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At the *Nexus* of Human Rights and Development: New Methods and Strategies of Global NGOs

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Summary. — The growing interaction of development and human rights, especially in the work of nongovernment organizations (NGOs), has important implications for NGOs, donor agencies and governments. Three trends—a rights-based approach to development, joint advocacy by human rights and development NGOs, and expanded attention to economic and social rights human rights groups—are the substance of the growing interaction. Human rights offer internationally recognized standards as benchmarks and bases for accountability of NGOs, governments, and corporations; a new source of influence for NGOs' advocacy; and the first fundamental challenge to a market-dominated view of development that has prevailed since the 1980s. NGOs' efforts to link human rights and development are examined to reveal both potential and limitations.

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1. INTRODUCTION

Oxfam USA and Care International staff met in October 2002 to compare experiences in implementing a rights-based approach to development, using their response to the Afghanistan war as a case study and affirming their organizations' systematic shift in orientation from promoting development needs to economic rights. Food First, a 30-year old NGO committed to eradicating hunger, launched a campaign in 2002 for US ratification of the International Covenant on Economic, Social and Cultural Rights. In 2001, Amnesty International's worldwide decision-making body adopted a new mission that includes work on economic, social and cultural rights, initiating new research methodologies, policy priority setting, and advocacy work in areas once considered the domain of development work.

UNIFEM, UNICEF and other international development agencies have used human rights measures as benchmarks for program priorities since the United Nations Development Programme released the 2000 annual Human Development Report, measuring progress through international human rights standards.

What *do* human rights have to do with development? What is happening in the NGO community at the *nexus* of human rights and development? On several fronts, scholars and practitioners have called attention to a new, deeper relationship in the last decade. Theoretically, Sen (2000), Nussbaum (2000), and Pogge (2002) have contributed approaches to

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applying the principles of rights, entitlements, and capabilities to the workings of states and markets. Other discussions of development and human rights (Alston, 1998; Forsythe, 1997; Overseas Development Institute, 1999; Sano, 2000) have helped to clarify the relationship between them, and the logic of claims for rights of groups (Falk, 2000). In practice, UN agencies and a growing number of NGOs are committing themselves to human rights-based approaches to promoting development. These efforts to conceptualize and operationalize the relationship of human rights and development have raised the possibility that rights recognized since the adoption of the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights, might become a practical guide to setting priorities and allocating resources in development work and may signal fruitful new collaborations across sectors between development and human rights NGOs.

The growing HR-development interaction is a high-stakes process, as NGOs and development agencies redefine missions, test new methodologies, reallocate funding and retrain staff, and the changes studied here have potentially dramatic significance for development finance and promotion. We identify three trends—a rights-based approach to development, collaborative campaigning by human rights and development NGOs, and the adoption of economic rights orientation by human rights groups—that are the substance of the growing interaction. These new developments relate to the efforts of some practitioners, including practitioners in NGOs, to move beyond theoretical and rhetorical support for the integration of development and human rights to programmatic and policy measures that integrate them in practice, and that challenge and stretch the mandate and structures of existing organizations.

Why are these three trends so significant for the field of development? First, they signal a potential paradigm shift in the underlying conceptual framework for development agencies and NGOs, shifting perspective from development as a need and development work as gift, to development as a right and the goal of development assistance as an obligation to assist in fulfillment of individual entitlements. Second, development as a right is measured by internationally agreed upon standards—international human rights treaties. These standards offer benchmarks for progress and establish

accountability for state and nonstate actors. If development is a matter of fulfilling human rights, then states have legally defined obligations to protect and promote their citizens' rights to food health care, education, etc., and to choose a development path that moves rapidly toward their fulfillment.

Third, a human rights approach extends obligations from national governments to international responsibilities of rich countries. The international human rights treaties establish that the international community shares responsibility for attainment of rights in national contexts, suggesting, for example, that other governments and agencies share responsibility for development in highly indebted poor countries. Fourth, it signals a potential new source of influence for development groups that may partner with other NGOs from the human rights sector, adding strength to their international advocacy.

Finally, the growing prominence of human rights in development discussions raises the first fundamental challenge to a market-dominated view of development that has prevailed since the 1980s. Development defined in terms of rights is an international obligation that must be fulfilled, irrespective of economic model. Debates about the merits of market-driven and more statist strategies will and should continue, but a human rights-based approach requires that the debates begin from the absolute obligation to protect and fulfill every individual's rights. Development agencies have an important obligation to embrace "rights-based" approaches only if they are prepared to bring their priorities and programming into conformity with these obligations, and to resist the temptation to associate themselves with human rights in rhetoric alone (Uvin, 2002). Research should evaluate these claims with a critical eye.

