



PUTTING RIGHTS-BASED DEVELOPMENT INTO CONTEXT

CARE'S PROGRAMMING APPROACHES IN MALAWI AND BANGLADESH

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1. INTRODUCTION

In 1999 CARE adopted a vision for its work that emphasizes **social justice, tolerance, dignity** and **security**. This direction reflected the organization's concerns about the shortcomings of need-based humanitarian and micro-level economic and technical interventions that addressed symptoms of poverty, rather than underlying causes. In fact, traditional programming – poverty alleviation through technology transfer and food distribution – appeared to have little long-lasting sustainable impact to assist resource-poor groups or communities to address their social, economic and political marginalisation beyond CARE's initial intervention.

The shift in programming, however, was not merely developed in workshops, but built upon CARE's experiences with some of its earlier initiatives of the 1990s (such as sustainable livelihoods, governance and civil society strengthening, gender and diversity, partnerships with local NGOs and CSOs). These development activities began to address the lack of effective governance and education, inequality, and social discrimination. The successes and failures of these development efforts highlighted the need for the organization to engage in a manner that a) addresses lack of voice and the ability to assert and claim rights, and b) builds solidarity among the poor and alliances with civic minded actors.

The experiences of the 1990s also brought to the fore the organization's culture and with it its limitations in relation to development approaches that emphasize rights and social justice. Organizational hierarchy, inflexibility, lack of analytical capacity, output focus- rather than process orientation, and inadequate facilitation skills of field staff were recognized as impediments in working towards CARE's new vision.

This paper¹ discusses the ways in which CARE is addressing some of the programmatic and organizational challenges and is transforming itself into an organization with the potential to contribute to democratization processes at the community level. Drawing particularly on experiences in Bangladesh and Malawi, we discuss how CARE's rights-based approach takes into account the political economy of localities and the larger context within which these are embedded. This requires a nuanced, tactical approach to applying rights to CARE's programmes, rather than a standard blueprint approach.

2. A BRIEF HISTORY OF CARE BANGLADESH AND MALAWI

CARE International is a confederation made up of 12 members.² The organisation provides relief and development assistance to over 40 million people in 70 countries across Asia, Africa, the Middle East, Eastern Europe, Latin America and the Caribbean. CARE works through a highly decentralized structure, the Country Office, with decision regarding programming strategies being made at the country level. Thus the level of adopting RBAs has been unequal, with some CARE members and Country Offices more supportive and advanced in operationalising the approach than others.

CARE started in Bangladesh in the mid1950s, largely working through flood and famine relief. Following independence in the early 1970s, CARE Bangladesh build schools and low

¹ The authors would like to thank Frank Boeren (Assistant Country Director of CARE Bangladesh), Mary Siobhan Cleary (Change Management Consultant, CARE Bangladesh), and David Sanderson (Regional Manager for South & West Africa, CARE UK) for their valuable comments. Their suggestions have considerably improved this paper.

² Australia, Austria, Canada, Denmark, France, Germany, Japan, Netherlands, Norway, Thailand, United Kingdom, and the United States.

cost housing and by the late 1970s began infrastructural development, mostly building feeder roads to connect remote villages to markets through the employment of destitute women who were paid in kind (food). In the early 1980s CARE expanded its programs in Bangladesh through agricultural projects that aimed to increase the cropping intensity of small land holders. By the early 1990s, CARE Bangladesh was responding to the need to improve communities' access to state services and entitlements. Its programs began to link its project participants to various line ministries represented at the local level. In the late 1990s CARE's BUILD project (under the Integrated Food Security Programme) began to work with locally elected bodies to build their members capacity in local government.

CARE formally established a Country Office presence in Malawi in December 1998 with the opening of its Country Office in Lilongwe. CARE's presence in Malawi was based on establishing a Country Office presence that was both 'light' and 'flexible'. Through the adoption of its household livelihood security (HLS) framework, CARE Malawi's program was developed around a thorough analysis and understanding of peoples livelihoods, and currently covers activities in the food security, agriculture, health, education, economic opportunities, social and economic empowerment (especially of women), safety nets, rural infrastructure and emergency sectors. CARE works with a growing number of partners and is actively involved in Malawi's emerging Civil Society coalition and networks, especially in the education, health and agricultural sectors.

Both CARE Malawi's and CARE Bangladesh' program strategies are guided by their Long Range Strategic Plans (LRSP) for the period 2002 to 2006. Both Country Offices' LRSPs illustrate the way in which CARE Malawi and CARE Bangladesh have sought to embrace the cross cutting themes of rights, gender, diversity, advocacy and constituencies. This includes the need for the Country Offices to incorporate issues of rights into all its activities, by focusing not just on what people can do for themselves, but also what they are entitled to, and how they can demand development services. It also means working not just on the voice and 'demand' side of rights, but on engaging with the 'supply' side, building the capacity of duty-bearers, in government, the private sector and civil society, to live up to their responsibilities.³

3. WHAT DOES CARE MEAN BY RIGHTS BASED PROGRAMMING?

To facilitate initiatives that reflect CARE's vision and emphasize **rights and social justice** CARE International (CI) adopted six Programming Principles⁴:

Box 1 – CI Programming Principles:

- 1. Promote Empowerment:** supporting the efforts of poor and marginalized people to take control of their own lives and fulfil their rights;
- 2. Work with partners:** building alliances and partnerships with others, including duty bearers;
- 3. Ensure Accountability and Promote Responsibility:** being held accountable ourselves to poor and marginalized people, and encouraging others to fulfil their responsibilities;
- 4. Address Discrimination:** addressing discrimination and the denial of rights based on sex, race, nationality, ethnicity, class, religion, age, physical ability, caste, opinion or sexual orientation;

³ Crawford refers to this as "willing obligation" (see Crawford, S. 2004. Lessons Learnt So Far: A Guide to Rights Based Development Practice).

