

Africa in the rise of rights-based development

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Abstract

This paper explores the rise of rights-based development (RBD) and its endorsement by prominent international institutions (such as the United Nations) and International Development Agencies (IDAs) like the World Bank. It situates RBD in global political context and analyses it in relation to the international politics of development, especially the politics of neo-liberal adjustment policies in Africa. The paper shows how RBD emerged against a backdrop of debate about four international issues associated with neo-liberalism and its discontents, namely globalisation and uneven development; capability and good governance; human rights and human development; and NGOs in the politics of development. Debates about those four issues keep repositioning the state as the central actor in RBD, and holding the state accountable for development (or the lack thereof) under international law. The paper's basic point is that state-centric RBD is paradoxical and highly political. Greater accountability is being demanded of states—especially in Africa—from the same neo-liberal forces (such as the World Bank) charged with weakening state capacity, undermining democracy, and diminishing state authority. In terms of international power relations and the politics of development, RBD does signal something of a willingness to rethink certain aspects of the dominant neo-liberal agenda. And yet adjusted states are being subjected—in the name of RBD—to novel methods of international surveillance and forms of conditionality. States are ultimately held responsible for human rights violations, even when it is non-state actors (and their neo-liberal policies) that caused those rights to be violated in the first place. RBD is, therefore, a partial answer (at best) to the questions of empowerment and change raised by critics of neo-liberalism.

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1. Introduction

A rights-based approach to development sets the achievement of human rights as an objective of development. It uses thinking about human rights as the scaffolding of development policy. It invokes the international apparatus of human rights accountability in support of development action (Overseas Development Institute, 1999, p. 1).

Rights-based development (RBD) is a fairly recent and contested concept. The Third World Network described RBD in 1998 as “relatively novel terrain” for most actors in international development (TWN, 1998, pp. 1–2). When the British government's Department for

International Development (DfID) endorsed a rights-based approach to development in 2000, it noted that few other International Development Agencies (IDAs) were committed to such an approach (DfID, 2000a, pp. 7–20).

Tensions between different understandings of RBD are manifest in practical disputes over implementation, in ethical debates about social justice, and in conceptual disagreements over the meaning of core terms such as *rights*, *development* and *accountability*. Competing understandings of the relationship of human rights to international development are also apparent in IDA publications. For example, the World Bank (1998, p. 2) makes attainment of human rights a goal of development whereas the United Nations Development Programme (UNDP, 2000, p. iii) posits the opposite, insisting that human rights are critical to achieving development and not a reward of it.

It would be impossible in one paper to explore the full range of issues and actors associated with RBD. In

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terms of actors, this paper confines itself to international institutions, focusing in particular on prominent IDAs based in Britain and the United States. They include governmental organisations such as DfID and non-governmental organisations (NGOs) such as Oxfam; multilateral donors like the World Bank; and agencies of the United Nations such as the UNDP.

In terms of issues, the paper addresses three related questions about the rise and endorsement of RBD. Firstly, what do prominent IDAs understand (in theory and practice) by the term ‘rights-based development’? Secondly, why has RBD been embraced at this particular time? And thirdly, what are the implications of RBD for existing power relations in international development?

The answer to the first question is reasonably straightforward. As the opening quote implies, rights-based development has been interpreted in a manner that is essentially state-centric. It means treating the state as the central actor in RBD, and holding the state accountable for development (or the lack thereof) under international law.

The second question is why, “after so long, the issue of human rights is being addressed now” among development practitioners (Duffield, 2001, p. 221). On this point, the paper reiterates the view that RBD emerged—not coincidentally—in a period of what Mohan and Holland (2001, p. 178) call “revisionist neo-liberalism.” The new rights agenda reflects a rethinking of neo-liberal development in the wake of widespread critiques of neo-liberal policy frameworks and their agents (see for example Overbeek, 1993; Brohman, 1995; Kiely, 1998). RBD is also—as others have argued—a response to perceptions of failure on the part of many IDAs (Duffield, 2001, p. 223; Tomasevski, 1994, p. 76; and Van Tuijl, 2000).

The third and final question concerns RBD’s capacity for empowerment and change. By situating RBD in global context and analysing it in relation to neo-liberal policies of structural adjustment in Africa, the paper suggests that RBD does little to empower either critics of neo-liberal development or the intended beneficiaries of that development—be they people or states. State-centric RBD is paradoxical and highly political. Greater accountability is being demanded of states—especially in Africa—from the same neo-liberal forces charged with weakening state capacity, undermining democracy, and diminishing state authority. In the name of human rights and ‘comprehensive development’, adjusted states are being subject to novel methods of international surveillance and forms of conditionality. African states and people are becoming more—not less—accountable to external agents of ‘top down’ development.

To support the above arguments, the paper is divided into five main sections. Part one charts some key mile-

stones along the road to RBD—all of them associated in various ways with the UN system. This discussion establishes the immediate context for the rise of RBD at the end of the 1990s. It also highlights the role of the UN in validating the principle of state responsibility for development picked up by prominent IDAs.

The remaining sections of the paper place UN initiatives themselves in wider political context, against a backdrop of challenges to the twin pillars of the neo-liberal (essentially capitalist) development agenda, namely market-based economic arrangements and minimalist states. Four substantive issues associated with neo-liberalism and its discontents are related in the paper to emergent ideas about RBD. The four issues are: globalisation and uneven development; capability and good governance; human rights and human development; and NGOs in the politics of development.

In conclusion, the paper suggests that the international apparatus of human rights accountability makes it easier to deflect critical attention and questions of responsibility from non-state actors because that apparatus remains state-centric. There is no denying the emergence of codes of conduct for NGOs as well as trans-national corporations. But as noted by the Overseas Development Institute (ODI, 1999, p. 3), non-state actors cannot “be held accountable internationally for the degree to which they respect rights” while they remain “formally outside the system of ratification.” The most to be achieved so far is self-imposed standards and self-regulation.

RBD is therefore best understood as a product of the global context in which it emerged. It is not a new model of development but a sign of the times, indicative of the global debates over neo-liberalism that gave rise to RBD in the first place. In this context, RBD is destined to remain a contested political concept.

2. Right-based development and the UN system

The human right to development is a command addressed to those who engage in development. It reaffirms their obligations to recognise the central role of human rights in development processes (Paul, 1989, p. 81).

Other than the 1948 Universal Declaration of Human Rights (which is discussed again throughout the paper), the most significant milestone on the road to RBD was arguably the 1986 UN Declaration on the Right to Development (UNDRD). However radical in impulse, this Declaration brought rights and development together in a way that (if only in part) helped validate and reinforce the state-centric parameters of contemporary RBD.

Article 1 of the UNDRD describes the right to development as “an inalienable human right” (see UNHCHR, 2002, p. 2). According to Paul (1989, p. 89), “the idea of ‘development’ as a *human* right owes much to a distinguished African jurist, Keba Mbaye.” Mbaye is credited with helping to formulate the concept of a right to development and spur UN agencies (like the Commission on Human Rights) to adopt it.

Whatever the influence on it of one man, the UNDRD was also a reflection of an era. The 1980s were a contradictory moment in the theory and practice of development. On the one hand, it was during the 1980s that “trans-national neo-liberalism” arose (Overbeek, 1993). On the other hand, the emergence of a Washington-based consensus on the wisdom of market-based reform and intensified global linkages did nothing to dampen demands for a new international economic order and alternative models of development.

In its various articles, the UNDRD drew on wider debates about development as well as on international human rights principles. When submitted to the General Assembly in December 1986, the UNDRD was approved by a vote of 146 to 1. Its sole opponent was the United States (with eight other governments abstaining). The UNDRD reopened old wounds by reaffirming an earlier, General Assembly commitment to the idea of a New International Economic Order (NIEO). International efforts to promote and protect human rights were linked in the UNDRD to “efforts to establish a new international economic order.” States were also exhorted by the UNDRD to “realise their rights and fulfil their duties in such a manner as to promote a new international economic order” (see UNHCHR, 2002, pp. 2–3).

Beyond its references to the NIEO demands of the 1970s (which the USA rejected at the time), the UNDRD reflected ongoing critiques of ‘conventional’ or ‘mainstream’ development. Neo-liberalism has been faulted for its economism—for valorising economic rationality and market-led growth at the expense of culture, politics, and history (Brohman, 1995). An alternative concept of human or ‘people-centred’ development (which was embraced by many NGOs in the 1980s) emphasizes human empowerment through local participation, control, accountability and self-reliance (Korten, 1987; Manzo, 2000). The basic premise of people-centred development is clearly affirmed in Article 2 of the UNDRD, which declares that the human person (rather than the nation-state) “is the central subject of the development process” (UNHCHR, 2002, p. 2).

The relationship between human rights and human development is explored more fully in a later section of the paper. The final point to make about the UNDRD is its evident state-centrism, which goes hand in hand with self-referential respect for international human rights law and the Charter of the United Nations. The Dec-

laration opens by recognising, recalling, bearing in mind, considering and reaffirming UN precedent. The onus of responsibility for development is placed most explicitly on states in Article 3, which declares that, “states have the primary responsibility for the creation of national and international conditions favourable to the realisation of the right to development” (UNHCHR, 2002, p. 2).