The *nexus* of human rights and development is complex and multidimensional. This paper identifies and outlines three aspects of the *nexus*, advances hypotheses and preliminary evidence, and sketches a research agenda relating to the roles of NGOs in each. The three aspects are as follows: First, NGOs have asserted their commitment to (human) rights-based strategies and mandates, and are now struggling with the implications of those commitments for project and program planning in diverse political and social settings and in diverse organizational structures. This influence on development priorities, partnerships, advocacy strategies and indicators offers promising

new approaches for NGOs, and reflected in parallel trends in international agencies such as UNICEF and UNDP and by a handful of development aid donors and NGOs (UNDP, 2000; UNICEF, n.d.; Davison & Strickland, 2000).

Second, NGOs have begun to explore the underexploited links between development, environment and the protection of civil and political rights. For a generation these complementary agendas have been carried out in separate organizations and without systematic coordination. In the 1990s, cooperative projects among HR and development NGOs began to demonstrate the potential power of cooperation to protect the political freedom and lives of development, labor, environmental, and women's activists; and to assert claims to the right to information and to active participation in national and international policy decisions. This convergence is exemplified by international campaigns to protect environmental activists, abolish the use of "child soldiers," and to influence various corporate practices in issue areas including diamond trafficking.

The third aspect of the *nexus* is the emergence of movements to assert and gain leverage from internationally recognized economic and social rights. Driven largely by the work of networks of smaller NGOs, and outside the sphere of the major international human rights NGOs, the economic and social rights (ESC) movement aims to mobilize international affirmations of universal rights to a range of social and economic goods—education, health care, water, food, even the right to "development"—to encourage concrete changes in policy and practice by states, corporations and international organizations. All three of these dimensions, and the theoretical advances mentioned in the introduction, are essential to understanding the present dynamic interaction of human rights and development. We examine the trends by selecting several of the most advanced NGO cases, and probing the extent and nature of innovations, as well as the organizational limitations. Findings are based on documentary evidence and on supplementary interviews carried out in 2001–02.

We present our argument as follows: the next section outlines the historic division between development and human rights as fields of action and study, a division that is present in government, NGOs, and international organizations, as well as in academia. Three further sections outline the dimensions of the human

rights–development *nexus*: development practice, convergent campaigns among human rights and development organizations, and new economic and social rights advocacy. Finally, we offer some summary analysis and prescriptions for future research. The early record suggests that the success of the interaction is uneven and likely to depend heavily on the political and organizational context, as well as on the strength of individual norms regarding rights to economic and social goods. Human rights–development links appear to be particularly powerful in some policy areas and forms of programming. In others, the results are less clear, slower to emerge, or human rights-based strategies are simply less fruitful.

The paper, which is an introduction and first statement of a larger study of these three dimensions, reaches some tentative conclusions, and generates research questions and hypotheses about NGO work at the *nexus* of human rights and development.

2. THE DIVISION OF HUMAN RIGHTS AND DEVELOPMENT

What does human rights have to do with development? For most development practitioners, discussions of the human rights to economic and social goods—food, health, education—have been largely divorced from development planning and finance debates, just as they have been from the advocacy of traditional human rights groups. This section characterizes development practitioners' relatively limited experience with human rights standards, and argues that development and human rights agencies, including NGOs, operate in two distinct sectors.

Sectors in this sense are groups of institutions distinguishable by their organizational missions and agendas, their patterns of association, sources of funding, and their organizational cultures and myths. Human rights NGOs, in brief, articulate their agendas and missions in terms of strengthening international human rights norms and protecting and implementing recognized human rights. Most human rights NGOs have not strayed far from a focus on civil and political rights, and, targeting governments, they have been slow to take on corporate actors directly. They associate with UN and governmental human rights agencies and offices, and with other human rights NGOs;

and receive much of their funding from private donors and foundations.

Development NGOs articulate their agendas in terms of (variously) meeting human needs, upholding human dignity, and promoting, self-sufficiency, community development, solidarity, and justice, rarely in terms of international and universal standards of social and economic rights. They associate with development aid donors and organizations involved in community development, and receive funds predominantly from private donors and governmental aid agencies.

The International Covenant on Economic, Social and Cultural Rights (ICESCR), along with declarations of the Right to Food and Right to Development, have been avidly debated within the UN system, but largely disregarded in the major international institutions of development planning and finance. "Rights" at this level of abstraction have been widely considered to provide little practical guidance to donors and governments that need to allocate funds or design and locate programs and projects.

Civil and political human rights have entered into development finance decisions when NGOs have strategically focused on third-party aid as a lever of influence, pressuring bilateral donors to make human rights performance a factor in aid allocations. Governments' human rights compliance occasionally surfaces as a reason for withholding aid; and compliance is a factor in bilateral donors' formulae for allocating development aid (Forsythe, 2000).

Popular participation in development initiatives moved, during the 1980s, from a slogan of a few NGOs and small bilateral donors to its current status as orthodoxy among mainstream development donors. But although informed participation is regarded as a human right in some international policy discussions (United Nations/ECE, 1998), the language of human rights has been largely absent from development practitioners' discussions of participation (Long, 2001; World Bank, 1996).