⁴ These principles reflect CARE's decentralized structure – yet emphasize a shared commitment to rights-based programming – with decisions regarding how these are operationalised being made at the country level.

- 5. Promote the non-violent resolution of conflicts:** promoting just and non-violent means for preventing and resolving conflicts at all levels;
- 6. Seek Sustainable Results:** addressing underlying causes of poverty and rights denial, to ensure lasting and fundamental improvements to the lives of poor people.

CARE's Programming Principles, the defining characteristics of the organization's rights-based approach, are relatively elusive in terms of the practical implications for development interventions. In fact, one may argue that some aspects, such as solidarity with the poor and participation, were advocated by numerous organizations long before the late 1990s. This raises the question: what is different about CARE's approach towards rights based programming?

- It deepens the focus on people whose rights are systematically denied and who face discrimination and exclusion;
- It fosters respect, dignity, celebrates diversity, and enhances the opportunities of marginalized individuals and groups to improve their lived conditions;
- It transforms the relationships between governmental and development agencies and the recipients; RBA implies that development actors assume responsibility for the impact their assistance has on people's ability to realize their rights⁵;
- It emphasizes that process is as important as outcome, in light of the need to promote long-term capacities to claim and assert rights and fulfil responsibilities;
- It seeks to build an organizational culture that nurtures respect, minimizes hierarchy, encourages creativity and flexibility, and promotes transparency and participatory decision-making;⁶

When putting these principles into practice, the organization must consider and engage the 'social, political and economic dynamics and complexity on the ground' as well as the organizational practices and behaviours that mirror the larger society within which it is embedded. Rights-based programming then looks radically different from traditional development approaches.⁷ Firstly, it requires that the organization be sensitive to local social dynamics and honours the diverse notions of rights and obligations across the cultures in which it works. Secondly, it demands a nuanced and contextualized understanding of local power relations and the institutional arrangements through which resources are bargained over and channelled. Finally, it calls for an organizational transformation that reflects the values – respect, dignity, tolerance, diversity – it seeks to foster.

⁵ And CARE would include ourselves amongst such responsible actors. Such a strong focus on the responsibility aspect of RBA – reflected in the title of our RBA newsletter, *Rights and Responsibilities* – is a further reflection of CARE's focus on the inspirational aspect of rights, rather than predominately or solely their legal, institutional form in the international human rights framework.

⁶ As Peter Uvin says: "you have to get your own house in order before spreading the gospel to others". This means an organizational transformation that enables staff to promote the RBA interventions and make appropriate decisions. (Uvin, 2004, p.154)

⁷ CARE USA and Oxfam America are currently finalising an initiative document examples that demonstrate the added value and impact of a rights based approach, and an inter-agency group of UK NGOs is starting a similar exercise in early 2005.

4. HOW RIGHTS ARE CLAIMED AND UNDERSTOOD IN DIFFERENT CONTEXTS

During the 1990s, many actors within the development community -- NGOs and donors -- have adopted a rights-based discourse that emphasizes universal notions of rights.⁸ Although this discourse resonates with the articulation of rights in many third world constitutions, in reality, many of these rights have little meaning on the ground because they lack the social recognition that is necessary for individuals or groups to claim and assert these rights.

This raises an important issue that development practitioners must consider in order to address rights in any given country – region – or locality. What were the processes through which the various claims to rights were accorded legitimacy? Which rights are socially recognized? Any attempt to answer this question has to consider the emergence of the prevailing normative and legal rights regimes as historical processes, and interaction of forces at the macro and micro levels. For a development agency such as CARE, this means becoming more consciously attuned to past and current contestation of ideals and the changing dynamics of power in informal and formal channels.

Rights are claims to powers, liberties and immunities and are generally discussed in the context of human rights and civil rights.⁹ The former usually refers to a set of (universal) claims to rights that derive from a moral or ideological system. The latter refers to a set of claims to rights pertaining to democratic participation, equality before the law, freedom of religion, and so on. Civil rights are guaranteed to all citizens through legislation (mostly constitutions and their amendments) and arise in the context of positive law. In Bangladesh and Malawi, as in all formal democracies, the constitution grants civil rights which are deemed necessary for individuals and groups to participate in the democratic process, taking into consideration the ethnic, linguistic, and religious differences that characterize civil society.

In western democracies, the processes through which these claims to rights have been legally established were – and continue to be – characterized by struggles, e.g. labour movements, civil rights movements, suffragette movements, etc.¹⁰ In Bangladesh, for instance, democratic rights (freedom of speech, equality of men and women, etc.) were accorded following the liberation from Pakistan, an external actor that 'pilfered' national resources, dominated the political process through militarism, and attempted to subsume Bengali culture to facilitate its rule.

As such, Bangladesh has not yet witnessed any significant movements or struggles that have sought to address the marginalization of minorities, women, labour, etc. that would be

⁸ For an excellent discussion of universal vs. relativist approaches to rights within the context of the "Asian Values Debate" see Bell, L.S. et. al. 2001. *Negotiating Culture and Human Rights*. New York: Columbia University Press. Also see Laure-Helene Piron and Julius Court's "Independent Evaluation of the Influence of SDC's Human Rights and Rule of Law Guidance Documents", Report for the Swiss Agency Development and Cooperation (ODI, London 2003). Piron and Court distinguish between an "empowerment" or inspirational approach which privileges social contestation and civil society interventions and a "legalistic" or institutional approach grounded in international human rights instruments, and focusing on how states can better meet their obligations.

