lack of state programs and the inadequacy of what remained? Many became involved in amelioration-related activities in connection with social investment funds and structural adjustment programs. In this way, NGOs had ample opportunities to reflect on the inadequacies of these programs, including their partial nature (e.g., school buildings without adequate teachers), their limited range (e.g., serving one neighborhood but not another), and the short-term nature of their financial support. Some NGOs continued to develop the scale of their social service provision, but these and others went through an internal reflection on what they were providing in the context of their wider organizational mission, values, and principles. At the same time, there was increasing criticism and questioning of NGOs' integrity and legitimacy (Wallace 1997; Manji and O'Coill 2002). Challenged from both within and without, at least some NGOs sought an alternative position that was more consistent with their beliefs (Bebbington, Hickey, and Mitlin 2007).

Shortly after neoliberal economic policies extended their influence across governments North and South in the early 1980s, a second, very different global political and ideological trend became evident: authoritarian governments in a number of countries were challenged by organized citizen protests, and there was a significant shift to democracy (UNDP 2005, 20). These protests did not arise in a vacuum, but developed in many countries from previous ongoing citizen protest. Individuals and groups had long faced considerable risks as they campaigned against the state and its extensive repressive activities, often in relatively low-key ways granted little attention from the international media.

As noted by Gledhill (Chapter 3), these activities of civil society in some countries both sought to address specific political issues and, with rising momentum, demanded that respect for human rights be extended to those expressing dissenting political views. Once democratic openings were achieved, there were substantial and growing numbers of organized citizens and groups committed to ambitious programs for political change. In some cases such groups formed political parties contesting elections within the new democratic state. But in many cases these individuals and agencies chose instead to be involved in more specific campaigning work. Wherever they located themselves, their experiences of being social protesters in an authoritarian state were not easily forgotten, and they remained concerned

citizens determined to secure and safeguard a better life for themselves and their compatriots.

Democratization, once underway, proved to be a complex process. The high expectations of citizens for the new democratic states met, perhaps inevitably, with some level of disappointment, as radical promises were frustrated by the realities of both the neoliberal hegemony of the international financial institutions and the need for pragmatic compromises with political elites. Concern about particular programs and policies of the state, impatience with the slow process of redistribution, and an awareness of the need to effect systemic change rather than simply swapping the seats at the top resulted in a raising of the political bar, and in at least some contexts led to a focus on constitutional reforms.

These experiences increased awareness of emerging international structures and processes in relation to human rights. As elaborated by Archer and Munro (Chapters 2 and 11), international human rights laws had been emerging since the end of World War II (Uvin 2004, 9–13; Gready and Ensor 2005). This increasingly complex framework of internationally proposed and partly accepted human rights provided a background for rights-based work at the local and national levels. A number of specialist NGOs had been pressing for the recognition and extension of this framework through bodies such as the United Nations Commission on Social and Economic Rights; see, for example, the work of the Habitat International Coalition, the Centre for Housing Rights and Evictions, and the local Southern civil society organizations involved in anti-eviction struggles (COHRE 1994; Environment and Urbanization 1994). The growing interest in rights included a 1986 UN Declaration that affirmed the right to development (Gaventa 2002). However, for several decades, the associations between human rights and the work of development activists had not been widespread, nor had there been that much attention to human rights from many international development agencies. In the mid to late 1990s this changed, as signaled most notably by the UN social development conference in Copenhagen in 1995; in the following years, rights became an observable framework and set of objectives of official agencies (Molyneux and Lazar 2003; Uvin 2004; Cornwall and Nyamu-Musembi 2005; Tomas 2005). As the hegemony of market-based economics strengthened following both the increased influence of the international financial institutions and the collapse of the Soviet Union, legal principles and instruments emerged as promising tools for those seeking to counter market-oriented economic imperatives.

The rise in popularity of the idea of "rights" in international development can therefore be understood as a product of the need to address tensions within and between experiences of neoliberalism and political

transformation. Like many global ideas, rights rose to prominence because the Zeitgeist responded with all its multidimensionality to a particular moment. Accordingly, the growing enthusiasm for rights cannot be attributed to any single catalyst or cause.

For the democracy campaigners who feared that elected governments would start to backtrack on the promises of campaigns and betray the sacrifices of resistance movements, rights appeared to embed progressive commitments, making them difficult to overturn. With established legal rights, the courts could protect political transformation even if particular governments failed. Moreover, rights, and particularly the enactment of human rights legislation, guaranteed future resistance leaders a level of protection from the hypothetical risk of campaigning against future authoritarian states.