For decades, human rights and development activists in the Southern world have worked together to develop strategies to respond to the changing world political economy. NGOs based in the wealthy industrial countries, however, many of them international in membership and program, have historically had more strictly defined mandates, and have operated in distinct, recognizable sectors.

The divide between the sectors is, of course, not total. Within each sector there is variation

in practice, and sector boundaries are being eroded to a degree as a relatively small number of NGOs adopt strategies and methods across sector lines, and as a handful of organizational alloys are formed, with characteristics of both. (This erosion is discussed in the conclusions.) But broadly speaking, across the decades since the end of World War II in which "development" and "human rights" have come of age, they have been pursued and promoted by NGOs and official donors without close coordination. The growing contact and occasional convergence of human rights and development is challenging this separation. Three aspects of this convergence are outlined in the following three sections.

3. COMMITMENTS TO RIGHTS-BASED DEVELOPMENT PROGRAMMING

Beginning in the mid-1990s and spurred by the human impact of rapid economic and political change, donors and NGOs have given a great deal of attention to rights-based approaches to development. Aid donors such as UNDP and UNICEF have declared their intention to implement and support rights-based development programming, as have major networks of NGOs such as Save the Children, CARE and Oxfam (Oxfam International, 2002; Van Tuijl, 2000).

Since the late 1990s the UNDP has raised the profile of the development-human rights discussion by arguing that internationally recognized economic and social rights do provide a useable guide to policy decisions. UNDP's embrace of a human rights framework, and the publication of its report, *Human Rights and Human Development* (2000), gives new energy to commitments that have been affirmed and reaffirmed at a series of UN-sponsored conferences, most recently the UN Millennium Summit. UNDP has also contributed tools for strategy and implementation, at the level of national governments and international donors. UNICEF, which serves two populations whose rights are specifically delineated (children and women), has also developed guidance for implementing a human rights-based strategy (UNICEF, 1998).

Exactly what a human rights-based approach implies at the project level for NGOs is less clear. Consider the statements of NGO representatives in an October 2000 consultation initiated by the Human Rights Council of

Australia (HRCA) (Human Rights Council of Australia, 2000). Statements by CARE International and Rädde Barnen (Save the Children, Sweden) demonstrate some development NGOs' enthusiasm for rights-based programming, even as they illustrate the current limitations. Collectively, the NGOs' comments identify four principal applications of a human rights-based approach in NGO programming: project and program design, human rights education, participation, and accountability standards.

(a) *Human rights-based program design*

Program priorities and project ideas can be identified through an analysis of rights. At the organizational level, this may mean that funds and staff are allocated among programs, and even geographically, on the basis of this analysis, either in place of or in addition to other factors. An analysis of rights unfulfilled, like an analysis of unmet needs, commits funds and programs in part based on gaps of service provision or access to productive resources.

Although the full implications of an approach based on rights for program and project design have not been clearly elaborated, starting from the concept of rights affords a different perspective in which aid is not charity but an international obligation of the state and of donors. Such a perspective obliges the donor (official agency or NGO) to consider and attempt to influence the capacity and commitment of the state to ensure rapid progress toward realization of the rights in question.

(b) *Education about human rights*

Projects that deliver services can integrate those services with efforts to articulate the rights of citizens and the duties of governments, and perhaps of international donors and other agencies. This may involve education efforts with people affected by the project's services and discussions with government agencies.

Human rights education is an important component, for example, of the work of the International Women's Health Coalition (IWHC). IWHC supports partner organizations, usually women's organizations and health NGOs, in promoting both programmatic and policy solutions to the systematic denial of women's reproductive and sexual rights, adolescent's rights, and other health-related rights. IWHC descriptions of its own

assistance programs feature a description of the partnership arrangements and services financed; they also include a two-page set of citations of the sections of international human rights covenants and agreements relevant to the topic (see, e.g., International Women's Health Coalition, n.d.). Human rights education and advocacy are integrated with other forms of education and services, as in the IWHC-supported Girl's Power Initiative in Nigeria, which works with girls aged 10–18 to promote understanding of girls' (and women's) rights with respect to sexual and reproductive issues, and to encourage critical analysis by male and female adolescents of prevailing social and cultural values and practices (International Women's Health Coalition, 2002).

(c) *A right to participation*

Projects can be designed, implemented and overseen in a participatory manner that accepts and encourages substantial control over the project by organizations of affected people. This assertion of a right to participate is, in part, a restatement of an accepted principle among development practitioners (Long, 2001). It is, some argue, a strong and valuable statement of this principle, because it recognizes that participation and accountability are rights of affected people, as well as good practice for development agencies (Human Rights Council of Australia, 2000).

(d) *Accountability*

Human rights standards have important implications for accountability in development, both the accountability of NGOs themselves, and the ability of NGOs and citizens to hold donors and international agencies accountable to a set of standards. The first of these is discussed here; the use of human rights standards as a source of political leverage for accountability is treated in later sections.