⁹ Sen, A. 1999. *Development as Freedom*. New York: Alfred A. Knopf. (pp.228-232)

¹⁰ The negotiation and renegotiation of claims to rights are continuous processes (e.g. gay rights and immigrant's rights in western democracies), reflecting the realities of historical processes of social and institutional change. For discussions of rights see Freedon, M. 1991. *Rights*. Milton Keynes: Open University Press; Waldon, J. 1984. *Theories of Rights*. Oxford: Oxford University Press; Sen, A. 1987. *On Ethics and Economics*. Oxford: Blackwell.

reflected in positive law.¹¹ Its constitution, drafted in the early 1970s, was written by intellectuals¹², and hardly inspired by national or local norms. The years following the liberation war were dominated by military rule. In this political climate, the political space in which various groups may have negotiated various claims was highly limited. Following the fall of the Ershad regime, military rule, in 1991, this political space has widened. At the same time, present-day political culture – in some instances this includes formal (democratic) institutions, such as local level elected bodies – is dominated by groups of strong-men who use forms of intimidation and force to contain competing groups from articulating and asserting their claims to rights. Such a climate presents limited opportunities for individuals and groups to negotiate or press their rights.

In Malawi, on the other hand, as in some of the African nations that were swept by the so-called third wave pro-democracy movements during the 1980s and early 1990s, the initial momentum of pro-democratization processes faded in the mid 1990s and by 1997 many of the democratic gains were eroding¹³. This can be attributed to the weakness of civil society and political parties, as well as democratically restructured legislatures that were ineffective. Research suggests that in Malawi people “perceive democracy as an imported idea that is alien to people’s history, culture and daily lives”.¹⁴ For example, the Malawian Constitution provides equal weight to non-discrimination against women (article 24) as to customary law (article 26 & section 200), but in practice, if there arises any conflict between the two bodies of law, traditional customary law generally prevails.¹⁵

Further, local political structures and their evolution point to the tensions between customary and elected leaders. During colonial rule, the traditional chiefs – a group of village heads were represented by a senior chief, referred as Traditional Authority (TA) – politically administered rural areas and collected revenues for the colonial treasury under the authority of the District Commissioner, a colonial officer. Whilst the role of Traditional Authorities has undergone numerous changes up to the present, village chiefs continue to play a key role in local governance. On a village level, chiefs are important actors in the Village Development Committees (VDCs), with representatives from VDCs forming Area Development Committees (ADCs), key forums which are to enable community participation in development planning and decision-making. TAs also participate as non-voting members in District Development Committees.

Elected officials – ward councillors – on the other hand, work on a ward level to decide on and allocate developmental resources. Yet Wards and Area Development Committees are not equal geographic areas, making it extremely difficult to harmonize and coordinate the activities between these two, even if the political will is present. Further, ward councillors,

¹¹ An exception to this is the *tebhaga* struggle of the mid 1940s, following the Great Bengal Famine of 1943. Here sharecroppers (men and women) demanded fair terms and tenure security, using the slogan “land to the tiller”. The terms and conditions which were demanded in the 1940s became statutory law in Bangladesh’ Land Reform Ordinance. See Bode, B. 2002. Advocacy Update: Sharecropping and Land Rights. Go-Interfish Newsletter.

¹² The constitution of Bangladesh was strongly influenced by Dr. Kamal Hossain, who served as Chairman of the Constitution Drafting Committee, Constituent Assembly of Bangladesh, 1972. Dr. Hossain received a B.A in Jurisprudence from Oxford and passed the Bar exam at the prestigious Lincoln’s Inn in UK.

¹³ See Harbeson, J. (2000). Externally assisted democratization: Theoretical issues and African realities. In J. Harbeson & Rothchild (Eds.), *Africa in world politics* (3rd ed.). Boulder: Westview Press.

¹⁴ Kaunda, Zikani and Nancy Kendall. 2001. “Prospects for Educating for Democracy in Struggling Third Wave Regimes: The Case of Malawi” in *Current Issues in Comparative Education*, 4 (1).

¹⁵ Chirwa, W. et. al, Democracy Report for Malawi, pp 18-19.

are voting members on District Development Committees, threatening the long established inherited status and power of traditional chiefs.¹⁶

In Bangladesh as in Malawi, it is precisely the interaction between the informal (customary) or formal (statutory) through institutional arrangements (e.g. kin-based clans structure and democratically elected bodies and committees) that elucidate local configurations of power. Whilst in Bangladesh, the traditional authority of clan leaders lack any formal recognition, in Malawi, village chiefs have a formal platform in which they can participate. Analysis of these dynamics and how power is channelled as well as local conceptions of rights and obligations – the moral economy¹⁷ – is fundamental to a rights-based approach. Such a deep understanding allows CARE to engage with the community and to recognize those that are excluded, discriminated against, and voiceless. It also enables staff to identify civic minded elites and local officials who can be important allies in our work.

5. LOCALITY-SPECIFIC AND NUANCED UNDERSTANDING OF POWER DYNAMICS

5.1 BANGLADESH

CARE Bangladesh' analysis of power relations¹⁸ has highlighted the ways in which formal and informal institutions mediate resource access, shape forms of social control and present barriers or opportunities for the poor to exercise their rights. The findings demonstrate the complex and entrenched patron-client nature of social relations that govern many aspects of rural life. A follow-up study¹⁹ and workshops²⁰, have further elucidated the political, social and economic differentiation between village neighbourhoods (*paras*) based on the presence or absence of powerful elites. For instance, *paras* in which powerful elites operate tend to exhibit greater resource endowments (water pumps, pathways, schools, etc.) and thus better living conditions for poorer households than *paras* in which weaker elites operate. In the former, however, patron-client relationships tend to be strong with poor households having less 'voice' to articulate their needs and priorities than in the latter.²¹