For the NGOs that had become service providers, maintaining a political status quo and implementing neoliberal economic policies, rights offered a complementary campaigning position that alleviated internal challenges and external questions about the legitimacy of their other work. As explained by Chapman and colleagues (Chapter 10), rights-oriented work spoke directly to NGO objectives to support participation and people-centered development.

For the middle class, rights offered a way back to a state-position that had previously protected their interests by virtue of their class status, but that was now denied to them. For bilateral development agencies pressured by criticism of their neoliberal policies from their own populaces, rights offered a way of extending their model of a liberal democratic state while not significantly changing economic policies (Edwards 2001; Mayo 2005, 23, 37–40; Tomas 2005). For some personnel in these agencies seeking to support economic growth through entrepreneurship, rights were seen as supporting stronger market economies, as these required a capacity to reinforce contracts and recognize the legal ownership of assets.

Rights, as the work of De Soto (2000) on land titling suggests, appear to be a way of addressing the perspective of neoliberalism with an explicit orientation to the needs of low-income groups. For agencies such as the UK Department for International Development (DFID), for example, "rights" resonated with Labour's historic concern for charitable endeavor and its longstanding commitment to pro-poor programming, while also allowing the agency to continue with pro-market strategies. The adoption of an idea therefore says little about the extent to which it is used to reconsider strategies and objectives rather than simply to rerepresent existing orientations. As summarized by Uvin (2004), some have argued that the embrace of "rights" yielded little substantive change in the case of major bilateral agencies. However, for at least some agencies, the adoption of a human

rights framework involved major reconsiderations about organizational form and/or objectives.

As illustrated by the opening paragraph of Chapman and colleagues (Chapter 10), integrating rights into development work became associated with a set of measures packaged as the "rights-based approach" and adopted by a number of agencies, often without much consideration of what components were involved or of what was lost by this process of packaging. As is generally the case with such packages, there are a variety of interpretations of what should be included within the rights-based approach (see Moser and Norton 2001, 11–14; Molyneux and Lazar 2003; Uvin 2004; Mandar 2005; Piron 2005; Munro, Chapter 11 of this volume). Notable components include the following:

- (Pressure for) formal rights as laid down within some legal system, stipulation, rules, or regulations

- The implementation of such rights through legal campaigns and stronger links with the legal profession

- A more complete system of interconnected rights, rather than single rights

- Adherence to international rights and a hierarchy of rights at local, national, and international scales

- A perception of rights as a development goal to be achieved independent of other goals

- The explicit acknowledgement that engaging with rights requires an overtly political approach

There are also a number of nonlegal political processes that may be associated with the rights-based approach, with an emphasis on understanding individuals as participatory citizens rather than passive recipients, on the promotion of greater political transparency and accountability, and on consideration of those with the lowest incomes and those most excluded (Hinton and Groves 2004; Lewis 2007, 79–81). Particular emphasis is placed by some on the right of citizens to participation and on the need for rights-based approaches to be participatory in character (Cornwall 2002, 50; Gaventa 2002, 2; Uvin 2004). The adoption of a rights-based approach has been associated with offering a more coherent and consistent approach to development thinking and practice across North and South, and within and between agencies; among NGOs, the approach is associated with the more general shift away from service provision and toward advocacy (Molyneux and Lazar 2003, 6–7; Uvin 2004).

In some cases, the rights-based approach became a catchall for the complexity of the development issues and challenges facing institutions such as NGOs. If development is essentially about power, and rights are a way of securing structural change, addressing power inequalities, and protecting the poor, then rights became a way of addressing each and every development challenge. Molyneux and Lazar (2003) and Uvin (2004), for example, both draw a considerable diversity of development objectives, strategies, and approaches within their definition of the rights-based approach. Their definitions reflect an ambition among rights activists to reclaim the development imperative and reorient development policies and activities toward addressing the needs of those facing exploitation, exclusion, and dispossession.

Why This Conference, Why This Volume, Why These Themes?

The brief historical overview above outlines the background to our decision to hold a conference on the rights-based approach. The present volume is an outcome of this conference, held in Manchester, UK, in 2005.