Since 1986, the conception of development as an inalienable human right—as well as the UNDRD’s thesis that people-centred development, as a desirable goal, requires fundamental restructuring of the current international economic order—has been kept alive by various means within the UN system. One way is through global communication and conferencing. Seven years after the UNDRD, for example, a world conference on human rights produced the Vienna Declaration and Programme of Action. This reaffirmed the right to development as “a universal and inalienable right and an integral part of fundamental human rights” (quoted in TWN, 1998, p. 3).

More recently, senior UN officials have explicitly advocated rights-based development as a way to ‘mainstream’ (and arguably dilute) these earlier initiatives. One such figure is the UN’s current Secretary-General, Kofi Annan, who announced plans in 1997 to ‘mainstream’ human rights across all UN operations (including its development programmes). Another key individual is the UN’s High Commissioner for Human Rights, Mary Robinson. Her Office of the High Commissioner for Human Rights (OHCHR), “plays a central role in this mainstreaming effort” by maintaining a regular dialogue with other UN bodies, including the International Monetary Fund (IMF) and World Bank (TWN, 1998, p. 1).

Annan and Robinson have arguably been in the right place at the right time. Both have capitalised on the 50th anniversary of the 1948 Universal Declaration of Human Rights (UDHR) in pressing home the value of RBD. Annan, for example, alluded in 1998 to the UDHR concept of inalienable human rights (see UNDP, 2000, p. 16). He wrote in the UN’s annual report that “the rights-based approach to development describes situations not simply in terms of human needs, or of developmental requirements, but in terms of society’s obligation to respond to the inalienable rights of individuals” (quoted in TWN, 1998, p. 2). That same year, Robinson described World Bank recognition of its role in the protection and promotion of human rights as a “defining moment” and a “significant contribution to the commemoration of the 50th Anniversary of the Universal Declaration of Human Rights” (see World Bank, 1998, p. vii).

However catalytic, the UN events and initiatives discussed above are only part of the answer to the *why now* question. They are best understood against a

broader political backdrop. The remainder of the paper therefore shows how RBD emerged not only from within the UN system, but out of wider debates about the meaning and practice of development in international relations and development studies.

3. Globalisation and uneven development

Globalisation has increased the value of human rights agreements as a tool for the empowerment of poor people. The search for international consensus on principles for addressing global socio-economic issues has been one of the key factors in the renewed interest in human rights (DfID, 2000a, p. 10).

One impact of globalisation is that the responsibility for the enforcement of human rights cannot be left to states alone (Van Tuijl, 2000, p. 618).

3.1. Globalisation, colonialism and capitalism

Globalisation has been defined as “a new social architecture of cross-border human interactions” (Hoogvelt, 1997, p. 67), as “action at a distance” (Giddens, 1996), and as “closer integration” (Yusuf, 2001, p. 3). In its document called *Making Globalisation Work for the World's Poor*, DfID (2000b, p. 1) suggests that “as the world's population becomes more and more connected the process has been recognised and given a name: globalisation.”

Globalisation therefore implies some degree of cross-border (often impersonal) connectedness, interaction or integration. Beyond that most basic understanding of the term lie competing interpretations based in different theories of colonialism and capitalism. Globalisation has been viewed as either the continuation of 500 years of European colonisation (Spybey, 1996; Kiely and Marfleet, 1998) or as a new kind of corporate colonialism (Mander, 1996).

The relationship of neo-liberal (capitalist) development to globalisation is most apparent when globalisation is equated with an expanding, liberalising world economy. It is not only anti-globalisation protesters attacking the IMF and World Bank (as happened most notably in Prague in 2000) who equate globalisation with the unleashing of capitalist forces.

Mohan et al. (2000, p. 19) point out that, “neo-liberal apologists for market-led reform” frequently emphasize the merits of fast-paced globalisation. In the words of the World Bank (1998, p. 8), for example, countries that “do not adopt a broad mix of outward-oriented, pro-growth policies risk being left behind in an increasingly global economy, with the poor suffering the most.” DfID, too, claims that the best response to globalisation

“is not to try to prevent change, but to look for reform that will improve life in the country and provide support for those who are losing out” (DfID, 2000b, p. 13).

Even in more critical academic theory, globalisation is frequently associated with progressive growth in market relations (Amin, 1997) and with the global integration of capital, trade, investment, communications and technology (Burbach et al., 1997; Yusuf, 2001). Globalisation has also been conceived in non-linear terms—as an “extreme form of capitalism” found before in the nineteenth century (Touraine, 1996) or as a decentralising phase of the modern world system indicative of hegemonic decline (Friedman, 2001).

Just how globalisation has been understood in relation to human rights in general and RBD in particular, is addressed in the remainder of this section.

3.2. Uneven development and the limits of globalisation

Cutting across various theoretical approaches are two associations of globalisation with uneven development. The first recalls Immanuel Wallerstein's thesis that the “European world-economy” of the sixteenth century was not, in fact, fully global thanks to the presence of an “external arena” (Wallerstein, 1974, pp. 301–302).

Globalisation is often viewed as a spatially uneven process touching the rich more than the poor, the core more than the periphery (see for example Kiely and Marfleet, 1998; Mittelman, 1997). The World Bank's *World Development Report* 1997, for example, remarks that, “‘globalisation’ is not yet truly global—it has yet to touch a large chunk of the world economy” (World Bank, 1997, p. 12). The same position is reiterated in a later paper for the World Bank by Yusuf (2001, p. 7), which argues that, “the full force of change is felt by a relatively small number of upper and middle income countries.”

Such views are consistent with those of the UNDP, which speaks in the *Human Development Report 2000* of the “marginalisation of poor countries from the bounty of the world economy” (UNDP, 2000, p. 82). Academic critics of globalisation, such as Hoogvelt (1997, p. 68), similarly aver that world capitalism cannot “incorporate the periphery in its dynamic growth” as long as economic “interactivity” remains concentrated in the core. For theorists such as Duffield (2001, p. 3), globalisation is currently typified by “the consolidation of several distinct but interrelated regionalised economic systems as the core of the formal international economy.” This may herald a new “liberal” phase of the capitalist world system but not its continuing geographic expansion.

The second association of globalisation with uneven development is social as much as spatial. It stems from a clear recognition that the benefits of globalisation (whatever they may be) are “unevenly distributed both between and within countries” (Yusuf, 2001, p. 4).

Just who the beneficiaries and the losers are is a matter of interpretation, depending on scale of analysis as well as theoretical perspective. Within countries, the beneficiaries of globalisation may be dominant classes (Burbach et al., 1997) and the losers popular or working classes (Amin, 1997). The UNDP (2000, p. 41) argues that “globalisation and the pressure for a flexible labour market” are compromising the “incomes, rights and protections” of workers everywhere. Yusuf (2001, pp. 4–5) mentions only highly paid workers (those most vulnerable to displacement by cheaper labour) as possible losers, while adding that globalisation can harm environments, cultures and state elites.

Other identified losers are indigenous peoples (Tuhivai Smith, 1998), rural and indigenous women (Corporate Watch, 1998), and rural Africa as a whole. In the view of DfID (2000b, p. 4), for example, “the benefits of globalisation have been unevenly spread—for example while the peoples of East Asia have experienced benefits, millions of people in rural Africa have yet to see any change.”

The following section shows how Africa in its entirety appears disadvantaged when countries are grouped together in relation to capitalist expansion.

3.3. *Africa and the “widening gap” thesis*

The conviction that dominant or core countries gain more than ‘third world’ or peripheral countries from the globalisation of capitalism has been mentioned already. The UNDP (2000, p. 83) begs the question of where the “core” of the world economy is when it argues that the benefits of “global market integration” accrue to “the more dynamic and powerful countries of both the North and the South.”

When DfID (2000b, p. 9) asserts that, “there are more computers in New York than in the whole of the African continent,” it gives the impression that all of Africa remains untouched by globalisation and firmly in the periphery. The UNDP (2000, pp. 82–83) concentrates at a smaller scale on Sub-Saharan Africa (SSA), highlighting the region’s minute or declining share of world trade, direct foreign investment, communications technology and economic growth. Further references to SSA are implicit in the argument that “smaller, low-income countries share little in these global gains” (UNDP, 2000, p. 83). As Fig. 1 shows, World Bank data based on gross national income (GNI) per capita as a measure of national wealth consign most (though not all) of SSA to the category of “low-income economies.”

The link between RBD and these wider issues is the question of responsibility raised by the “widening gap” thesis (see for example the UNDP, 2000, p. 82). This is the perception that some countries, groups, or classes have been made worse off by processes of globalisation. Uneven development here does not mean that some

progress while others remain unchanged. It means change that is positive and negative—the simultaneous development of some and underdevelopment of others.

As Andre Gunder Frank once said, a capitalist world system is inherently paradoxical. It generates development and underdevelopment in equal measure; they are opposite sides of the same coin (Frank, 1969).

3.4. *The paradoxes of globalisation and RBD: Human rights and state responsibility*

Mediated by the concept of uneven development, the relationship of globalisation to RBD can be seen as similarly (and doubly) paradoxical. In the words of DfID (2000b, p. 13), globalisation “cuts both ways.”