Several recent works ask what mechanisms make NGOs accountable to donors and affected persons, to what standards they are accountable, and what basis of legitimacy they can claim as political actors (Atack, 1999; Edwards, 2000; Jordan & Van Tuijl, 2000; Naidoo, 2000; Nelson, 1997). In making human rights standards the guiding principles of, for example, health services work, an NGO commits itself to promoting recognized standards, and can be evaluated by governments, donors

and recipients on these terms. For policy advocates, human rights standards can serve as a set of principles, as well as a legal code to which advocates can demand adherence. When NGOs assert that their work is grounded in human rights, they imply that they can be held accountable not only to the NGOs' own mandates and missions, but to standards that are recognized by a broader community of states and agencies.

NGOs have been criticized, for example, for their role in eroding and replacing state provision of social and human services that leaves governments underfunded and citizens without effective means of demanding changes in services (Hearn, 1998; Robinson, 1997).¹ Under a human rights framework, a vigorous commitment by NGOs to human rights education, and to supporting the primary duty-holder (the state) suggests one route to an approach that supports states' capacities while providing immediately needed services.

Development NGOs confront some thorny questions in implementing human rights-based approaches. Communicating rights-based programming to donors and supporters accustomed to the discourse of needs and poverty reduction is a critical challenge (Offenheiser & Holcombe, 2001). The tension between international standards and local initiative presents a second challenge. The virtue of locally-initiated projects and programs has become widely accepted in development circles, but the power of human rights standards in shaping development programming is precisely that they are not local, but universal. How can NGOs balance the power of universal rights with the desire that projects and programs respond to local initiatives and even local cultural practices? For NGOs involved in service delivery, there is also much work to be done to identify the practical application of human rights standards to the design and implementation of individual projects.

Internally, veteran staff and managers will not necessarily be won over to any change of framework for programming. CARE, for example, emphasizes the importance of deepening "organizational understanding, ownership, and application of a rights approach" (Jones, 2000, p. 40); Oxfam has worked to produce a conceptual framework that will ease the transition for staff (Offenheiser & Holcombe, 2001); and Rädde Barnen stresses the need to develop an approach that can be "easily communicated to and understood by our members, donors and

sponsors, . . . who want to see the impact on the child . . ." (Geidenmark, 2000, p. 38).

4. HUMAN RIGHTS, DEVELOPMENT AND ENVIRONMENTAL ADVOCACY

Development, human rights and environmental NGOs have joined in a handful of collaborative efforts to protect civil and political rights and to protect the environment or advance development. Collaboration among international human rights, development and environmental, and women's organizations emerged as a trend in the 1990s, developing common strategies to influence economic actors and to assess development and environmental policies (in part) by their adherence to civil and political rights standards. These joint efforts go beyond NGOs' simply endorsing each others' initiatives, and feature active involvement in sustained advocacy campaigns.

Several factors are driving this growing collaboration. NGOs in the global South, whose mandates are less often strictly divided along human rights/development lines, have influenced their Northern and internal counterparts. At the same time, human rights, development, and environmental NGOs have become increasingly aware of their shared goals and of the likelihood that developing common strategies and uniting their constituencies will increase their prospect of winning leverage over international corporations, governments and international organizations.

At this early stage initiatives have emerged around three sets of objectives: to protect the rights and safety of environment/development workers, to influence specific corporations' or industries' behavior, and to protect the rights of specific social or ethnic groups. The first, appealing to recognized civil and political rights standards to protect the safety of environmental advocates or community development workers, is not a new idea, but organized collaboration among development, environment and human rights NGOs grew in the 1990s. For example, Amnesty International, traditionally independent in its campaigning efforts, joined with the Sierra Club in a campaign to extend HR protections to environmental advocates (Sierra Club, 2000).

Second, NGOs from the three sectors have carried out a series of public campaigns to influence the behavior of individual corporations, joint campaigns that broadened and deepened

the “corporate social responsibility” movement in the 1990s (Newell, 2001). The current campaign to restrict the access to income from diamond exports by military leaders in Sierra Leone and Liberia—the “Clean Diamonds” campaign—features cooperation among governments (especially Canada and the United Kingdom) and a diverse set of NGOs including mainstream development aid providers such as World Vision and established human rights advocates such as Amnesty International (Smillie & Gberie, 2001).

Campaigns focused on Exxon-Mobil, GAP, Nike and other international corporations similarly involve NGOs across the human rights–development divide, and the International Right to Know Campaign is sponsored by a long list of organizations in support of expanded information regarding US corporations’ international operations and their potential labor, environmental and human rights impact (International Right to Know Campaign, 2002).