Our interest (as conference conveners and editors) arose from an awareness that rights programming consistent with the rights-based approach had been operational for some years, and that diverse experiences were emerging. Some development professionals remained committed to the approach, while others were frustrated at the lack of progress in realizing its apparent potential. Some academics and activists expressed continuing skepticism and argued that the rights-based approach was one more example of Northern hegemony. Still others felt that the approach has shifted from being something of potential value to being a requirement of funding agencies regardless of its appropriateness in particular contexts. A further position was that the fulfillment of human rights was being conflated with the rights-based approaches to development regardless of whether or not the latter were effective in achieving their intended aims. It was hoped that appraising the rights-based approaches would throw light on these perspectives and aid efforts to achieve rights.

Those attending the conference and those contributing papers consisted of academics and NGO professionals in almost equal numbers. There were no contributions that were totally hostile to rights-based approaches, and so this position is not represented in this volume. Rather there was a series of measured contributions drawing on varied engagements with the rights-based approach, and on more general considerations about and experiences of rights. All of our authors believe that development should include a concern for rights, and that development professionals should support the effective acquisition of rights,

particularly the rights of the lowest-income, most vulnerable, and otherwise most disadvantaged global citizens. But they express themselves with considerable diversity around this broad orientation, and there is no uniform support for a single or distinctive rights-based approach to development.

The purpose of this volume is to use experience to deepen our understanding of what it means to seek and realize rights and social justice in the context of development. Exploring a number of operational programs and research studies enables the emergence of the contours of a debate on the rights-based approach. Revealing the implications of the rights-based approach requires a close look at relationships between citizen and state in this evolving period of democratization. The following chapters enable us to use the rights-based approach as a lens through which to examine the issue of "governmentality" (see Gledhill, Chapter 3), and more broadly to review the relationship between citizen and state, the ways in which the state is extending its arena, and the implications for poverty reduction and empowerment. Equally, they enable us to understand how civil society is attempting to redefine social processes and its own strategies to be more effective in conceptualizing and realizing systemic alternatives.

This volume does not attempt a comprehensive analysis of the rights-based approach by drawing on a systematic analysis of concerns raised in the literature and responding to each with a measured assessment. Rather, the aim here is to present the debates that engaged the group that gathered in Manchester. These debates are encapsulated and developed by five sets of thematically paired chapters. The discussions within the chapters take positions that offer complementary, tangential, and alternative perspectives on the themes. This is not a simple "he said, she said"; rather the chapters and their pairing are better viewed as dual perspectives, with each perspective being contextualized within a particular locality and its associated events, activities, and relationships. The analyses offered by the authors are further enriched by their consideration of overlapping issues; none of the authors restricted themselves to the themes highlighted within the schema of this volume. The emerging analysis offers readers the possibility of multiple conclusions on the legitimacy and success of rights-based approaches. We offer our own conclusions in the final chapter.

Rights in Context

The first pair of chapters considers the evolution of rights and the rights-based approach, and hence their relationship to present ideological perspectives, development goals, and, in the case of Gledhill, emerging outcomes. The pairing takes up and develops the themes outlined at the start of this introduction: how rights have emerged as a campaign focus, and what this means for their realization within a project of progressive development.

Robert Archer's contribution (Chapter 2) discusses the growing engagement between development specialists and promoters of the human rights framework. Archer argues that the two traditions began at a similar time but then diverged in their development, coming together only in the last few years. He highlights a number of points at which the two agendas tend to challenge each other. A first theme is the systemic nature of the human rights framework, which, he suggests, makes it "more transparent and orderly. . . . more consistent and more logical" than other frameworks. Archer argues that the pragmatism of development practices may be a weakness as well as a strength, and that one contribution of rights is the rigor that it offers. He goes on to note also the value of compromise and negotiation, observing that increasing numbers of human rights organizations are "associating with government institutions in reform processes . . . because they see that shaming and blaming are not enough." A second, related theme is the inability (or limited ability) of rights approaches to make trade-offs between options in a context of scarce resources. Archer concludes by arguing that the development and human rights standards used to measure progress are neither explicit nor shared, and that it is difficult for the traditions to assess each other and identify complementarities. He suggests that if this process is more rigorously undertaken, the potential contribution of the human rights framework will be better recognized by development specialists.