Interestingly, once we began analyzing in which type of *para* the project initiatives were located, we realized that the nature of our activities – to improve the livelihoods of small and marginal farmers through integrated rice-fish production – had caused us to work in elite dominated *paras*. This was largely because there we could find wealthier households that were willing to take risks and adopt new farming methods. This also meant that we had to constantly engage with and cater to powerful actors – gatekeepers of norms, including women's seclusion or *purdah* – in order to work with the poorer segments of the community. Many of the rights based activities (access to state owned water bodies and rice procurement centres, awareness raising of rights and entitlements, etc.) that we had incorporated into our programming were difficult to accomplish as staff had to constantly engage, cater to and seek the support of elites. Having mapped unions – the lowest tier of local government – staff recognized that in the majority of *paras*, powerful actors (with influence beyond their locality) were absent. In other words, in these communities the equity

¹⁶ Kutengule, M. et. Al. "Review of the National Decentralization Program in Malawi, 2001 – 2004., GoM / Donor Review, March 2004.

¹⁷ Cf. James Scott. 1976. *Weapons of the Weak: Everyday Forms of Peasant Resistance*.

¹⁸ Bode, B. 2002. In *Pursuit of Power: Local Elites and Union-level Governance in Rural Northwestern Bangladesh*. Dhaka: CARE Bangladesh.

¹⁹ Bode, B., A. Haq and B.C. Dev. 2002. "Forms of Land Tenure in the Northwest of Bangladesh" in *Field Review: The Newsletter of the Rural Livelihood Program*. Dhaka: CARE Bangladesh.

²⁰ See Haq, A. and B.C. Dev. 2002. "New FFS Cycle Selection Strategy". Dinajpur: CARE Bangladesh for the summary conclusions of these workshops.

²¹ See Appendix I for further details.

boundary – class differentiation – is less pronounced and therefore it made much more sense to work in communities that were politically and economically marginalized.

In October 2004, in the context our new programming approach, CARE Bangladesh piloted “Nijeder Janyia Nijera”, a project that uses a very different approach.²² Staff locate activities in tertiary elite *paras* (see Appendix I) and use community led total sanitation (CLTS) as an entry point.²³ Nijera has not abandoned the livelihoods approach that emphasizes increasing the income opportunities of the poor. Rather, it is using an entry point – sanitation – that is non political, non threatening, easy to accomplish through low cost means, builds solidarity because of the involvement of the entire community and benefits all, regardless of class, gender or ethnic group.

Rather than ‘push’ the community to sanitize, staff assist men and women to analyze the negative effects of open defecation. CARE staff provide ideas of low-cost sanitary latrines and how to construct them, and assists individuals within the community to drive the initiative. Through this process key individuals with drive and charisma emerge and carry the initiative forward in the initial as well as other *paras*. Staff support the publicisation of these accomplishments by assisting the community to share their success with other communities nearby through video showings and presentations. This approach to CLTS instils a sense of accomplishment, pride, and solidarity and provides a stepping stone to take on other developmental issues.

Each community responds differently once it has accomplished an activity through collective action. Jalagari, a community in the Gaibanda district of the NW of Bangladesh has committed to abolish hunger throughout the year.²⁴ Following the (*monga*) hunger period in December, the people of Jalagari analyzed their local resources through transect walks and realized that there was considerable potential in expanding the cultivation of *gach alu* (vine potatoes). A small number of individuals were already successfully cultivating this indigenous food source which is traditionally used to bridge the hunger period. Following 100 percent sanitation and the community effort this had involved, the people of this community collectively dug 3,500 holes to grow *gach alu* on a large scale by pooling private spaces in order to fulfil their commitment to a hunger free community.

5.2 MALAWI

The importance of context-specific analysis of power and discrimination has also been highlighted in CARE's work in Malawi. A mapping exercise by the LIFH (Local Initiatives for Health) project demonstrated that a small number of the most vulnerable households are bearing by far the greatest burden of health problems. Village communities were asked to map adult deaths, child deaths, disability, chronic illness and the presence of orphans by household.

Nine percent of households had chronic illnesses or disabilities. Of these, only 1 percent were considered wealthy, 2 percent were in the moderately poor category and 6 percent were in the extremely poor category. The findings show a striking correlation between

²² Nijeder Janyia Nijera, roughly translated means “We, For Ourselves” and has been inspired by Dr. Kamal Kar and Andrew Bartlett, both independent consultants. Dr. Kamal Kar has guided Nijera throughout the pilot, particularly through teaching facilitation skills and the importance of self-respect – not subsidy.

²³ See Dr. Kamal Kar. Subsidy or Self-Respect

²⁴ Bangladesh has two ‘lean’ periods: November – December preceding the amon harvest and April preceding the boro harvest. During this time, in the majority of politically marginalized communities, poor households cut back on food, eating only every other day.

chronic illness/disability and poverty ($p=0.0729$). Fourteen out of sixteen child deaths occurred in households classified as the poorest. The majority of households were OK, whether poor or not. Ninety seven percent of households had no orphans.

Those affected tend to be those most actively seeking risks, who have an almost separate identity for passive or active reasons (including those excluded by the dominant groups in communities for transgressing social norms, long-standing personal feuds nourished by resentment, or attitudes towards particular vulnerable groups). Because of their marginalisation, these people lack any kind of support by others, and are often not benefited by CARE projects. Instead, CARE has tended to benefit the majority, as shown in the figure opposite²⁵. For the minority to benefit, they must be included in the support system provided by the majority, and in order to do that, there has to be a challenge to the majority in relation to accepted norms and attitudes towards those who are on the margins of the group, the support they obtain and the level of responsibility people take for the situation.