Finally, human rights and development NGOs have cooperated in several initiatives to advance the rights and well-being of specific groups that are disproportionately affected by human rights abuses, and that are the subject of international human rights agreements. Efforts to strengthen protections of indigenous peoples’ land and cultural rights are one example (Brysk, 2000), as are cooperative efforts to strengthen the implementation of women’s rights (Bystydzienski & Sekhon, 1999), advocacy on the human rights of people affected by HIV/AIDS (Human Rights Watch, 2001; Physicians for Human Rights, 2003; Médecins Sans Frontières, 2001); and the campaign of the Coalition to Stop the Use of Child Soldiers.

The impact of these joint efforts is not yet clear, and it may not be possible to know for some years whether the NGOs’ hopes for expanded impact will be fulfilled. Two important findings are clear: First, the motivating power of the *idea* of a universal human right is more significant in these movements than precise, legal appeals to specific human rights standards. These movements often rhetorically cite specific human rights language, less often cite specific covenants or agreements, and rarely use the mechanisms available to formal investigation and adjudication of human rights complaints.

Second, these alliances that apply civil and political rights to environmental, development and labor activism have been the strongest

mechanism for drawing the traditional, international human rights organizations into the development/human rights *nexus*. They are, however, not the only point of contact, as international NGOs are increasingly experimenting with strategies for economic and social rights.

5. EMERGING MOVEMENT FOR ECONOMIC AND SOCIAL RIGHTS

The growing movement for economic and social rights encompasses two processes: the growth of new networks and organizations that explicitly link human needs issues to social and economic rights standards; and the move by traditional civil and political rights NGOs to expand their mandates to include ESC rights.

As the major international NGOs were slow to develop substantial economic and social rights agendas, new organizations and networks have been formed explicitly with an ESC framework. Dynamic and sometimes innovative approaches by networks of NGOs show the potential of ESC rights in fields such as corporate behavior in extractive industries and the right to water, food, and agrarian reform. Among the major centers for developing and testing such strategies are the Food Information and Action Network (FIAN), the Center for Economic and Social Rights (CESR), the International Women’s Health Coalition (IWHC), and the Human Rights Council of Australia (HRCA).

In June, 2002, CESR announced the creation of an International ESC Rights Network, whose purposes include information exchange, demonstrating the value of ESC rights to poverty reduction programs, and advocating for “fair economic, social, cultural laws, policies and practices at all levels” (International Network for Economic, Social & Cultural Rights, 2002). Campaigns to influence national or international policies, or international corporate behavior, increasingly make reference to social and economic rights. Occasionally campaigns are systematically linked to human rights claims, as do some international participants in the effort to influence the proposed privatization of water services in low-income countries of sub-Saharan Africa and of Latin America.

While new organizations and networks are forming to promote ESC rights, traditional human rights groups are grappling with adoption of a “full spectrum” approach to human

rights advocacy. The approaches vary greatly across the sector of global human rights NGOs. Perhaps most significant was the decision taken at Amnesty International's 2001 International Council Meeting voted to reform the organization's historic mandate, creating a new mission that incorporates direct advocacy of ESC rights. Amnesty's national sections have begun to prepare and launch new ESC rights campaigns. For instance, the US section made capacity building on ESC rights and methods a national priority for 2002–04, while launching a pilot action on global AIDS (Dorsey, 2003).

Human Rights Watch has also developed economic and social rights programs and initiatives. Its Women's Program, for example, includes an initiative on violations of women's property rights in sub-Saharan Africa, violations that "doom developments efforts and the fight against HIV/AIDS" (Human Rights Watch, 2003). But initiatives to claim internationally recognized ESC Rights as the basis for development policy decisions have been largely the work of emerging networks of smaller organizations, many based in the countries of the global South, with international support coming from smaller, specialized NGOs based in the industrial countries.

Two examples are briefly outlined the following paragraphs: the campaign to increase access to essential medicines, and several alliances resisting privatization of drinking water supply systems. Water and health care rights are most explicitly articulated in Article 12 of the ICESCR, "The right to the highest attainable standard of health," and addressed more briefly in other human rights agreements. The campaigns vary in their level of development and political impact, and they demonstrate three important characteristics of the growing number of such campaigns. First, they confirm the significant role of small, emerging organizations specifically committed to applying economic and social human rights to development policy. Second, they show the growing specificity of ESC rights claims. From broad discussions of the right to food, right to health or right to development, NGOs are now arriving at focused, country-specific rights-based campaigns for agrarian reform, essential medicines, and debt relief. Third, NGOs are using human rights in a variety of rhetorical, strategic, and legal ways, which are neither systematic nor consistent. NGOs are working to develop the kind of *modus operandi* that has made civil and political human rights advocacy effective.