John Gledhill (Chapter 3) outlines the emergence of the rights-based approach in Latin America and examines the relationship of rights with the strengthening of neoliberalism. He suggests that, while rights may be associated with neoliberal regimes and the promotion of capitalist economic systems, in Latin America debates on rights and related campaigns have also been catalyzed by socially excluded groups. Gledhill challenges several assumptions of supporters of rights-based approaches, and argues that rights may not lead to inclusion as rich and poor see a need to protect themselves from particular groups, particularly in contexts of rising crime and violence. The discussion highlights the significance of state and civil society capacity if amended and improved laws are to be realized and, more fundamentally, if shared values are to evolve. Such shared values, Gledhill argues, underpin concepts of fairness and redistribution, which in turn set a framework for rights.

Generally speaking, Gledhill argues, there is little interest within the state in taking on bigger agendas of income or asset redistribution. Neoliberalism is associated with individualism, with positive values being given to market participation. However, this trend is somewhat softened by growing concerns for the strength of civic virtue. To be effective rights need to be about more than just participation. The "poor citizens" need to develop a capacity for self-representation in the public sphere, identifying alternative economic possibilities and catalyzing their realization.

In understanding the contribution of rights, Gledhill emphasizes the need for detailed analysis of the particular context in which the rights lobby is emerging. He finds reasons to be positive but remains somewhat ambivalent about the contribution of rights to progressive policies in Latin America.

Rights, Governmentality, and Citizenship

The second pair of chapters deals with issues of identity and inclusion, considering how distinct underprivileged groups subject to discrimination can be assisted by a rights-based approach. Central to ideas of rights is equality of resources, assets, and opportunities. This pairing explores two particular development interventions that have sought to address the needs of and discrimination against distinct groups broadly identified by their ethnicity, one in Nepal and one in Cameroon. The two chapters both emphasize (albeit sometimes indirectly) the issue of self-determination for minority groups seeking to secure rights. Taken together they raise questions about what such self-determination might mean for a group that may be ambiguously defined, and that is, inevitably, an amalgam of different interests with intragroup differentials in access to power and associated benefits. The discussion also raises questions about the benefits and limitations of gaining inclusion within dominant political formations.

Katsuhiko Masaki (Chapter 5) draws on research in Majuwa, a village in Nepal, to analyze the potential offered by the adoption in 2006 of the UN Declaration of the Rights of Indigenous Peoples. In particular, he considers the principle of free, prior, and informed consent (FPIC) and the related principle of self-determination. Masaki notes that rights-based approaches have catalyzed a stronger recognition that development projects cannot be imposed on indigenous groups, and raised awareness of the need to protect minority cultures from mainstream domination. However, he argues that the subsequent processes are complex, due to the multiple identities held by individuals who belong to "hybrid" indigenous groups. His argument is illustrated by the case of a group called the Tharus, who have been disadvantaged since the region they inhabit was colonized by the state of Nepal, and who are also divided by class, party politics, and gender. The struggles of indigenous groups are difficult for numerous reasons, including the fact that, in their struggle for recognition, such groups are often forced to "assimilate themselves to societal norms that have placed them at a disadvantage." Rights, Masaki concludes, cannot easily be introduced from outside through development interventions or well-intentioned strategies for inclusion, and instead need to emerge from the groups themselves in a process of self-determination that engages with the inequalities within such groups.

Duni and colleagues (Chapter 4) explore a positive experience with the rights-based approach in the Cameroon in which an ethnic minority, the Mbororo'en, has been able to consolidate its livelihood strategies after securing more favorable legal processes. Relatively wealthy in cattle but with limited and usually only informal access to grazing land, the Mbororo had tended to settle disputes outside the courts, even when exploited by others. A paralegal program sought to challenge these arrangements and, as a result, the group is now more likely to use the law and to reduce their involvement in excessive exploitation and use of bribes. Moreover, the authors suggest that legal officials show an increasing concern to be accountable to local citizens. While the group may not have realized full rights, it has improved its position—albeit within a system that remains clientelist.

Despite finding that the program has been successful in catalyzing processes of citizenship formation and good governance, Duni et al. raise critical questions about this rights-based approach. First, there are indications that vertical relationships linking the Mbororo with the state have become less exploitative, but horizontal relations between the Mbororo and their farming peers may have worsened. This perhaps indicates that improved individualized rights have come with the cost of reduced commonality and collectivity. Second, the authors are concerned that gender relations are not a priority for the program, as issues important for Mbororo women have not been taken up by the paralegal staff. In some ways, the program has concentrated more on areas that matter for economic productivity than on those associated with the development priorities of the more vulnerable.