Two paradoxes are suggested by the debates about globalisation occurring within international institutions. The first one stems from a prevailing perception that globalisation erodes the human rights of some while raising general awareness of human rights violations. Rightly or wrongly, there is a “growing perception that economic and social rights are increasingly being eroded by the momentous disruptions brought about by economic globalisation” (TWN, 1998, p. 1). This is shown in a report by the UN Research Institute for Social Development (UNRISD). The report suggests that neo-liberal development policies: such as economic liberalisation and restructuring, have eroded the “economic and social rights of people in many countries.” And yet, apparently, “falling barriers to communication have also expanded international awareness of rights and facilitated the creation of civil society networks on a global scale” (UNRISD, 1996, p. 1).

The second paradox concerns the state as an actor in international development, rather than the economic and social rights of ‘civil society’. While “bottom up” social movements continue to work for change, the “top down” forces of globalisation are said to be empowering private economic interests (TWN, 1998, p. 6). The claim that globalisation is only a threat to “weak or capriciously governed states” (World Bank, 1997, p. 11) co-exists with a widespread view that all states have less power and more responsibility in the era of globalisation. The Third World Network, for example, has noted an “apparent erosion of the capacity and/or willingness of national governments to secure and enhance the economic and social rights of their citizens as a result of economic globalisation” (TWN, 1998, p. 3). The UNDP (2000, p. 9), furthermore, has argued that, “the state’s autonomy is declining as new global rules of trade bind national policies and as new global actors wield greater influence.”

Samuel Huntington once equated political development with institutionalisation and its opposite with political decay, arguing that, “the level of institutionalization of any political system can be defined by the

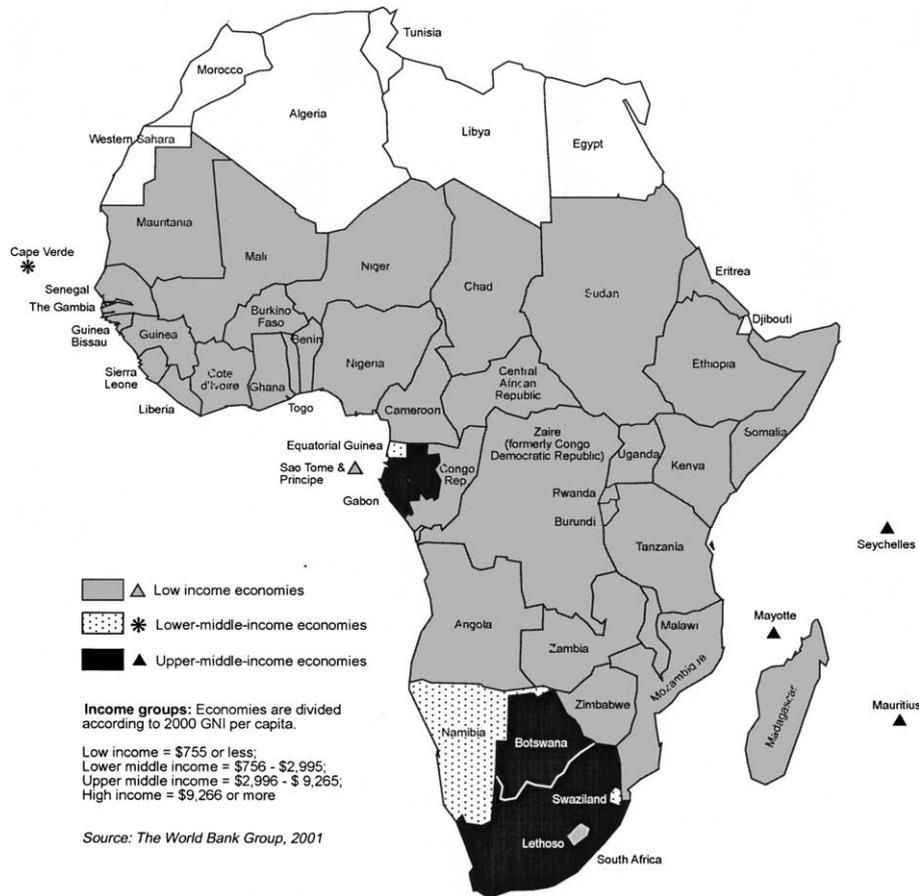


Fig. 1. Classification of Sub-Saharan Africa by gross national income (GNI) per capita.

adaptability, complexity, autonomy, and coherence of its organisations and procedures” (Huntington, 1965, p. 394). In those terms, globalisation is perceived as a force for political decay and the further weakening of states.

And yet the burden of responsibility for human rights keeps falling back on states. Calls have been made to “reassert the primary responsibility of states in protecting and promoting human rights in the context of globalisation” (TWN, 1998, p. 3). DfID (2000a, pp. 19–20) cites the 1997 Maastricht Guidelines on Violations of Economic, Social and Cultural Rights when claiming that, “it is the responsibility of states to ensure that transnational corporations do not deprive people of their human rights.” One answer to the question of how to stop “groups with trans-national economic agenda” from “gaining power—and escaping accountability” even in “developed industrial countries” is more “democratic governance within states” (UNRISD, 1996, p. 2).

The perception that, “new actors—global corporations, multilateral organisations, global NGOs” are wielding greater influence than ever raises important questions about state-centric RBD. It also begs questions about duties and obligations in relation to rights. Surely non-state actors “have greater responsibilities today to help realise economic and social rights of poor

people in both rich and poor countries?” (UNDP, 2000, pp. 43–79).

The following section looks critically at that question in relation to World Bank policies of structural adjustment in Africa.

3.5. Human rights and the pain of structural adjustment

Along with the IMF, the World Bank has been the object of much criticism of neo-liberalism in development studies, thanks to its promotion of “structural adjustment and other neo-liberal policy instruments” (Brohman, 1995, p. 297). Structural adjustment programmes (SAPs) have been charged with failing to overcome underdevelopment and contributing instead to uneven development and political decay—especially in SSA (see for example Cornia et al., 1992; Onimode, 1992; Mohan, 1996; and Konadu-Agyemang, 2000).

The World Bank’s own study of adjustment in Africa by Husain and Faruqee (1996) makes clear that in addition to cuts in public spending, SAPs always contain three basic elements, namely liberalisation, privatisation, and rationalisation. Liberalisation involves the elimination of state controls over economic activity. Privatisation entails divestiture of state-owned enter-

prises into the hands of private (often foreign) investors. Rationalisation is about public sector reform. Its main components are usually decentralisation, financial and legal capacity building, accountability, and transparency (World Bank, 1994; Mohan et al., 2000, p. 33).

There is no doubt now that programmes designed to promote globalisation by opening up “indebted countries to foreign investments and free trade” have “adversely affected vulnerable groups” (Ndegwa, 1997, pp. 320–321). The World Bank (1998, p. 8) admits that its reform programmes place “undue stress on the poor.” It further accepts that “at least in the short run,” economic reform will remain “difficult” and “cause further pain” to “the poor and otherwise vulnerable groups of people” (World Bank, 1998, p. 27). The question is the degree to which the Bank accepts responsibility for infliction of that pain.

According to Pender (2001, p. 405), “there is a strong sense in which the World Bank implicates itself in the failure of development, and acknowledges a degree of responsibility.” That argument will be returned to later. The point to emphasize here is that for the Bank, the buck stops elsewhere when it comes to human rights.

The Bank claims to protect and advance human rights by “helping the world’s poorest people to escape poverty” (World Bank, 1998, p. 30). According to the World Bank (1998, p. 8), it is not “economic reform lending that should raise concerns about human rights, but rather, how those programs are implemented, and what measures are taken to ensure that the needs of the poor are not neglected.” The Bank goes on to blame violation of rights on “the failure and corruption of institutions,” and insists that “strengthening these institutions, and making government more transparent, is a key function of the Bank’s mission” (World Bank, 1998, p. 10).

For the World Bank and DfID too, ‘effective’ states are the engine of development. “Effective, disciplined states” have been held up by the World Bank (1997, p. 11) as the key to successful adjustment. According to DfID (2000b, pp. 6–11), “effective governments” are those that “invest in the education and health of their citizens” in order to create “a more productive workforce which is more attractive to international investment and more likely to harness the opportunities of globalisation.”

The logic of that argument constructs underdevelopment as an avoidable consequence of state failure, not as an inherent characteristic of a capitalist world system. The argument deflects criticism away from SAPs and the agencies that support them. It also provides support for continued adjustment through circular reasoning. If effective government is the key to development, then evidence of uneven development and decay must be a sure sign of ineffective and undisciplined states in need of further rationalisation.

The following section situates arguments for rationalisation within wider debates in development studies about effectiveness, capability, and governance.

4. Capability and good governance

The state is omnipresent in any discussion of human rights, as culprit and protector, as judge, jury and defendant... Democratic governance provides the ideal political framework for the realisation of human rights—because it is based on the extension of civil and political [CP] rights, notably the right to participate in political life (UNDP, 2000, pp. 58–59).

4.1. *The developmental state: Asia and Africa compared*

The term ‘developmental state’ was coined to describe states with two specific attributes, namely relatively high levels of economic growth (economic development in a conventional sense) and some degree of authority, power, and capacity (political development, in Huntington’s terms). The category of the developmental state includes African states like Botswana and Mauritius; it is not limited only to the “well-known examples of the East Asian and South-east Asian ‘miracles’” (Leftwich, 2000, p. 3).