(a) *The right to water*

Private management of drinking water systems is promoted by the World Bank and IMF, to replace state-managed systems that are often costly and inefficient. Privatization and the increased fees that accompany privatization have met with resistance at local and international levels in almost every case, including Ghana (Grusky, 2001), Zimbabwe (Hellum, 2001), and most famously, in Bolivia, where fee increases provoked fierce opposition that forced the Bolivian government to abandon its contract with a consortium controlled by Bechtel, Inc. (Barlow, 2000). Scholars and advocates have promoted a human rights-based approach to water systems for some time (Gleick, 1999), and disputes over privatization led the United Nations' Committee on Economic, Social and Cultural Rights to issue an explanatory General Comment in November, 2002, making explicit and official the ICESCR's guarantee of a right of access to water (Committee on Economic, Social & Cultural Rights, 2002).

Human rights have been invoked in a variety of ways to promote and protect free access to water, from explicit references to human rights by international advocates, to domestic strategies that make rhetorical references to "rights." The Global Committee for the World Water Contract advances the claim that "water is a fundamental, inalienable individual and collective right," and that "it is up to society as a whole to guarantee the right of access..." (Global Committee for the World Water Contract, 1998) The Blue Planet Project (2001), an initiative of the Council of Canadians, affirms water as a "fundamental human right," as of intrinsic value that precedes its market value, the project calls on all governments and nations (including nations of indigenous peoples) to pledge not to privatize, trade, export water, and to exempt water from "existing and future international and bilateral trade and investment agreements."

Advocates in both Ghana and Zimbabwe have at times relied on appeals to human rights standards (Ghana National Coalition Against the Privatisation of Water, 2001; Hellum, 2001). The international alliance that formed around the Ghanaian debate has called on the IMF to recognize and affirm the right by implementing specific steps that guarantee free access for poor people (Grusky, 2001).

The Center on Economic and Social Rights argues explicitly for human rights standards as

the best guide to policies that meet the challenges of water provision. CESR is the most explicit in referencing human rights agreements, and affirmations of the right to water in national constitutions (Center for Economic & Social Rights, 2001). It ties the rights-based argument to the World Health Organization's standards of access to 20–40 l of water, daily, “within a reasonable distance from the household” (Center for Economic & Social Rights, 2001).

The appeal to human rights standards has several three benefits for anti-privatization advocates. It adds rhetorical power to their argument for universal access, it affords a positive basis (pro-human rights) to what would otherwise be a negative (anti-privatization) message, and it can provide an approach to the policy and management choices involved, acknowledging both efficiency and access issues (Hellum, 2001). Hellum's analysis of the Zimbabwe water policy debate illustrates this analytic potential. Hellum begins from an assertion of the right of domestic users to affordable access to water, and from that premise she derives the outlines of a more efficient, mixed water provision system that takes advantage of markets' allocative power and efficiency, in the context of a system designed first to protect rights and well-being.

(b) *Access to essential medicines*

The campaign for access to essential medicines aims to increase affordable access to the 206 drugs designated essential by the World Health Organization because they “satisfy the health care needs of the majority of the population. . .” (World Health Organization, 2001). The high cost of several relatively new essential drugs, including medications for HIV/AIDS and for multi-drug-resistant tuberculosis, has given the campaign a new urgency and raised its profile internationally. Both the broad Essential Medicines campaign and the effort to expand access specifically to HIV/AIDS medications illustrate some of the new characteristics of advocacy related to ESC rights.

In the broad Essential Medicines campaign, NGO efforts have targeted national governments, the pharmaceutical industry and specific pharmaceutical corporations, and international organizations. Not surprisingly, they have used a variety of strategies, aiming to encourage expanded production, reduced prices, further research and development, and trade rules that

maximize access at affordable prices (Pecoul, Chirac, & Pinel, 1999). The campaign seeks to protect the WHO's recognized role in international trade negotiations and agreements, and to encourage and protect national strategies now allowed under the World Trade Organization's Trade-Related Agreements on Intellectual Property (TRIPS); it also calls for more substantial contributions by the rich countries to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

NGO leadership on the essential medicines campaign has come from organizations such as *Médecins Sans Frontières* and the South African Treatment Action Campaign. Neither is formally associated as a “human rights” organization, but both consistently cite human rights in their materials. Their advocacy has three key features: First, it is often grounded in the assertion that access is an essential component of the internationally recognized human right to health care (t Hoen, 2000). As established human rights NGOs become more deeply involved by creating initiatives on human rights and HIV/AIDS, the link to specific guarantees in human rights agreements are made more explicit (Amnesty International USA (AIUSA), 2002, 2003; Human Rights Watch, 2001; Physicians for Human Rights, 2003). Second, it works in close cooperation with national governments. Initiatives by the governments of South Africa and Brazil to produce generics led to threats of formal action against them—a suit by the US government against South Africa, and action under WTO rules against Brazil. NGO activists have taken positions that give unusually strong and direct support to government initiatives, as the work of MSF demonstrates.