Tony Klouda, CARE's reproductive health advisor for South & West Africa, who led this study, has developed a simple outline process²⁶ to enable staff of any health project to explore such issues within the context of their project. These questions cover a number of different types of health projects (Safe Motherhood, Testing for HIV, Malaria, Adolescent Peer Education, Nutrition, Neo-Natal, Infant and Child Mortality), focusing on four areas:

- Equity – Challenging leaders and institutions as to whether all people are involved, obtain support and have access;
- Planning – Helping leaders and institutions to understand implications of strategies and services or projects that are brought to them, reviewing rights and legal implications, and improving the planning process;
- Debate – Challenging leaders to acknowledge existence of sensitive issues (sexuality, conflict, inequality) and to debate changes needed within the community;
- Action – Challenging leaders about actions that are taken when individuals are exploited, or abused, especially cases of women and children, or in relation to stigma.

The aim of this approach is to enable projects, regardless of their intervention, to serve as a platform to improve existing forms of social justice, promote equity in support systems, so that they include and respond to those who suffer the burden of ill-health or lack of opportunities.²⁷

²⁵ Those in the middle, because of their wish to stay part of the society, will tend to be included in the network of support, but can be pushed into marginalisation or leaving the group.

²⁶ See Kouda, Tony (2004) Context-Specific Social Analysis.

²⁷ Leading such discussions requires little training on the part of staff, barring a general orientation of the principles and the framework. In other words, this process can be incorporated into existing participatory discussions and explorations. Simplicity of tools and frameworks is essential, as staff turnover at CARE and other NGOs tends to be high.

6. TACTICS: RESPONDING TO LOCALLY SPECIFIC SITUATIONS

In earlier sections, we alluded to the social, political, and economic exclusion and lack of voice and participation in local, regional and national decision-making processes. Whilst these dynamics characterizes poverty throughout the world, the practices and behaviours through which these unequal relations are maintained, negotiated, or contested, vary significantly from context to context. Programmatic emphasis on rights and social justice therefore require that staff employ different approaches in these different contexts to increase the ability of the poor to improve their bargaining power vis-à-vis powerful actors, including the state.

6.1. SHARECROPPING INITIATIVE

CARE Bangladesh' LIFE / NoPEST project that worked to improve the livelihoods of marginalized and small farmers undertook an initiative to assist resource-poor households to negotiate better sharecropping arrangements.²⁸ The prevailing tenure relations around sharecropping did not reflect Bangladesh's Land Reform Ordinance of 1984 which was designed to ensure that those who work the land obtain a fair share of agricultural yields, have security from eviction and an incentive to increase the agricultural productivity of the land.

LIFE / NoPEST approached this initiative through several steps: 1) it encouraged sharecroppers to organize under "Sharecroppers' Associations" (SCA); 2) it raised awareness of the existing legal mandate around land tenure, and 3) it assisted SCAs to negotiate for fair terms with landowners. An important argument that the SCAs employed was that fair sharecropping arrangements had the potential to contribute to greater productivity, as the legally mandated tenure security – five years – provided an incentive for sharecroppers to invest in the land and improve its productivity over time. The approach thus sought to find a common platform for discussion – land productivity and environmental stability – with powerful actors and to negotiate and bargain over resource use and division of yields.

6.2. COMMON PROPERTY MANAGEMENT

Some initiatives that employ a bargaining approach, however, have been less successful. CARE Bangladesh' Rural Livelihood Program's '*Bilani Zamin*' intervention supports the development of institutional arrangements to manage fish production in seasonal water bodies that are used for subsistence fishing by many individuals. The initiative organizes private landowners, landless labourers, and fishermen from communities surrounding the seasonal water body to collectively manage fish production through democratic (participatory and transparent) processes. These temporary water bodies – ranging from 10 to 300 acres – inundate privately owned agricultural land and create a temporary public good – fish – that is unsuitable to be managed on an individual basis.

²⁸ In Bangladesh, around 42 percent of all cultivable land is sharecropped under terms and conditions that do not reflect the legal mandate. In the communities in which LIFE / NoPEST, an EC-funded project, was working, around 80 percent of all landholdings were under sharecropping arrangements. For a detailed discussion of this initiative see Khan, M. I. 2004. "Securing Legitimate Rights of Sharecroppers: An Initiative of Life / NoPest Phase II Project". Dhaka: CARE Bangladesh.

A central tenet of the *bilani zamin* activity is that when resource users have management rights they tend to have greater incentives to invest in the resource and refrain from over use. At the same time, investments in the water bodies (inlets and outlets, bamboo fencing, guard sheds, fingerlings, monitoring and enforcement of rules and regulations) are channelled through informal, but democratic governance structures which have the potential to evolve and address issues other than the management of water bodies.

However, a detailed analysis²⁹ of this initiative showed that large landowners benefited proportionately more than landless or land poor households and that some poor households that used to fish in these water bodies were now excluded from the management regime and thus lost access. This was particularly so in the case of very large water bodies that involved a large number of communities, making it difficult for staff to have sufficient understanding of all resource users. There is also a danger that once a water body yields a considerable amount of fish, the benefits would be appropriated by powerful actors, as the institutional arrangements had not sufficiently evolved to address transgressions by the rich.

6.3. RIGHTS LANGUAGE OR NOT?

The different cultural contexts that the organization works in means that the discourse that staff employ around rights and social justice vary from place to place. This is particularly true during the analysis phase of rights based initiatives. In Malawi, for example, it seemed strategically unwise to use the word "rights" in the context of trying to understand forms of discrimination. Staff felt that a discussion of 'rights' was inappropriate, because this would require a much longer and more careful preparation, including awareness raising of rights. Staff were concerned that with the mention of the words 'rights' their intervention may be viewed negatively, rather than positively, and lead to a 'derailing' of the entire process.³⁰ Similarly in the power analysis in Bangladesh, staff opted to explain the study in terms of infrastructural marginalization of certain communities to gain a better sense how public resources could be distributed more equitably in the future, to ensure education, electricity, roads to access markets for the poorer communities.