And yet the spatial focus of developmental state theory is typically Asia, especially East Asia (see for example Johnson, 1982; White, 1988; Wade, 1990; Appelbaum and Henderson, 1992; and Clark and Roy, 1997). Africa (or just SSA) enters the story only as Asia’s binary opposite; as the anti-thesis of success and an exemplar of underdevelopment (see for example Leftwich, 2000, chapter 4).

A good illustration of that binary geography in IDA publications is the *World Development Report* 1997. There, the World Bank compares state effectiveness in “various developing regions.” There is a caveat about “broad generalizations.” Still, the claim is that “many countries in *Sub-Saharan Africa* are suffering from a crisis of statehood—a crisis of capability,” whereas “the capability of the state in most *East Asian* countries cannot be considered a problem” (The World Bank, 1997, p. 14; emphasis in the original).

The African state has arguably been misunderstood. Samuel Huntington’s *Political Order in Changing Societies* found the one-party African state quite capable of delivering order (if not democracy). According to Huntington (1968), the one-party states of the 1960s were statistically less coup-prone than multiparty systems and therefore more effective at maintaining the order necessary for continued modernisation.

More recently Hibou (1999) has questioned conventional representations of the African state. Citing

conceptions of a “rhizome state” (Bayart, 1993) and a “shadow state” (Reno, 1995), Hibou (1999, p. 88) maintains that, “African states are not characterised by the weakness of the state, its foreign origin or its inability to organise societies.” Her suggestion is that the African state is much like the African economy. It is informal, deeply rooted in African society, and visible only to those who know where to look for it.

Hibou (1999, p. 91) does go on to say, however, that, “public administration and institutions in Africa are indeed weak, as a result of the rhizome-like nature of the state and of the organisation of public power in general.” The “failings” of the African state—in terms of its “institutional weaknesses and other administrative shortcomings”—are apparently plain to see.

Hibou’s work shows that even revisionist theories of the African state in development recur to a common motif, namely *failure*. African states have been indicted for failing to achieve “incipient modernity” (Zolberg, 1968), capture the peasantry (Hyden, 1980), protect vulnerable economies (Bienefeld, 1988), and “grow as expected” (World Bank, 1999, p. 16). The state in Africa has failed to keep the government out of markets (Bates, 1981), ideology out of policy (Young, 1982), and corruption out of politics (Lancaster, 1999, pp. 27–28). African states, finally, have been chastised for failing to see the wisdom of economic liberalisation and political reform (Clapham, 1996, pp. 594–595).

It is the question of why—rather than whether—African states have failed to deliver development that animates debates about ‘governance’.

4.2. *Governance, human rights, and structural adjustment in Africa*

Leftwich (2000, p. 116) traces the concept of governance in development studies to a 1989 World Bank report on Africa. *Sub-Saharan Africa: From Crisis to Sustainable Growth* linked a “litany of Africa’s development problems” to an underlying “crisis of governance” (World Bank, 1989, p. 60).

The subsequent ‘good governance’ agenda has only mired the World Bank in further disputes over its role in the politics of development. One line of attack is conceptual. Like all political and moral concepts, the terms ‘governance’ and ‘good governance’ mean different things to different people. The Bank’s initial definition of governance—as “the manner in which power is exercised in the management of a country’s economic and social resources for development”—was narrowly technical and a synonym for rationalisation (see World Bank, 1994, p. xiv). Governance meant the *minimal state* (Leftwich, 2000, pp. 116–117). There was no explicit commitment to democratisation or the extension of CP rights.

Some critics prefer the terminology of ‘good development’ or ‘humane governance’ as a way to link “government behaviour to both human rights and development thinking” (Van Tuijl, 2000, p. 620). Yet the World Bank’s understanding of governance has arguably moved closer under the presidency of James Wolfensohn to that of other donors, for whom “the governance concept involves both democratisation and administrative reform” (Mohan, 2000, p. 90).

The Bank once noted with alarm that, “within the donor community the political dimensions of governance are becoming increasingly important in determining the allocation of bilateral aid flows.” The Bank distanced itself from donors like the Organisation for Economic Cooperation and Development (OECD), which equated governance with participatory development, human rights, and democratisation (World Bank, 1994, p. xiv).

The argument at the time was that the Bank’s Articles of Agreement prevented it from considering “the political dimensions of human rights in its lending decisions.” Hence, “the focus of the Bank’s efforts in the area of human rights is on those rights that are economic and social in nature” (World Bank, 1994, p. 53). Subsequent publications suggested, however, that the Bank did not share other donors’ enthusiasm for what it called the “normative aspects” of governance (World Bank, 1994, p. xiv). The *World Development Report 1997*, for example (which was written two years *after* Wolfensohn’s installation at the World Bank), described democratisation as “a double-edged sword” and treated unrestrained access to the state as an obstacle to development (World Bank, 1997, p. 7; see also Manzo, 1999, p. 105).

“And then came a year of turmoil and travail” (Wolfensohn, 1998, p. 1). A “further evolution of the Bank’s approach to development” was signalled by Wolfensohn’s 1998 address to the Board of Governors of the World Bank, entitled “The Other Crisis” (Pender, 2001, p. 405). In that speech, the Bank’s previous approach to development was described as “too narrow” and “focused too much on the economics.” Wolfensohn called for more “balanced development” and for a “new development framework” committed, among other things, to “the essentials of good governance.” These were identified as “transparency, voice, the free flow of information, a commitment to fight corruption, and a well-trained, properly remunerated civil service” (Wolfensohn, 1998, pp. 5–6).

Expectations of a revised (more overtly political) World Bank governance agenda have been reinforced by two subsequent publications. One is Wolfensohn’s Proposal for a Comprehensive Development Framework (PCDF), in which he asks for a “broader approach to partnership and to management of the development process.” The basic theme of the PCDF is management

of development by four key ‘partners,’ namely governments, donors, “civil society in all its forms,” and the private sector both “domestic and foreign” (Wolfensohn, 1999, p. 8).

The other noteworthy source is the *World Development Report 2000/2001*. In a document devoted explicitly to attacking poverty, ‘governance’ is linked to inherently political concepts like “voice” and “accountability.” Measurement of these concepts is to be via “indicators of civil liberties, political rights, the transparency of the legal system, and the existence of independent media” (World Bank, 2001, p. 21).

In sum, there is evidence of change at the World Bank. But whether it amounts to a “dramatic shift” in development thinking, as Pender (2001, p. 397) believes, is debatable. On the plus side, the World Bank no longer seems to consider economic growth a synonym for development. Instead of an end in itself, growth has become one means by which to achieve the World Bank’s ‘mission’ of poverty reduction (Pender, 2001).

The World Bank’s understanding of ‘poverty’ has apparently changed as well. The Bank locates its commitment to economic and social rights in support for “primary education, health care and nutrition, sanitation, housing, and the environment” (World Bank, 1998, p. 3). This suggests a more politicised understanding of poverty—as a violation of people’s entitlements, rather than a simple state of material deprivation.

The World Bank (1998, p. 3) also admits to supporting “a broader range of human rights” indirectly, through a ‘good governance’ agenda designed “to fight corruption, improve transparency and accountability in governance, strengthen judicial systems, and modernise financial sectors.” The Bank appears less reluctant now to embrace the political dimensions of governance, thanks possibly to the intellectual influence of Amartya Sen (for this suggestion see Pender, 2001, p. 406). The notion that liberal CP rights (such as political participation and a free press) provide protection against violation of economic and social rights has been drawn from Sen’s writings on famine prevention in Asia (see for example Sen, 1981; for analysis see De Waal, 1997, pp. 7–25).

And yet, behind these changes at the Bank lie significant continuities in both World Bank practice and in thinking about the state. Pender (2001, p. 409) notes that the World Bank (for all its talk of ‘partnership’) is still in the business of aid conditionality. Governments that reject aspects of the Bank’s current model of development “will face the restriction of aid and lending facilities and the active cultivation of opposition movements.”

Even if the World Bank deserves applause for tying conditionality to poverty reduction instead of economic growth, its approach to the state remains flawed on two

counts. Firstly, the state is conceived as a problem to be solved and not as an entity to be explained. As Leftwich (2000, p. 116) notes, donors have “failed to explore the kind of state that might be necessary for housing good governance.”

This lack of theorisation is symptomatic of neo-liberalism’s “under-theorisation of the state, institutions and relations of power” (Brohman, 1995, p. 300). It reflects the absorption of the ‘good governance’ agenda (like the rights agenda more generally) within neo-liberal thinking (Mohan and Holland, 2001, p. 182). There is a “third phase in neo-liberal doctrine,” one marked by “a growing readiness to criticize African governments’ political records” and a need to “find a culprit for the failure of nearly a decade’s attempts at adjustment in many ‘countries’” (De Waal, 1997, p. 55). Political rights are advocated, but as a way of “weakening the excesses of the ‘Leviathan’ state” by transferring power to ‘civil society’ (Mohan, 2000, p. 91). Political change is still designed to serve the neo-liberal end of a minimal state.

The second, related point is that the state (in Africa especially) is viewed as an irrational and/or hapless obstacle to the neo-liberal economic agenda of unleashing market forces. The African state is seen as a reluctant implementer of economic reform, not as a product of years of structural adjustment.