MSF's campaign goals include “to support health ministries that are fighting to increase access to essential drugs,” and to “support the implementation of existing trade rules. . . designed to protect” access to these medicines, by informing and advising governments on their options (*Médecins Sans Frontières*, 2002a). In practice, this is illustrated by MSF collaboration with the governments of Brazil and South Africa, in 2001 and 2002. MSF, encountering high costs for anti-retroviral drugs in its clinical trials in South Africa, negotiated with the South African government, Brazilian pharmaceutical *FarManguinhos*, and the Brazilian government-managed research and development company, to import Brazilian generic versions of the drugs in question, at roughly

half the cost of those available (already at steeply discounted prices) from multinational pharmaceutical companies (Médicins Sans Frontières, 2002b). South African activists from the Treatment Action Campaign (TAC) traveled to Brazil to pick up the drugs, and are participating in the clinical trials. TAC also sided with the South African government in the lawsuit against it by the Pharmaceutical Manufacturers Association (PMA) (Berkman, 2001).

Third, Essential Medicines advocacy relies on mass support from the social movements that have supported HIV/AIDS treatment access in the industrial countries. The WTO meetings in Doha, Qatar in November 2001 were among the most visible successes of this global advocacy (Mekay, 2001). The ministerial allowed no change in the TRIPS rules, which require all countries to come into compliance by 2006, but did add a Declaration on TRIPS and Public Health that makes a temporary exception of 15 years, to assure that TRIPS does not prevent countries from taking steps to promote public health. This concession, though limited and far from satisfactory to HIV/AIDS treatment advocates, demonstrates the power of organized activist movements in the United States and other industrial countries to neutralize their governments' opposition at the WTO to the agenda of human rights advocates.

6. CONCLUSIONS

Development policy and practice have benefited from—and suffered through—successive waves of fashion and ideology. The current interest in human rights standards as a basis for policy and practice signals at least such a trend, and its growing prominence should spark critical inquiry to evaluate its significance and value, and to maximize its contribution to the well-being of poor people and communities. The impact of the trends reviewed here cannot yet be determined, but two findings are clear at this early stage.

First, the interaction between human rights and development is growing rapidly, and on several institutional fronts. In addition to the application of civil and political rights standards to protect the freedoms of environmental and development practitioners, it includes ambitious efforts to make human rights standards the basis for programming in development

NGOs; the growth of human rights/development coalitions around issues such as debt, health, water and land reform; the adoption of new ESC rights agendas by major human rights NGOs formerly focused solely on civil and political rights; and the emergence of new organizations specifically promoting economic and social rights.

Second, while the results remain to be determined, these cases make it clear that the patterns of NGO advocacy and programming differ significantly from the patterns seen in promoting civil and political rights. First, although economic and social rights are internationally recognized, support among powerful governments for their implementation is much less strong than for civil and political rights. NGOs cannot expect to have the support, for example, of the US government in arguing for economic rights that contradict neoliberal economic thinking about market provision of goods.

Advocacy for civil and political rights (and for environmental safeguards for development projects, information disclosure at the international financial institutions, and related reforms) has often involved alliances among NGOs, industrial country governments and international organizations to exert leverage on the offending government. But in some economic and social rights campaigns, NGOs ally with poor country governments, seeking leverage over major aid donors, international trade rules, creditors, and corporations. If interest in economic and social rights continues to grow, such political strategies could become as common—and as well documented—as the appeal to international authorities and powerful states to win leverage over poor-country governments.

Beyond these two findings—the expansion and diversity of human rights–development contacts, and the growth of NGO advocacy that does not rely on international authorities for leverage—this review of work at the *nexus* of human rights and development raises several trends and questions for researchers and practitioners, which can be summarized by revisiting the five attributes that give human rights its potential impact on development practice.

(a) *Framework for development practice*

Development agencies' application of economic and social rights to program and pro-

ject work is beginning to alter the practice of the agencies, in three ways. First, all human rights standards define duties to protect and fulfill them, duties borne by states and international actors, and these duties imply a more sustained and serious commitment to influencing—and supporting—governments. If human rights standards are to help establish accountability for alleviating the suffering associated with poverty, then development NGOs will have to make advocacy a major part of their activity, and find new ways to integrate their own service delivery with advocacy. This need to relate to the state as the central duty-bearer also often requires more cooperative relationships between NGO advocates and government ministries, as manifested in NGO work on AIDS medicines and on debt relief.

In service delivery itself, human rights-based approaches have taken root most rapidly in sectors where rights are relatively clearly defined and access is readily measured. Education, health, water and sanitation are examples of services where standards of access are clear and assessment of progress toward fulfilling particular rights would be straightforward. It is not surprising that NGO initiatives on education, health, and water are among the most advanced in linking service provision to human rights.

Human rights-based approaches will require substantial changes in organizational procedures, routines, and staff's skill set. Any shift in the activities sponsored by an organization places demands on the organization. The demands reflect the need for new skills and expertise, and structural changes required to implement them, and they often confront conflicting priorities, interests and commitments within the organization and among its staff, management, funders and other constituents. International NGOs in the early stages of adopting human rights-based approaches appear to be taking these needs to heart. CARE-US and Oxfam America have begun staff-wide training and sharing organizational frameworks for implementing rights-based strategies, comparing experiences by applying a human rights approach to country-specific case studies.