In other localities, for example in Sierra Leone, where staff had worked to generate a common understanding of "the right to food", CARE's Food Security Programme was able to couch its discussion of food distribution in the context of basic rights, leading to a radically different approach. Here, discussions with the communities around concepts of rights, equity and dignity, and local interpretations of the right to food, were used to devise new project strategies, involving individualized seed packets for every individual – men, women, and adolescents – who are able to farm.³¹ Whist in Peru, a country with a long history of strong local organizations that have mobilized around a rights based agenda, staff can be more 'progressive' with rights based language and promote explicit rights assessment tools³², a rights-based bottom-up health policy process, and support a health rights initiative launched by the Minister of Health in August 2004.³³

²⁹ CARE Bangladesh, Rural Livelihood Programme. 2003. Securing Access to Water Bodies. Dhaka: CARE Bangladesh.

³⁰ This approach should be considered in the context of a 'tactical decision' to advance a rights-based approach, rather than a strategic rejection of rights language per se. See Piron, L and Watkins, F (2004), DFID Human Rights Review (p. 51, Box 5.10) for an example of the difficulties in promoting a very explicitly rights-focused agenda in terms of the DFID TRANSFORM Program in Malawi.

³¹ See Napier, A. 2003. "The Story of RBA in CARE Sierra Leone".

³² Linked to the DFID-supported PRAMS (CDS 2002)

³³ see <http://www.forosalud.org.pe/noti0028.asp>

Sensitivity to what can be said or not is key in ensuring that rights based initiatives are not viewed antagonistically by powerful actors and strategically opposed from the outset. Rights based programming is about bridging differences of interests and perspectives and to find common ground to negotiate and bargain over resources and claim access and influence in decision making processes.

6.4 RISK AND CONFLICT

CARE recognizes that rights based programming has the potential to lead to conflict and expose members of the communities we work with, as well as staff, to risks. The dangers of risk are exacerbated when power structures are challenged. One of the ways in which the organization is minimizing risk and conflict is to consider power not as a zero-sum game, but to seek out win-win situations. As Louise Diamond has put it: "A winning strategy is therefore to meet 'the other,' not in confrontation but in dialogue; not to win against but to influence; not to see it as the problem but to engage in solving a shared problem".³⁴

Context analyses, such as the ones we have discussed, minimize risk and conflict as initiatives do not 'push' participants into strategies or activities that confront or challenge powerful actors. The example of Bangladesh's Nijera pilot highlights that a nuanced understanding of local power dynamics and local resources, can help staff to choose appropriate locations and assist marginalized households and communities to build solidarity and strengthen their income earning portfolio through maximum use of the resources available. This in turn generates forms of empowerment among the poor that can be channelled to make demands of locally elected bodies. Collective bargaining can be (and has been in western democracies) a powerful, yet peaceful, mechanism to reduce economic, social and political inequalities.

This need to link rights-focused work with an analysis of conflict and risks comes across also in CARE's programming principles, with the 5th principle promoting the non-violent resolution of conflicts ("we promote just and non-violent means for preventing and resolving conflicts at all levels, noting that such conflicts contribute to poverty and the denial of rights"). To assist staff in considering risks, CARE UK has developed a "Risk Assessment Filter Tool". The idea behind this tool is to try to move away from a formal risk assessment checklist or lengthy questionnaires and instead to use a guided group discussion to consider the most significant risks associated with applying rights based interventions in a particular context.³⁵

7. TRANSFORMING ORGANIZATIONAL CULTURE

7.1 GLOBALLY

Central to CARE's approach to rights based programming has been an attempt to cross the boundary between the organization's program and institutional identity. Recognizing its own place within the global dynamics of domination and subordination has been fundamental to this process. This awakening to the need for 'integrity' between what we advocate and our internal dynamics may not be surprising to smaller, southern NGOs and

³⁴ Diamond, L. 2004. Power and Poverty, Advocacy and Appreciation. This brief paper on how to address power dynamics was prepared based on CARE's global Gender, Equity and Diversity workshop held in Ethiopia in April 2004.

³⁵ See http://www.careinternational.org.uk/resource_centre/rba_index.php (under tools, then CARE). We invite feedback on this tool and the sharing of experiences of other organisations in assessing risk in the area of rights and empowerment.

activists that may have emerged precisely because of the political and economic inequities between North and South. However, for a large NGO, such as CARE, rooted in the charitable identity of post-war benefactors, which was often uncritical of the larger political economy in which it was situated, it has been a difficult and fundamental shift. Although CARE USA has made conscious efforts to diversify its sources of revenue and accountability, the U.S. Government continues to contribute 59 percent of total contributions³⁶, a proportion that has been difficult to reduce even as funding from other governments, multi-laterals and private donors have risen steadily. CARE UK also receives over 50% of its funding from the UK Government³⁷.

Whilst the power dynamic implicit in the financial resource base has been slow to shift, CARE has enjoyed greater success in addressing inequities reflected in the organisation's human resources. Gender activists have long argued that the key to success in mainstreaming women's rights was to bring equality into the structures of power within organizations and governments. Development organizations, on the other hand, have often functioned on a different model, where members of a dominant elite offer charity or technical assistance, and "speak for" those less able, but seldom question their own privileges and perks. With prodding from change agents from the top and the field, the agency confronted the reality that our core values and our vision of ending poverty required a dramatic shift in our relationship with our southern partners and our own staff at the Country Office level. This required the organization to embrace the reality that CARE's North-South power dynamics were both a hindrance in our mission and an outright contradiction to our vision. The organization has made deliberate attempts to establish more equal partnerships with southern organizations and to devolve power to the field. Decentralized management practices and opening CARE's governing board to Southern members were precursors to a more coherent effort of organizational alignment with our vision of being part of a global alliance – bound through mutual rights and responsibilities.