Hibou (1999, p. 70) faults “important aid donors and financial institutions” for paying more attention to the intended benefits of structural adjustment than to its actual consequences. Hibou (1999, pp. 95–96) uses the term “the privatisation of power” to describe the long-term consequences of adjustment. Economic reform, she argues, creates a “climate of uncertainty” that “encourages corruption.” Donors that “actively participate in the further splintering of existing centres of state power” only help to “fragment the sovereignty of the state and to dilute its responsibility.” The legitimacy of public authority is further eroded, and the responsibilities of the state appropriated into private hands. The end result of adjustment is thus “the emergence of a parallel government, but without the official or formal government ceasing to exist.”

Despite donors’ commitment to democratisation and CP rights, official governments in Africa have arguably become more (not less) authoritarian under structural adjustment programmes. National governments instituting difficult reforms have had to be “resolute to the point of authoritarianism, even when newly elected by popular vote” (De Waal, 1997, p. 57). When adjusting governments face political opposition, it seems that “the presidential and executive branches of the state take over much of the decision-making which is bolstered by the repressive power of the military” (Mohan, 2000, p. 87).

The message coming from these studies is that the effects of structural adjustment on the African state have been far from negligible. The best that can be said of

structural adjustment is that its effects on the state have been uneven, with “those agencies involved in regulation” tending to prosper “at the expense of welfare-oriented functions which become either privatised or given over to NGOs” (Mohan, 2000, p. 90).

In Africa then, demands on governments to secure and enhance the rights of their citizens are not coming simply at a time of the globalisation of capital. They are coming at a time when the state itself is being privatised and readjusted—thanks in no small measure to agents of globalisation such as the World Bank.

5. Human rights and human development

The concerns of a rights-based approach can be seen to overlap to a considerable extent with the priorities of a poverty reduction or human development approach. There are many commonalities. . . . At the same time, a rights-based approach does offer value-added, perhaps particularly in providing a legal basis for basic needs advocacy, and in identifying legal mechanisms for public service accountability (ODI, 1999, p. 7).

5.1. Human rights and the Cold War

A conventional distinction between CP and ESC rights is clear already from previous discussion. Civil and political rights include rights to free expression, association and a fair trial. Economic, social and cultural rights include rights to so-called basic needs and necessary social services, such as food, water, health care, education, housing and employment. Both sets of rights are contained in the 1948 UDHR, where they are treated as indivisible, inalienable and universal (see the UNDP, 2000, pp. 14–16). A distinction between CP and ESC rights was not cemented in international law until 1966, when two covenants—the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights—were both ratified.

The creation of a boundary between CP and ESC rights is arguably an effect of the Cold War, reflecting a West/East political geography in international relations. According to the UNDP, for example, human rights were reduced during the Cold War to a weapon of propaganda in a bipolar struggle:

The West emphasized civil and political rights, pointing the finger at socialist countries for denying these rights. The socialist (and many developing) countries emphasized economic and social rights, criticizing the richest Western countries for their failure to secure these rights for all citizens. In the 1960s this led to two separate covenants—one for

civil and political rights, and the other for economic, social and cultural rights (UNDP, 2000, p. 3).

Logic dictates that if the Cold War has ended then the barrier between CP and ESC rights should come down like the Berlin Wall. Expressions of faith in the renewed indivisibility of rights are indeed apparent among IDAs. The World Bank’s revised governance agenda (which views realisation of ESC rights as contingent upon CP rights) has been mentioned already. The UNDP (2000, p. iii) asserts that, “we have now moved beyond that confrontational discussion to a wider recognition that both sets of rights are inextricably linked.” In the view of DfID (2000a, p. 11) too, “the end of the Cold War has removed many of the ideological barriers to governments’ acceptance of the human rights principles of the interdependence of all rights and the equality of all people.”

The “long-standing debate” over which bundle of rights is more important has thus “lost ardour, partly reflecting a realisation that CP and ESC rights are intimately linked” (ODI, 1999, p. 4).

What remains to be seen is how, for many IDAs, ESC rights became the end point of development.

5.2. Deflecting blame: ESC rights and poverty reduction

For a long time, there has been a strong undercurrent in development of prioritising social and economic rights over civil and political rights. Governments in developing countries have emphasized the need for food, education, health services and the fulfilment of other basic needs as more important than attaining civil and political rights, which have often been perceived more as a luxury item to be consumed later. These policies have been widely supported by the international donor community at least tacitly if not openly (Van Tuijl, 2000, pp. 620–621).

Duffield (2001, p. 221) argues that, “the growing trend among aid agencies and donor governments is to elevate the importance of economic, cultural and social rights.” The ODI (1999, p. 2) also admits that ESC rights “have been rising up the agenda: for example in statements and speeches made to commemorate the 50th anniversary of the Universal Declaration.” Notable promoters of the ESC agenda are the World Bank (as mentioned previously), affiliates of the UN (such as the UNDP) and NGOs with UN connections. Like Kofi Annan and Mary Robinson, these agencies have capitalised on commemorations of the UDHR in calls “to give greater priority to the protection and promotion of economic, social and cultural rights” (TWN, 1998, p. 1).

However, the ESC agenda cannot be reduced to either the timing of 1998 or to the end of the Cold War.

The devotion to realising ESC rights has two related facets alluded to earlier in the paper. One is the perception that globalisation has been especially damaging to ESC rights. The other is the charge (and admission) that SAPs have adversely affected the ESC rights of poor and vulnerable groups.

The World Bank admits that basic social services are sometimes lacking. It views failure to provide them as a violation of human rights and not simply as a failure to satisfy basic human needs, in which case support for social service provision can be claimed as a commitment to ESC rights. Failure to provide is blamed by the World Bank on weak and corrupt institutions rather than on lack of resources or its own policies, as already demonstrated. But institutional capacity building is only one element of the World Bank's approach to RBD.

The Bank has argued before that its "contribution to economic and social rights is embodied in its strategy on poverty reduction" (see World Bank, 1994, p. 53). On its website, the World Bank now describes poverty reduction as "the most urgent task" facing the world. Hence, "the World Bank's Mission is to reduce poverty and improve living standards through sustainable growth and investment in people" (World Bank, 2001, p. 1).

In rhetoric at least, the World Bank embraces what the United Nations Children's Fund (UNICEF) called "adjustment with a human face" (see Jolly, 1991). Adjustment will continue, but wrapped inside "country-owned poverty reduction strategies" approved in 1999 by the World Bank and IMF:

Country-owned poverty reduction strategies should provide the basis for all World Bank (IDA) and IMF concessional lending as well as debt relief under HIPC. These strategies are reflected in a Poverty Reduction Strategy Paper (PRSP), an annually-updated document that the country prepares in collaboration with the Bank and IMF. The PRSP outlines the country's plans to foster growth and reduce poverty through three-year economic adjustment programs that include macroeconomic, structural, and social policies (World Bank Group, 2001a, p. 1).

Countries that produce PRSPs receive a small financial reward in the form of a Poverty Reduction Support Credit (PRSC). The first recipient of a PRSC was Uganda, which received 150 million US dollars in June 2001 "to support the implementation of the government's poverty reduction strategy, which aims to improve the delivery of basic services to the population" (World Bank Group, 2001b, p. 1).

The bigger incentive to produce PRSPs is surely the lure of debt relief. Table 1 lists countries in SSA by

World Bank debt category, indicating in brackets the ones that have so far produced either PRSPs or Interim PRSPs (I-PRSPs).

The data in Table 1 suggest treating PRSPs with caution as indicators of a country's commitment to ESC rights—whether or not the PRSP in question aims to improve basic social services. PRSPs arguably say less about human rights and more about power relations between multilateral institutions and indebted states desperate to meet the latest conditions for debt relief.

5.3. *Rights and development: similarities and differences*

The previous section showed, in the case of the World Bank, that "persistent poverty and widening inequality are now treated as a denial of human rights and thus emerge as continuing human rights challenges" (UNDP, 2000, p. 42). For the UNDP (2000, p. 2), the equation of poverty reduction with human rights promotion shows that "the divide between the human development agenda and the human rights agenda is narrowing." It also begs the question of whether "a rights discourse" is "simply another form of advocacy for human development" (ODI, 1999, p. 2).

The answer suggested by the UNDP is both yes and no. Human rights and human development have two common features. They share a common goal, that of "human freedom" (UNDP, 2001, p. 9). They also share a common value, namely human well-being and dignity.

The concept of human rights was institutionalised by the UN in 1948, with publication of the UDHR. The concept of human development was institutionalised by the UN in 1990, with the launch of its *Human Development Reports*. These conceive of human well-being—rather than economic growth—as the purpose and end of development. As the latest report insists, "human development is about much more than the rise or fall of national incomes. It is about creating an environment in which people can develop their full potential" by "building human capabilities" (UNDP, 2001, p. 9).

Beyond the emphasis on freedom and well-being, human rights and human development differ on two main dimensions. One dimension is measurement. *Human Development Reports* aim to challenge "the earlier preoccupation with economic indicators" of development—such as gross domestic product (GDP) per capita—by publishing an annual Human Development Index (HDI) (UNDP, 2000, p. 90). The HDI is still used as a means of rank ordering countries into high, medium and low categories. However—as Table 2 shows—human development is now measured by three additional indices.