Rights and Poverty Reduction: Between Collectivism and Individualism

The third pair of chapters considers the interface between rights and collective and/or individual strategies for poverty reduction. Does the use of a rights-based approach strengthen individual property rights and help to address poverty through ensuring greater income-earning opportunities? Or is the collective essential to poverty reduction, in providing a basis for political action that addresses basic needs and secures redistribution? This pairing juxtaposes the experiences of households in rural Peru, needing individual legal rights over property to improve their livelihood options, with the efforts of pavement dwellers (and other squatters) to secure tenure in Mumbai, India. The two contributions explore the extent to which the rights-based approach may help to protect the interests of the poor by offering rights, or may undermine their longer-term political interests by placing an increasing emphasis on individualism within social norms and values. Additionally, this debate contrasts rights strategies

that strengthen the collective power of the poor, enabling them to renegotiate and bargain for a greater distribution of resources, with strategies that place greater reliance on individual entitlements, protected by law and the legal system, for personal livelihood development.

Leonith Hinojosa-Valencia (Chapter 6) analyzes the livelihoods of peasant groups in the South Peruvian Andes, and argues for the value of property rights. Drawing from research on the livelihoods of 400 households, she finds that investments in land make an important contribution to the livelihood strategies of agricultural producers. Yet the regime of land tenure is problematic for some families as individual land-use allocations are made but not officially recognized; the state and NGOs have preferred to strengthen communal land management despite the partial breakdown of these systems. This situation puts Andean highland peasants at a disadvantage compared to agricultural producers elsewhere in the country. The failure to translate rights over land use into legal ownership reduces the value of the land, as users may be reluctant to make major capital investments and there are no title deeds to be used as loan collateral. Moreover, the present system of collective land ownership and the use of informal negotiations to advance individual access does not work in favor of either women or the lowest-income groups. Hinojosa-Valencia concludes that a greater allocation of property rights is required, and that such property rights may help individuals to diversify their livelihoods, increasing their development opportunities through improving their ability to participate in new agricultural markets.

Sheela Patel and Diana Mitlin (Chapter 7) examine strategies used to acquire shelter by landless and homeless federations in Southern towns and cities, and particularly by the women-led savings schemes active in several countries and the work of the National Slum Dwellers Federation in Mumbai (India). The women, who make up the majority of members in the local federations (which are themselves aggregations of local savings schemes), do not believe that an openly aggressive and critical rights campaign against the state is likely to be successful, given the present imbalance in power and vulnerabilities that disadvantages low-income groups, women, and other targets of discrimination. Therefore, while savings scheme members may be critical of the state, in general they seek to negotiate with local and national government to advance their rights in matters of shelter, services, and livelihood. The women also believe that there is no simple answer to their needs for tenure, basic services, and housing, and that, in this context, it does not make sense to simply press the state to deliver established (but inadequate) entitlements. For these women, realizing rights requires an active engagement in finding solutions to problems, and savings schemes therefore aim to develop new alternatives in collaboration with the relevant ministries and departments.

Once the women have identified such solutions, they also seek to build in an active role for local community groups in the realization of shelter improvements. Savings scheme and federation leaders believe that organized, active local groups will build a constituency able to negotiate successfully for redistribution and social justice.

The Rights-Based Approach and the Agency of the Poor

The fourth pair of chapters examines the contribution of rights to strengthening the agency of the poor. Michael Drinkwater (Chapter 9) uses an examination of efforts to address gender inequality to argue that rights approaches are crucial because they encourage greater human agency. Frances Cleaver (Chapter 8), offering a second perspective, argues that the creation of agency is complex and multidimensional, and that while factors such as rights may help to strengthen a sense of agency (and the attainment of further rights), they do not necessarily do so.

Drinkwater argues that the rise of rights-based approaches in development organizations has brought a different perspective to their work—how to deal more effectively with the endemic social problems of poverty, marginalization, and discrimination. He argues that "a rights-based approach to development can further the ability of initiatives seeking to address the more pervasive factors that perpetuate gender inequality" by advancing the simple but powerful proposition that all humans are equal. Examples illustrate that a rights-based understanding of development has achieved success in securing gender inclusion partly because the perspective has encouraged work on strategic as well as practical gender needs. Drinkwater argues that previous attempts to pursue women's empowerment have foundered if and when they have come to question systematic inequities and inequalities. By contrast, a rights-based approach to women's empowerment requires the challenge to the natural order to be posed at the outset: "we are also human and require treatment as such." This, he suggests, is far more effective in catalyzing a reflective process that results in a transformative change in power relations at a local level. Drinkwater argues that the effectiveness of rights-based approaches in catalyzing relational change lies in the deep analysis of existing power inequities, in the educational use of information about rights within projects, and in the way in which men are encouraged to reflect on their relationship to women and on the benefits of women's empowerment.