This organizational transformation has been marked by tensions, in light of the organization's size (over 12,000 staff based in over 70 countries), the diversity of cultures within which development programs are implemented and the small but powerful core of staff based in the North. In fact, the tension has been poignant for many of our most senior staff and has led to powerful resistance to changes in our programming approach. Rather than exacerbate this tension, CARE has honoured these differences, allowing for local adaptations of global directions and for time and space for individual staff to struggle with the implications of change. This flexibility reflects the diversity of the organization, yet a commitment to dialogue across locations and levels. In this effort, we have sought to promote curiosity, mutual understanding, and collaboration.

7.2 LOCALLY – THE EXAMPLE OF CARE BANGLADESH

Unequal dynamics are not limited to CARE's North-South relations, but the organization has also had to come to terms with the organizational culture within Country Offices. This has been a difficult process, in particular reducing organizational hierarchy. At CARE Bangladesh, for instance, staff were used to follow a blue print -- driven largely by log

³⁶ See <http://careusa.org/about/990.asp> for copies of CARE USA public tax returns, providing the trend in its revenues and expenses since 1998.

³⁷ However, it is worth pointing out that CARE's adoption of a rights based approach responded much more to internal dialogue around its new vision and mission, as well as to reflections on the shortcomings of traditional programming, than to any donor prodding (USAID, the largest donor to CARE USA, has in general not been supportive of the move to apply a rights based approach, yet CARE USA has been the CARE member most active in promoting RBAs throughout the organisation).

frames, because that is what donor review teams used for their own orientation – and emphasized quantitative outcomes, such as increased yields, number of ponds with aquaculture, number of flood retention walls built, and so on. Supervisors encouraged this practice by linking performance evaluations to indicators written into log frames and monitoring systems. Equally important, many supervisors were highly status oriented, demanding that implementation as outlined in inception reports proceed regardless of the operational difficulties or local realities that staff faced on the ground. In response, field staff developed strategies “to show results” that may not always have been conducive to the organization's larger development goals. This hierarchy filtered through the various levels from senior to mid-level staff, as well as staff that directly supervise the grass roots staff.

A rights based approach has required that this organizational dynamic be turned upside down. This is being accomplished in two ways:

1) Organizational Changes across CARE Bangladesh

- A reduction of supervisory layers
- Decentralization of decision-making processes
- Principles and values training that raises awareness of organizational culture, emphasizes respect, tolerance, diversity, listening and learning, etc.
- Gender sensitive human resource policies
- (Planned) Revision of CARE's performance evaluations
- Inclusion of mid-level field staff in the Executive Management Team as well as sharing minutes within the organisation

And

2.) Examples of organizational changes within certain projects ³⁸

- Increasing the voice of field staff through inclusion in key decision-making forums
- Encouraging creativity and innovation through non-monetary forms of recognition
- Allowing for mistakes
- Promoting forums that enact and critique power structures within CARE, leading to dialogue
- Celebrating successes of initiatives by highlighting the work of field staff, not only supervisors
- Encouraging grass roots staff to share their ideas and respecting their expertise and knowledge about local communities
- Encouraging grass roots staff to listen to and learn from the communities we work in
- Encouraging field staff to act independently, without always waiting to ask or hear what his / her supervisor thinks
- Rewarding team work and collaboration
- Flexible working hours in tune with the needs of the communities CARE works with

7.3 FACILITATION SKILLS

Changing organizational practices has important implications in terms of how staff relate to the communities CARE works with. Rights based initiatives that lead to empowerment, solidarity and collective action require that staff facilitate in a mode that encourages the

³⁸ Organizational changes within projects – reducing hierarchy, greater flexibility, etc. – have not been uniform, as these depend largely on project management.

people CARE works with to engage in dialogue, listen to and learn from one another, respect each other's views, and collaborate. It is essential for staff to facilitate – not merely implement the project's agenda -- and gradually hand over facilitation to members of the community. Facilitation as a means to an end – opening dialogue, encouraging thinking and questioning, and planning for action – can lead to positive outcomes within communities.

Just as CARE encourages senior staff to listen to the field staff, field staff must encourage members of the community to freely discuss their needs and concerns. For example, communities should be able to tell that they will be busy for the next few days or weeks and can only meet during evenings or early mornings. Thus a lack of flexible schedule and structuring one's week according to the requirement of the community has important implications for staff – community relations.

8. WHAT DIFFERENCE DOES IT MAKE?

There are dozens of examples of how a rights based approach has promoted solidarity and collective action, improved the lived conditions of the poor, increased voice and participation in locally elected bodies, as well as access to state run services.³⁹ We will provide just a few of the documented examples here:

8.1. CARE MALAWI:

- Community Health and Education Committees have become viable local community administrative structures that represent communities in decision-making, management planning and monitoring of the quality of services provided. This has been realized through opening discussion and negotiation of the traditional and elected representatives and by building capacity of the committee members to better understand their roles and obligations;
- Transparency and Accountability of service providers (schools and health centres) vis-à-vis the communities they serve has been increased through greater participation of community organizations in the management of services and improved dialogue between service providers and users;
- A positive attitudinal shift amongst both service providers and users as dialogue has build greater empathy and understanding of each others' responsibilities, common objectives, but also limitations;
- Greater school attendance by girls and a return to schools by girl drop-outs, through a shift in attitudes and practices that were preventing girls' schools attendance. This has been accomplished through a dialogue between service providers and communities emphasizing discussions around gender and HIV/AIDS. Service providers and the communities CARE works with have established a 'social contract', the adherence to which is routinely audited by the communities.