The Gender Empowerment Measure (GEM) is different from the others in targeting gender disparities in CP rights (i.e. participation and decision-making) rather than in ESC rights. The other three indices cover

Table 1
Sub-Saharan African countries with PRSPs or I-PRSPs, by debt classification

Severely indebted	Moderately indebted	Less indebted
Angola	Burkina Faso (PRSP)	Botswana
Benin (I-PRSP)	Chad (I-PRSP)	Cape Verde
Burundi	Gambia (I-PRSP)	Equatorial Guinea
Cameroon (I-PRSP)	Ghana (I-PRSP)	Eritrea
Central African Rep. (I-PRSP)	Kenya (I-PRSP)	Lesotho (I-PRSP)
Comoros	Mauritius	Namibia
Congo, Democratic Rep.	Senegal (I-PRSP)	Seychelles
Congo, Rep.	Togo	South Africa
Cote d'Ivoire	Zimbabwe	Swaziland
Ethiopia (I-PRSP)		
Gabon		
Guinea (I-PRSP)		
Guinea-Bissau (I-PRSP)		
Madagascar (I-PRSP)		
Malawi (I-PRSP)		
Mali (I-PRSP)		
Mauritania (PRSP)		
Mozambique (I-PRSP)		
Niger (I-PRSP)		
Nigeria		
Rwanda (I-PRSP)		
Sao Tome and Principe (I-PRSP)		
Sierra Leone		
Somalia		
Sudan		
Tanzania (PRSP)		
Uganda (PRSP)		
Zambia (I-PRSP)		

Source: The World Bank Group (2001).

dimensions of economic and social well-being such as access to employment, education and health care—those quality of life aspects to which everyone has a right in the articles of the UDHR. Hence, the UNDP (2000, p. 91) cites the human development indices as evidence that “economic and social rights are far from being realised for millions of people.”

Particular indicators of human development present Africa (or again, just SSA) in a particularly bad light. SSA's infant mortality rate, for example, is three times that of Latin America (UNDP, 2000, p. 30). According to the UNDP (2000, p. 35), “most of the setbacks in health and education have occurred in Africa and Eastern Europe and the CIS. The most devastating setback: AIDS.” The World Bank's Africa region has called HIV/AIDS in SSA “the foremost threat to development in the region” (World Bank, 1999, p. 5).

Table 3 sets these anecdotal comments in context by showing how countries already classified by income level and indebtedness measure up on all indices of human development.

The data demonstrate clearly that SSA almost defines the category of ‘low human development.’ The countries of SSA prop up the bottom end of the human development rankings. There are no countries at all in the “high” category and only one (Mauritius) in the top half of the “medium” category.

Retrospective HDIs imply that economic and social rights have deteriorated in some (though not all) of the countries listed in Table 3. The 12 countries in SSA that show varying degrees of regression over time are listed in Table 4.

However illuminating, both tables leave a number of questions unanswered. Their scale of analysis is nation-states, so they cannot illuminate the sub-national differences highlighted by some critics of globalisation. World rankings present the situation in SSA, but they do not explain it. Nor do they say who (or what) might be responsible for it. Furthermore, there is no way of explaining why only two countries—the “medium” Mauritius and the “low” Eritrea—have supplied complete sets of data.

A larger question is whether human development indicators (or gross statistics in general) are at all useful as ways of measuring RBD. South Africa, for example, is often singled out for its commitment to RBD, even though the country's HDI has declined since 1990. South Africa is “one of the few countries in the world that has explicitly adopted a rights-based approach to development” (DfID, 2000a, pp. 18–23). South Africa has put “human rights at the core of its development strategy, with the government establishing one of the world's most forward-looking structures of rights” (UNDP, 2000, p. 1). South Africa, finally, has a “national action plan”

Table 2
Human development indices

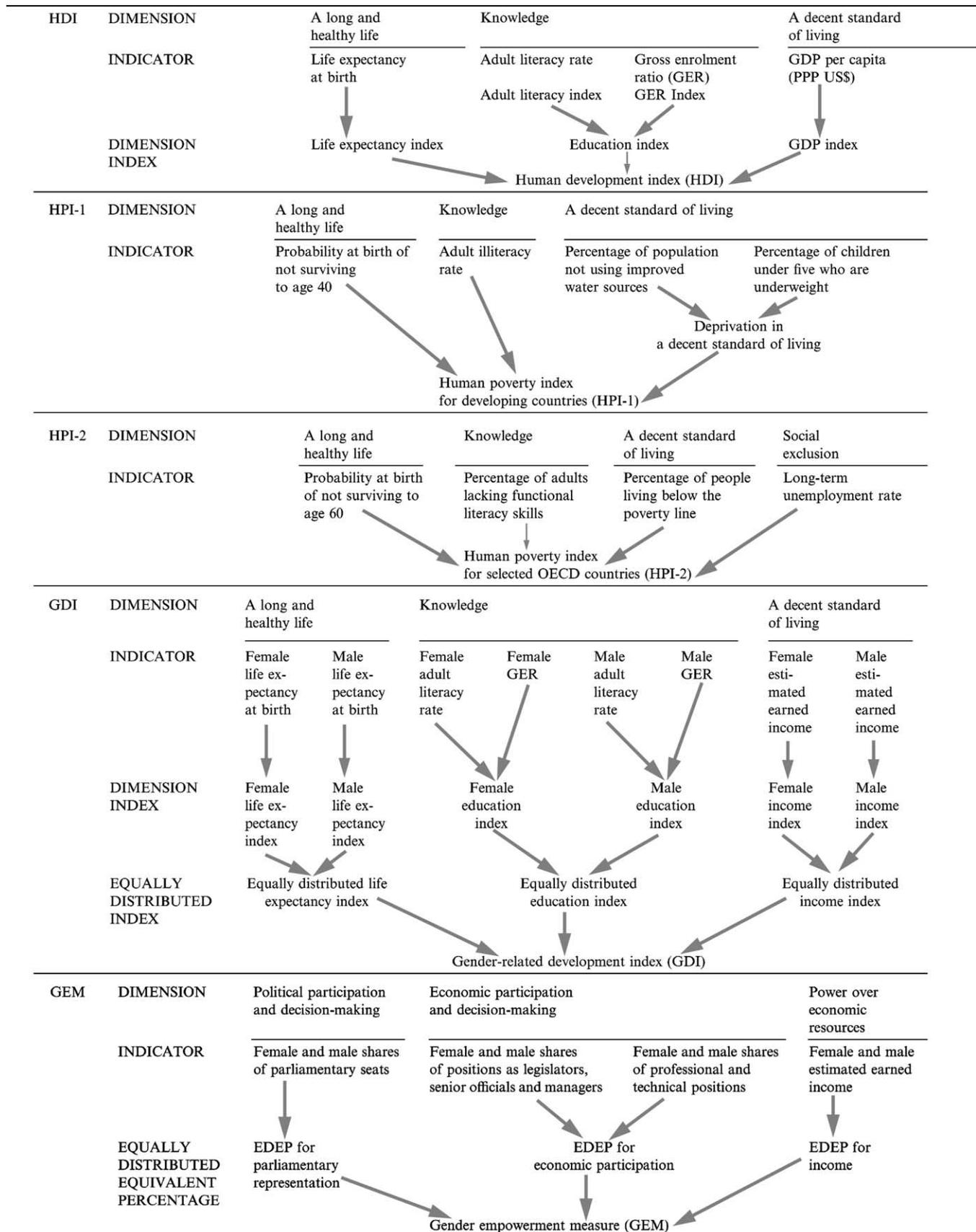


Table 3
Human development rankings for Sub-Saharan Africa

Medium human development (HDI rank 49–126)	HDI	HP1	GDI	GEM
Mauritius	63	16	60	59
Cape Verde	91	36	84	–
South Africa	94	33	85	–
Gabon	109	–	–	–
Equatorial Guinea	110	–	99	–
Namibia	111	56	100	–
Swaziland	113	–	102	60
Botswana	114	–	103	–
Zimbabwe	117	61	106	–
Ghana	119	46	108	–
Lesotho	120	42	111	–
Kenya	123	51	112	–
Comoros	124	47	113	–
Cameroon	125	49	114	–
Congo, Rep.	126	48	115	–
Low human development (HDI rank 127–162)				
Togo	128	63	116	–
Madagascar	135	64	122	–
Nigeria	136	59	123	–
Sudan	138	58	129	–
Mauritania	139	82	126	–
Tanzania	140	53	124	–
Uganda	141	69	125	–
Congo, Dem. Rep.	142	67	128	–
Zambia	143	68	127	–
Cote d'Ivoire	144	72	132	–
Senegal	145	80	130	–
Angola	146	–	–	–
Benin	147	79	134	–
Eritrea	148	75	133	58
Gambia	149	85	136	–
Guinea	150	–	–	–
Malawi	151	74	137	–
Rwanda	152	76	135	–
Mali	153	83	138	–
Central. Afr. Rep.	154	81	139	–
Chad	155	87	140	–
Guinea-Bissau	156	86	143	–
Mozambique	157	84	141	–
Ethiopia	158	88	142	–
Burkina Faso	159	–	144	–
Burundi	160	–	145	–
Niger	161	90	146	–
Sierra Leone	162	–	–	–

Source: UNDP, Human Development Report (2001).