Understanding these external and organizational pressures that affect the adoption and implementation of new policies, and how NGOs manage these pressures, should be of considerable practical interest. It will require

both close study of individual NGOs, and a review, over time, of practice in the HR and development sectors.

(b) *International standards*

Internationally recognized human rights have been a powerful tool for efforts to eliminate arbitrary detentions, promote freedom of expression, and expand civil and political freedoms. The patterns of advocacy that NGOs have used to encourage implementation of these standards have been well documented (Keck & Sikkink, 1998; Risse, 2000), and although claims of NGO influence are difficult to prove definitively, NGOs have clearly played a role in advancing civil and political rights norms and winning compliance with them (Risse, Ropp, & Sikkink, 1999).

Can economic and social rights be harnessed as effectively to win changes in states' and in influential international organizations' development policy? Standards for access to essential medicines, daily access to clean water, and free universal education are being employed, if inconsistently, by advocates, primarily in the international arena. With the exception of the Right to Food discussion, NGOs' embrace of economic and social rights is relatively recent, and research should document both the strategies and networking patterns of NGO advocates, and the effectiveness of rights-based claims to land, water, education, essential medicines, and food.

(c) *Extending human rights obligations to the international system*

The responsibility to fulfill economic and social rights, as with civil and political rights, extends beyond individual governments to both institutions of international relations and commerce and to all governments participating in the global economic order. But while the international system has clear and recognized standards, its institutions are not mandated to implement them. WTO trade rules and the international financial institutions (IFIs) uphold intellectual property rights and the tenets of neoliberal economics, and the greatest challenge but ESC rights activists may be to establish the rights of the world's poor majority as obligations on these international organizations and to render those obligations effective and binding. Advocates have worked for two decades to

operationalize the concept of the right to development (Sengupta, 2000), but it remains conceptually and legally weak and garners little political support. The current efforts to apply some of the more specific international obligations laid out in the International Covenant on Economic, Social and Cultural Rights gain momentum as NGOs recognize potential opportunities for application.

Seen in this light, the greatest significance of the so-called “anti-globalization” protests since Seattle in 1999 may be the assertion of human rights standards for the governance of financial, monetary, trade and corporate affairs. This human rights theme is sometimes explicit, often only implicit in the “anti-globalization” platforms, but is clearly a growing theme.

(d) *Gaining influence through coalition*

Coalitions and alliances among human rights, environment and development NGOs are working on new political approaches to development policy in several fields. One important factor in this convergence is a small set of organizations in which characteristics of development and human rights organizations are combined, and which are not clearly recognizable as either. These NGOs defy classification because they carry out activities typical of both types, participate in networks and alliances of both human rights and development organizations, and display structural characteristics of both types.

At the international level these NGOs include, for example, Médecins Sans Frontières (Doctors Without Borders), practicing medical relief and active human rights reporting and advocacy; the International Women’s Health Coalition, which practices a human rights-based approach to advocacy and programming for women’s access to health services; and Food First Information and Action Network

(FIAN), whose activities include urgent action alerts on food security and agrarian reform issues, modeled on Amnesty International’s membership actions in defense of “prisoners of conscience.”

(e) *A challenge to market-dominated development?*

The most far-reaching potential implication of human rights for development policy is that economic and social rights, if taken seriously, would suggest a new framework for “development.” For NGOs, the growing emphasis on ESC rights is in part a strategic response, the assertion of a set of standards as a counterweight to the primacy of property rights and profitability. In the last 20 years market-driven development orthodoxy has been modified and adjusted to re-emphasize the right kind of growth (broadly based), the importance of welfare safety nets, and the need to consider environmental impacts (sustainable development).

A human rights approach, if taken seriously, makes claims that go far beyond the practice of development aid, and these implications require the attention of practitioners and researchers in the coming years. A human rights-based approach requires policymakers to make the fulfillment of every individual’s rights the measure and driving force in development, and more than any fashion in development theory and practice since the rise of structural adjustment in the 1980s, it has implications not only for the practice of influential aid providers—important in themselves—but for the very framework of international politics as they govern finance, natural resources, trade, information disclosure, certain intellectual property rights, and the interaction of market institutions with the public interest.

NOTES

1. The related issue of human rights standards and humanitarian relief has sparked important debates, both in theory and among practitioners, which are too extensive for a full discussion here. Relief agencies’ traditional commitment to strict neutrality and to delivering humanitarian relief to populations in need,

regardless of its potential impact on the course or duration of conflict, has been challenged by situations in which humanitarian assistance bolstered the strength of factions committing human rights abuses (Bryer & Cairns, 1994; Kenny, 2000; O’Neill, 2001; Rieff, 2002).

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