8.2 CARE BANGLADESH:

- Evolution of farmer groups into viable organizations that successfully demand government services and provide support to economically and socially marginalized households⁴⁰

³⁹ See for example Napier, A. 2004. The Story of RBA in Sierra Leone. See also footnote 7 above

⁴⁰ CARE Bangladesh, 2004. RBA Learning Initiative: LIFE/ NoPEST Phase II Project. Dhaka: CARE Bangladesh.

- Share cropping associations that have been able to negotiate more favourable access to land ⁴¹
- Community solidarity through 100 percent sanitation leading to collective action in terms of community led livelihood activities (timber and fruit tree plantations as well as duck and cow rearing) and erosion and flood protection in the *char* areas of Bangladesh ⁴²
- Collective saving, accumulation and storage of rice and cultivation of vegetables to prevent hunger of the poorest households during the lean period ⁴³
- Access to and collective management of previously unused resources (ponds) through negotiations and support of landowners ⁴⁴
- Low-level conflict resolution through collective action ⁴⁵

8.3 FACILITATING COMMUNICATIVE PRACTICE AND SELF-REALIZATION

CARE Bangladesh has particularly emphasized people's ability to enter into a dialogue and negotiate. This has been fruitful not only between people of equal status, but across class and gender. CARE's Integrated Food Security Programme, which will in the future operate under the name Shohardo, and the Nijera pilot employ an approach that uses Participatory Rural Appraisal (PRA) methods. Although PRA methods have been applied in most CARE Country Offices since the early 1990s, this approach is quite different. Earlier, PRA methods tended to be applied in an extractive mode ⁴⁶, with staff using various tools to understand the community and ascertain social dynamics to implement project activities. ⁴⁷

Here staff assist communities and / or groups within communities to analyze practices, behaviours, resource allocation and use. Examples of methods used are social mapping, flow diagrams that elucidate causal relationships, women's mobility, seasonal calendars that highlight the division of labour, and transect walks. The findings (either in the form of charts, tables or video films) are then shared with the larger community. This generates dialogue and allows people to discuss what they do and how they behave and how certain practices perpetuate undesirable conditions. CARE Bangladesh has found that changing a behaviour such as open defecation within an entire community, leading to a healthier, visibly pleasant environment, reduced disease incidence and thus medical costs, can be a powerful example. It illustrates that entrenched practices can be questioned and changed. This process of self-realization can be an important factor in inducing communities to collectively mobilize to plan and engage in various developmental activities by pooling resources and labour.

⁴¹ Khan, M. I. 2004

⁴² CARE Bangladesh, 2004. "The Community –Led Development Approach – Experiences from Mymensingh. Integrated Food Security Program, CARE Mymensingh. Dhaka: CARE Bangladesh

⁴³ *ibid.* and CARE Bangladesh, forthcoming. Nijeder Janyia Nijera: CLTS as an entry point for collective action. Rangpur: CARE Bangladesh

⁴⁴ *ibid.*

⁴⁵ *ibid.*

⁴⁶ Wealth Ranking is a classic example of this type of PRA. Interestingly, in a facilitation workshop for the Nijera pilot, the participants were asked to engage in a wealth ranking and wealth grouping exercise amongst themselves. Following this, staff concluded that wealth ranking -- taking each individual and ranking him / her from richest to poorest -- was an extremely uncomfortable exercise. Wealth grouping, on the other hand, seemed to be more sensitive .

⁴⁷ Crawford (2004) also highlights the important difference between **being** participatory in all aspects of work and lives, rather than simply **doing** participation (by employing a range of participatory tools and methods).

9. RIGHTS BASED APPROACHES: MUST THERE BE WINNERS AND LOSERS?

We have highlighted that rights based approaches to development must take into account the histories of nations and the localities in which we work. Such an approach helps to elucidate how key practices that perpetuate discrimination, inequity, and poverty have come to be. CARE's approach to Rights Based Programming takes into account that communities are not homogenous, harmonious, and egalitarian, but are often characterised by factionalism and even conflict. Assisting communities to engage with and reflect on their histories and question what they and others do through dialogue and negotiation has the potential to lead to collective action. Such an approach accompanied by appropriate entry points (such as sanitation or health care) that do not threaten the powers that be, but enable communities – despite the social divisions that exist – to improve their lived conditions collectively can lead to solidarity and a sense of accomplishment. This, in turn, has the potential to lead to other community-led development initiatives without zero-sum outcomes.

APPENDIX I

CARE Bangladesh – Social Development Unit (May 2003)

Contrasting Characteristics of Para with Primary, Secondary and Tertiary Elites

	PRIMARY	SECONDARY	TERTIARY
Type of Leadership	Powerful actors sitting on Union Parishad and with wide influence	Less powerful leaders dependant upon contacts with primary elites and with only limited influence beyond their own communities	Leadership weak with few connections to more powerful actors and no influence beyond para
Agricultural Land	High and with highly unusual distribution	Lower areas with more equal distribution	Land holdings small. People typically need multiple occupations to survive and may not be very available for group sessions
Access to infrastructure and other developmental resources	High with especially good access to markets	Medium	Relatively low
Patron-client relations	Strongly developed and key feature of communal life	Less pronounced. Stronger bonds unifying poorer people	Weakly developed in absence of dominant elites
Gender relations	Purdah tends to be strictly observed	purdah may be less rigorously applied. Women more likely to be involved in agriculture	Relative freedom of movement of women but often levels of violence are high
Religious institutions	Strongly promoted by elites	Less important	Less important but strongly fatalistic beliefs
Secular institutions	Concentration of CBOs and Clubs	Relatively few	Few CBOs and clubs but higher concentration of NGO groups
Voice of poorer households	Hardly heard	More likely to be heard	Quite strong within community

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