Table 4
Regression in human development in Sub-Saharan Africa, by country

HDI lower than in 1975	HDI lower than in 1980	HDI lower than in 1985	HDI lower than in 1990	HDI lower than in 1995
Zambia	Zimbabwe	Botswana	Cameroon	Malawi
		Burundi	Kenya	Namibia
		Congo, Rep.	South Africa	
		Lesotho	Swaziland	

Source: UNDP, Human Development Report (2001).

that can be used as a tool “by NGOs and the media to hold the government accountable for its human rights commitments” (UNDP, 2000, p. 67).

The UNDP (2000, p. 90) does acknowledge that “rights can never be fully measured in statistics: the issues go far beyond what can be captured in numbers.” It

further accepts that states are understandably reluctant to report “official failure to respect rights,” which is why “such statistics are notoriously uncertain and often missing” (UNDP, 2000, p. 93).

But instead of calling for more qualitative measures of RBD (such as the extent to which human rights are at the core of national laws and development plans), the UNDP advocates greater provision of statistical data:

A human rights assessment needs additional data—not only on violations, such as torture and disappearances, but also on the processes of justice, such as data on judicial institutions and legal frameworks and opinion poll data on social norms. Further, there is even greater emphasis on data that are disaggregated by gender, ethnicity, race, religion, nationality, birth, social origin and other relevant distinctions (UNDP, 2000, p. 91).

Additional statistics are meant to reveal whether or not “obligations are being met,” thereby helping “to create accountability and, ultimately, to realise rights” (UNDP, 2000, p. 92). This leads to the second difference between human rights and human development, namely the issue of obligation.

The shift from a 1970s emphasis on basic needs to the contemporary concept of RBD puts the onus of responsibility for human well-being and dignity firmly back on states. Streeten (1980, p. 108) once argued that states are not required to satisfy basic needs, only to provide “for the possibility of their satisfaction.” Basic rights, by contrast, are entitlements not opportunities:

Because human rights are enshrined in international legal instruments and consensus documents, they are not promises but entitlements demanding national and international response. . . The counterpart of states’ obligations is the right of all people to make claims on governments. . . Because these obligations are internationally agreed and monitored, citizens can use them to hold their governments to account (DfID, 2000a, p. 10).

The above quote makes clear why some believe that “the distinctive feature of a rights-based approach is its legal foundation, internationally, regionally, and at a national level” (ODI, 1999, p. 2). It also shows why states are so often the focus of obligation and accountability. RBD is explicitly grounded in international law, in a way that human development is not. And international law “holds states accountable, not corporations” (UNDP, 2000, p. 10).

Because international human rights law was “developed in a state-centred world,” it is arguably more “suited to the post-war era” than to “the era of globalisation” (UNDP, 2000, p. 43). Some of the ‘new global

actors’ apparently empowered by processes of globalisation are consequently under pressure to accept responsibility for human rights protection and promotion. As already seen, the World Bank has been praised by Mary Robinson (among others) for accepting such responsibility, even as the Bank deflects critiques of neo-liberal adjustment policies by blaming human rights violations on faulty national institutions.

The point to emphasize here is that the obligations of non-state and trans-national actors remain more limited than those of states. Such obligations and responsibilities are understood to be moral rather than legal, which means they cannot be claimed, in international law, as entitlements. The ODI (1999, p. 7), for example, describes support for rights as the “moral duty” of the “wider international community” and the “moral obligation” of non-state actors—“particularly international financial institutions, TNCs, and NGOs.” The UNDP (2000, p. 80) too mentions an “ethical obligation” to “implement policies that are pro-poor and to facilitate poor people’s realisation of social and economic rights.”

If human rights are *not* realised, then who or what is held ultimately accountable? The answer favoured by prominent IDAs (which are themselves non-state actors with obligations to poor people) is the state. States “have obligations to respect, protect and ensure the realisation of human rights” (DfID, 2000a, p. 26). States are obliged “to ensure that all global actors at least respect human rights” (UNDP, 2000, p. 80). States, finally, are required to lodge their human rights credentials with donors—at least with those that feel “it is the role of the international community to support those governments that are taking seriously their obligations” (DfID, 2000a, p. 26).

The remainder of the paper shifts the focus of attention to NGOs. It shows that even here (in debates animated by critiques of NGOs and other non-state actors), critical attention keeps returning to the state.

6. NGOs in the politics of development

More NGOs that once focused on civil and political rights are extending their activities to economic, social and cultural rights—and to defending the rights of the most deprived. And more development NGOs are adopting the strategies and principles of human rights—from protests to legal actions (UNDP, 2000, p. 76).

Would it not be wonderful to see a global NGO campaign for an institutional addition to the UN human rights system to check the accountability of the NGOs themselves? (Van Tuijl, 2000, p. 625).

The UNDP (2000, p. 88) describes “the move to democracy and the emergence of NGOs” as “the key

developments of the 1990s.” NGOs have been praised since then for contributing to a universal human rights system (Van Tuijl, 2000, p. 618). NGOs have been linked to “civil action groups” that use CP rights (like freedom of expression and association) to press for ESC rights (UNDP, 2000, p. 75). Furthermore, there is a growing trend for “human rights language” to become “a centrepiece of NGO mission statements and global NGO relationships” (Van Tuijl, 2000, pp. 621–622).

This section explains the proliferation of ‘human rights language’ among NGOs as a reaction to critical questions about NGOs’ own human rights and development records—especially in Africa, where a handful of Non-Governmental Humanitarian Agencies (NGHAs) are increasingly involved in so-called complex political emergencies.

In what follows, self-critical NGOs such as Oxfam are shown to have responded in two main ways to charges (and admissions) of failure. One is by demanding more of themselves, through minimum standards and voluntary codes of conduct. This is a technical response, designed “to increase the effectiveness of humanitarian assistance, and to make humanitarian agencies more accountable” (Sphere Project, 2000, p. 1).

The other response sees NGO coalitions actively involved in global campaigns for ESC rights. This is more political territory for NGOs, in a threefold sense. Firstly, it relates to a wider agenda of promoting ‘good governance.’ Secondly, it involves political lobbying of organisations such as the World Bank. Last but not least, it targets national governments (as well as non-state actors such as multinational corporations) for failing to meet their international human rights obligations.

The combined effect of NGO initiatives is to hold a range of actors (including, but not limited to, the state) accountable for human rights provision and promotion.

Whether such initiatives can silence the critics of NGOs themselves, remains debatable.

6.1. *Development, disasters, and emergencies*

The rise of NGOs in the 1990s is a further indication of neo-liberalism and its discontents. NGHAs have been labelled “the ‘human face’ of neo-liberalism” (De Waal, 1997, p. 66). According to Turner and Hulme (1997, p. 206), it was “the ideological ascendancy of neo-liberalism in the late 20th century” that “created a global environment conducive to the ‘third sector.’” Neo-liberal attacks on state-led development, calls by critics of neo-liberal policies for ‘adjustment with a human face,’ and political commitments to ‘civil society,’ have all combined to empower a range of non-state actors—among them NGOs.

In this global context, NGOs in Africa have been associated with the “privatisation of development” (Hibou, 1999, p. 99) and with the “internationalisation of social welfare” (De Waal, 1997, p. 66). Both processes

could be seen as apolitical. They do not relate to CP rights, but to a greater role for NGOs as providers of ESC rights (such as health, education, water, and food). These processes are intensely political, however, in that they relate to a general weakening of the African state. The promotion and empowerment of NGOs in Africa has aided “an erosion of official administrative and institutional capacity” (Hibou, 1999, p. 99) and “the decline of state authority” (De Waal, 1997, p. 66).

As NGOs become better funded, more numerous, more professional (as opposed to vocational) and more bureaucratised, critical questions have come to rest on issues of performance and accountability (see for example Edwards and Hulme, 1996). In debates about NGOs and human rights, specifically, it is the accountability theme that arguably dominates.

Critiques of NGOs’ human rights records share one basic proposition, which is that NGOs in total are insufficiently critical. There is general consensus that NGOs should ask more critical questions of states, and hold national governments more accountable than they have done for human rights provision and promotion. Where consensus breaks down in on the issue of whether NGOs have contributed, through their actions, to human rights abuses.

A ‘soft’ critique of NGOs points more to a general failure to speak out and less to active involvement in human rights violation. Among academics, for example, Duffield (2001, p. 221) treats NGOs like Oxfam and CARE as exceptions to a general rule, arguing that for the most part “human rights are *not* being addressed—not in a traditional civil and political understanding of the term, at any rate.”

Defenders point out that, “There are costs associated with speaking out about human rights abuse, and NGOs are often faced with a cruel choice.” If NGOs do speak out, they “run the risk of expulsion, putting their beneficiaries and partners at risk” as well as NGO staff (Smillie, 1995, p. 228).

Yet even professional staff—such as Rony Brauman from Medecins Sans Frontieres (MSF)—have indicted NGOs for not holding national governments to greater account. According to Brauman (2001, p. 3), international health care providers often carry a neo-colonial assumption into Africa. They assume that decent health care depends upon people like themselves, thereby overlooking the fact that—even in dire economic circumstances—“efficient health structures could be established and made functional without real foreign injections.”

Brauman (2001, p. 3) accepts that “corrupt authoritarian regimes” are rarely interested in providing for national health. But he still maintains that—instead of “giving these authoritarian leaders such an easy excuse for their negligence”—international NGOs “should have exerted some pressure on them to take things in the right direction.”