Cleaver explores the realization of rights from the perspective of human agency and the variety of forces that constrain and promote such agency. She seeks to move beyond a review of claims for greater rights by problematizing the processes that are central to the identification, claiming, and realization of such rights through local decision-making institutions and

collective action. "Taken-for-granted" institutions are, she suggests, far more complex than assumed, and only through a detailed analysis of both processes and outcomes in the promotion of rights can their positive contribution be identified and understood. Cleaver questions assumptions about community participation in the common management of natural resources, particularly water resources. Participation is associated with good governance, and both, she suggests, are seen as a good thing. However, she finds that little attention has been given to the actual dynamics of involvement in local governance institutions. Cleaver argues that there is a need to understand who controls access to resources and how the poor gain access. She goes on to explore constraints on agency, notably with respect to the limited ability of some participants to make choices. She considers how moral "worldviews" act to reinforce some behaviors, and how the multiple identities that people hold may influence access to natural resources; she then examines a number of other constraining factors that affect how people may understand and claim rights.

The Rights-Based Approach and Operational Effectiveness

The final pairing considers issues related to the policies and programming of international development agencies. Does an emphasis on rights and the implementation of the rights-based approach assist agencies to become more effective in reaching low-income groups and addressing poverty? Or does it lead to ineffective decision making and a confused set of activities? Has an emphasis on rights led to more sensitive and people-oriented programs, or has it resulted in poor targeting and a lack of direction? These two chapters draw on the experiences of two organizations, the United Nations Children's Fund (UNICEF) and ActionAid, to explore the implications of the rights-based approach for development agencies.

Lauchlan Munro (Chapter 11) argues that the complications of rights-based programming for UNICEF have proved to be considerable. The agency embraced a rights-based approach to planning and programming, believing that human rights principles such as universality and indivisibility must inform and be embedded within every stage of the planning and programming process. However, the author suggests that this led to an absolutist stance that, while consistent with a legal interpretation of the rights-based approach, led to organizational paralysis through the inability to select intervention points. If "to plan is to choose" (Julius Nyerere), can the universalist requirement of rights-based approaches be consistent with good programming and planning, which must necessarily be selective? The proponents of a rights-based approach to development insist that the existence of international human rights conventions means that development policy is a matter of law, not of charity, morality, social preference, or economic or

social benefit. However, Munro suggests that UNICEF struggled to manage the consequences of rights-based programming, producing a reduction in activity, a lack of clarity in language, overly complex goals, an inability to act due to failures of prioritization, and increasing dissent between staff members. Munro concludes that, to be effective in realizing rights, a rights-based perspective needs to be implemented in conjunction with other frameworks assisting in a range of management dimensions.

Jennifer Chapman and colleagues (Chapter 10) discuss the experience of ActionAid with the rights-based approach, and draw more positive conclusions. The authors argue that rights-based approaches hold considerable potential for repoliticizing development work and encouraging development workers to be more reflective about their actions, and hence to understand some inherent contradictions belonging to an international development agency. In many cases, they suggest, the rights-based approach has inspired staff members to make more connections between their work and the social processes within which the activities take place. This deepening of analysis and, they suggest, strengthening of people's power, can help to ensure that agencies have greater long-term impact and make a difference in the lives of poor and excluded communities. However, the authors emphasize that the rights-based approach will result in more effective development only if it is grounded within a careful analysis of power in all its forms, and if the resultant strategies incorporate a sufficiently complex understanding of how change happens and how it is sustained. In particular, existing lessons about grassroots development work on issues of participation, empowerment, conscientization, organizing and leadership development need to be built on and integrated into rights-based approaches. Transforming unequal power relationships requires a simultaneous engagement with unjust legal processes, reform of such processes, changing of widely held societal attitudes and behaviors that support inequity and discrimination, and empowerment of the poor and marginalized with greater self-organization. Chapman and colleagues conclude by emphasizing the importance of contextualized analysis, and of avoiding a narrow simplistic strategy that equates "rights-based approaches primarily with policy and advocacy work" and sees "rights as the sole solution to poverty."

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