A more trenchant ('hard') critique of NGOs is that—through political ignorance rather than technical incompetence—they have sometimes made disastrous situations even worse. A television documentary entitled "The Hunger Business" (Channel 4, 2000) presents NGHAs in this critical light. The documentary shows NGHAs feeding centres in Africa (from Biafra in the 1960s to Ethiopia, Sudan, Somalia, and Rwanda). It implies that apolitical agencies (those that are politically ignorant as well as politically neutral) violate an implicit oath to "do no harm" (see Anderson, 1999). The programme thereby taps into wider debates about "aid under fire" (Bradbury, 1995), "complex political emergencies" (Duffield, 1996), "politics and the disaster relief industry in Africa" (De Waal, 1997), "development strategies in times of disaster" (Anderson and Woodrow, 1998), "development in disaster-prone places" (Lewis, 1999), and "the merging of development and security" (Duffield, 2001).

A group of NGHAs (among them Oxfam, MSF and CARE) responded to such 'hard' critiques of their operations with the Sphere Project—a two-year, collaborative attempt to boost collective effectiveness and accountability. The product of the Sphere Project was a three-part document entitled *Humanitarian Charter and Minimum Standards in Disaster Response*.

As its name suggests, the Charter begins by reaffirming commitment to international human rights principles, especially "a right to life with dignity and therefore a right to assistance" (Sphere Project, 2000, p. 1). The second section—on minimum standards—addresses the issue of effectiveness. Part two spares no detail in outlining the practical dimensions of assistance—everything from water access and quality to toilet provision and cleanliness.

The third and final part of the Charter outlines a "code of conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief" (Sphere Project, 2000, pp. 314–322). Reaffirmed by the code are a number of principles held dear by the signatories. They are: neutrality (in regards to politics, religion, race, etc.); respect (for local cultures and "the disaster victim as an equal partner in action"); participation and capacity building; long-term development and "sustainable lifestyles;" and accountability (to both "donors and beneficiaries").

In total, the Charter is a useful indication of signatory values and commitments. Whether or not it can silence 'hard' critics of NGHAs—such as Alex de Waal and Mark Duffield—is another matter.

Just as the Sphere Project began, De Waal (1997, p. xvi) wrote that, "books on famines and humanitarianism are almost by definition critiques of current practice." De Waal (1997, p. xvi) suggested that self-critique is not necessarily a precursor of change. He argued that

the "humanitarian international" (a cosmopolitan mix of NGOs, donor agencies, and consultant academics) is marked by "an extraordinary capacity to absorb criticism, not reform itself, and yet emerge strengthened."

The above quote raises larger questions about the proliferation of human rights language among NGOs. Since publication of the Charter, Duffield (2001, pp. 223–24) has argued that the rights agenda among NGOs is driven less by moral concerns and more by "the need to reinvent a new identity periodically in an increasingly competitive and sceptical world." Instead of changing what NGOs do in practice, the suspicion is that "the rights-based approach validates what agencies are already doing and distances them from politico-legal interpretations."

The final part of the paper considers that claim by asking what NGOs have actually done about ESC rights. Its answer is that large NGOs with UN connections (like Oxfam and MSF) do a good deal to promote human rights by holding other actors in development accountable. In the words of the UNDP (2000, p. 58), such NGOs use "the power of shame" to great effect as a "weapon" in global struggles for human rights.

6.2. *The power of shame: NGO campaigns and single-issue politics*

For many NGOs, human rights provision and promotion are integral to the concept of 'good governance' discussed earlier. Favoured methods of promoting 'good governance' as an alternative model of people-centred development (as opposed to an element of neo-liberal policy) are political advocacy and campaigning (see Manzo, 2000).

NGOs like Oxfam are part of a larger movement of Advocacy Groups and Networks (AGNs) that promote human rights indirectly. Thus far, the main targets of AGNs have been the twin architects of structural adjustment (namely the IMF and World Bank) and national governments failing to meet international human rights obligations. Oxfam International (OI) was founded in 1995 with the former targets in mind. OI opened an advocacy office in Washington, DC to "enhance its lobbying efforts with multilateral organisations such as the World Bank." Meanwhile Oxfam UK and Ireland (now Oxfam GB and Oxfam Ireland) launched a five-year Basic Rights campaign, arguing that universal human rights must be met and international human rights conventions enforced (Manzo, 2000, pp. 291–92).

The 50th anniversary of the UDHR marked something of a shift in NGO approaches to advocacy and campaigning. Instead of blanket support for ESC rights, three recent campaigns have been organised around single issues only. These are: the Global Campaign for Education (also called Education Now); the Cut the Cost campaign; and the Drop the Debt Now campaign.

Each of these campaigns targets a specific right in the UDHR (to education, health care and income) and a specific actor (governments, multinationals, and donors, respectively). Education Now is designed to put pressure on governments to provide free, public education for women and men, girls and boys. Cut the Cost targets the manufacturers of retroviral drugs used in the treatment of HIV/AIDS. Its main purpose is to make retrovirals more affordable, especially in Africa. Drop the Debt Now, finally, is designed to relieve indebtedness. It is directed at all donors, both multilateral and bilateral (for details of all three campaigns see Oxfam, 2001).

Another slight shift concerns the geography of human rights campaigning. The Basic Rights campaign was not directed at any one continent, although that same year almost half of Oxfam UK and Ireland's regional budget was spent in Africa (Oxfam, 1996). In the wake of the Education Now campaign, Oxfam proposed a Compact for Africa to raise more than two billion pounds in additional funding for the continent (see Bowcott, 2000). A year later Clare Short, Britain's development secretary, made headlines for her disparaging remarks about NGOs. Speaking of African leaders attending a G8 summit in Genoa, Short asked, "Who is better placed to speak on behalf of the poor, middle-class white people in the north or the elected representatives of the poor of Africa themselves" (Quoted in Seabrook, 2001, p. 1).

From wherever NGOs hail, the UNDP has been far more celebratory than Clare Short about NGOs involved in human rights struggles. The *Human Development Report 2000* is full of praise for NGOs, arguing that around the world, "people are organising civil society groups and NGOs, getting experience defending people's rights against evictions, holding government accountable for building schools, for community development and for human rights education" (UNDP, 2000, p. 8).

For all the (necessary) attention paid by NGOs to multinationals and donors, that theme of government accountability is still pressed by NGOs in 'the north.' In the words of Oxfam GB's head of policy, for example, "the more accountable governments are, the more pressure there is to reduce poverty." Though "development aid plays an important part in some countries, particularly in southern Africa," poverty reduction is apparently still down, ultimately, "to national efforts, and governments being committed to reducing poverty" (Kevin Watkins, quoted in Browne, 2001, p. 23).

7. Conclusion

This paper traced the rise of RBD to wider debates about four global issues associated with neo-liberalism, namely globalisation and uneven development, capability and good governance, human rights and human

development, and NGOs in the politics of development. The paper focused on IDAs attacked, from various quarters, for their own human rights records. It found varying degrees of self-critique and self-regulation among these IDAs. It also found varying degrees of commitment to two elements of the 1986 UNDRD, namely the idea of a new international economic order and the ideal of human or 'people-centred' development.

That said, the paper emphasized the similarities, rather than the differences, between prominent IDAs' understandings of RBD. All of the IDAs analysed here have directed their critical gaze at national governments. IDAs have criticized themselves, in some cases, for not holding states to greater account in respect of the human rights of their citizens.

The continual repositioning of the state as the central actor in development is what allows RBD (or at least its mainstream variant) to be labelled as state-centric. RBD (like the UNDRD before it) attaches to states the primacy responsibility for the realisation and promotion of human rights. States are held ultimately responsible for human rights violations, even when it is non-state actors (and their neo-liberal policies) that caused those rights to be violated in the first place.

The state-centrism of RBD was explained in the paper as a consequence of two main factors. Firstly, there is the state-centric character of international human rights law. The international apparatus of human rights accountability being invoked in support of development action is arguably unsuited to the era of globalisation. RBD rests on legal and moral precepts developed in a post-war/Cold War context. International legal instruments empower *citizens* (not the denationalised subjects at the centre of people-centred development) to demand recognition of their rights from their own national governments. The 'power of shame' used by some NGOs to pressure non-state actors may be an effective moral weapon, but it is not a legal one.

The other factor highlighted was more political than legal. State-centric RBD allows development agencies criticized for their own policies and limitations to claim the moral high ground. In the name of human rights, they can throw support behind 'comprehensive' or 'people-centred' development while blaming development failures and human rights violations on uncommitted, weak, or corrupt national governments.

Whatever its motivations, RBD as currently constituted is at best a partial answer to questions of empowerment and change raised by critics of neo-liberalism. Non-state actors are held to different standards of accountability than states. Novel methods of international surveillance and aid conditionality are being developed with states in mind. The moral weapon of shame—or worse, aid deprivation—is being used to beat the poor achievers. Accountability is being demanded at the same time as it is being undermined.

In Africa's case, critiques of structural adjustment suggest that state sovereignty is being fragmented, development is being privatised, and social welfare is being internationalised. In this context, African states may well be failing to provide for the ESC rights of their citizens. But that surely begs the question of why it is that they fail.

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